

WARID: Yugoslavia (Kosovo)¹

STARDATE: 6 March 1998

ENDDATE: 10 June 1999

Related cases: Bosnia and Herzegovina (Serb Republic of Bosnia and Herzegovina) 1992-1995

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Conflict overview

The Socialist Federal Republic of Yugoslavia consisted of six republics and two autonomous provinces, Kosovo being one of these autonomous provinces. Comprising over 80% of the total population, ethnic Albanians were the overwhelming majority, with Serbs making up no more than 10% (Troebst 1999: 156). Asserting that genocide against the Serbs in Kosovo was impending, Serbia under Slobodan Milošević restricted Kosovo's autonomy in 1989 and dismissed ten thousand Albanians from positions in the public sector. This oppressive policy strengthened secessionist dynamics in Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia, finally leading to the wars of Yugoslavia's disintegration.

For several years, the most important Albanian organizations resisted marginalization through non-violent means. In 1992, the Kosovo Liberation Army (KLA) commenced, mostly sporadic, attacks on government forces. Between 1996 and 1998, it intensified its assaults to progress Kosovo's secession from Yugoslavia.² As Serbia regarded Kosovo as its cradle, Yugoslavia's government rejected independence of the former autonomous province. In 1998, fighting escalated into war. Claiming to prevent a 'second Bosnia' (Caplan 1998: 745), NATO intervened in March 1999 on the side of the Albanian rebels and bombed military targets and civilian infrastructure in Kosovo and other parts of Yugoslavia. The United Nations (UN) Security Council had not previously authorized this intervention (Petritsch et al. 1999; Pettifer 2012; Weller 2009).

After signing the Military Technical Agreement (1999) with Yugoslavia, NATO ceased its bombing operations on 10 June 1999 [**WARDUR=15**].³ On the same day, the UN Security

1 Most outsiders call the disputed territory 'Kosovo'. Ethnic Albanians, however, use the name 'Kosova', while many Serbs insist on 'Kosovo and Metohija'.

2 On 27 April 1998, the KLA General Staff issued the more far-reaching objective "to liberate and unite Albania's occupied territories" (Pettifer 2012: 277).

3 The Uppsala Conflict Data Program (UCDP) reports 3 June 1999 as the day of the war's termination. On this day, Yugoslavia's government approved a document presented by the President of Finland. While this

Council (1999) adopted Resolution 1244 that defined Kosovo's future. This resolution functioned as a substitute for an agreement between the warring parties [WARENDUC=1, WARENDOS=1]. Reacting to Resolution 1244 and the withdrawal of Yugoslavia's forces, the KLA accepted its demilitarization on 20 June 1999 (Undertaking 1999).

Being that the Albanians had boycotted the last pre-war census in 1991, the widely cited number of 2 million inhabitants in Kosovo is only a vague estimate.⁴ For 1997, the last pre-war year, the World Bank reports an estimate of 2.1 million inhabitants [PREWARPO=2100000].⁵ The Uppsala Conflict Data Program (UCDP) asserts that about 3,600 people in Kosovo, Serbia and Montenegro [FATALUC=4000] were killed in the armed struggle and by one-sided violence committed by forces affiliated with the government. According to this data, the ratio of fatalities to Kosovo's pre-war population is 0.2% [INTENSUC=0.19]. The 'Kosovo Memory Book' by the Humanitarian Law Center registered 13,526 fatalities and missing people in Kosovo and Serbia between 1998 and 2000. As the data also covers the first 18 months of the post-war period, it is appropriate to round this figure down [FATALOS=13000].⁶ According to this estimate, the war killed 0.62% of Kosovo's pre-war population [INTENSOS=0.62].

The military balance at the end of the war

The Military Technical Agreement (1999: art. II) demanded the withdrawal of all government forces from Kosovo. Nevertheless, government forces in Kosovo had not been defeated by military means. Despite NATO air attacks, government forces continued to operate in Kosovo⁷ and were mostly intact when they withdrew from the former autonomous province.⁸ The KLA was not annihilated, either. The fact that both sides' forces had to either withdraw from Kosovo or demilitarize indicate that none of them had won the war by June 1999 [VICTORY=0]. From today's perspective, however, many observers would assess that the government lost the war in light of the fact that Kosovo declared its independence in 2008.

document paved the way for ending the war, fighting continued for another week. Thus, we report 10 June 1999 as the last day of the war.

4 Statistical Office of Kosovo 2003: 3; Troebst 1999: 156.

5 <http://api.worldbank.org/v2/en/country/ksv?downloadformat=excel> (28 Mar 2014).

6 <http://www.hlc-rdc.org/?cat=218&lang=de> (31 Mar 2014).

7 Byman/Waxman 2000: 24-25; Nardulli et al. 2002: 49; Posen 2000: 65.

8 NATO claimed in September 1999 that it "had hit 93 tanks, 153 armored vehicles, 339 military vehicles, and 389 artillery pieces and mortars" (Arkin 2001: 25). The Allied Force Munitions Effectiveness Assessment Team confirmed the destruction of 14 tanks and self-propelled artillery, 18 armored personnel carriers, and 20 artillery and mortars. In 2000, Yugoslavia's government reported that, in comparison to 1999, their forces had been reduced by 9 tanks, 20 armored personnel carriers and infantry combat vehicles, and 15 artillery and mortars (Nardulli et al. 2002: 51-55).

According to Cunningham et al. (2009) and the case-specific literature, the KLA militarily occasionally held control over some rural areas of Kosovo during the war. In these areas, as elsewhere, it recruited fighters and supporters. KLA territory was extended to its highest level after an agreement between Yugoslavia's president Slobodan Milošević and US envoy Richard Holbrooke in October 1998. This agreement prompted the government forces to operate more reservedly than before. When NATO intervened in spring 1999, government forces intensified their activities and pushed the KLA back in most areas (Pettifer 2012: 129-130, 133-138, 158-170). Thus, the KLA had lost the major part of its territory at the end of the war [REBTERR= -1].⁹ The government controlled more territory at the end of the war but had to withdraw its forces from Kosovo within a few days of signing the Military Technical Agreement [MORETERR= -1].

Cunningham et al. (2009) assess the rebels' relative strength as 'low' [REBFIGHT= -1]. Since the government forces were largely intact when they left Kosovo, and the KLA rebellion did not collapse, both sides would have been able to continue fighting [CONFIGHT=0]. Neither side killed or captured its enemy's top political leadership [LEADER=0].

In sum, a military balance in favor of the government existed during the war [WARBAL= -0.5].

The military balance in the post-war period

For at least ten years after the end of the war, only the government in Belgrade had military forces at its disposal. The lightly armed Kosovo Security Force was not established until January 2009. Up to the end of the period under investigation, it did not possess a mandate for military defense. Instead, it was authorized to respond to natural and other disasters, to conduct civil protection operations and explosive ordnance disposal, and to participate in crisis-response operations outside of Kosovo. The active personnel were limited to 2,500 members (Republic of Kosovo Assembly 2008b: art. 10.2 and 14.1).

At the end of 1999, the Kosovo Police Service (since 2009, the 'Kosovo Police') came into existence. Over the years, the United Nations Interim Administration Mission in Kosovo (UNMIK) gradually reduced its supervision of the police. From 2008 onwards, we deem the police to be at the disposal of Kosovo's Ministry for Internal Affairs. As of 2006, the police had around 7,300 officers in uniform [STATEFOR 1999-2007=n.r.].¹⁰

9 The KLA took control of most parts of the disputed territory only after the fighting had ended.

10 Bennet et al. 2012: 7.

Considering Kosovo's secession, it is irrelevant to pose the question as to which former warring party substantially participates in Kosovo's military or police forces. Nevertheless, the ethnic composition of the police and the Kosovo Security Force remained important. In 2008, Serb representation in the police was 9.3% (UN Secretary-General 2008: para. 26). The Progress Report 2013 by the European Commission (2013: 18) pointed out that minorities were still not proportionally represented in the police. This data indicates that less than 3,000 police officers, or less than 20% of the total police force, were Serbs. Serbs were not proportionally represented in the Kosovo Security Force, either. In 2013, only 16 Serbs served in this organization [**STATEFOR 2008-2012=1**].¹¹

Underrepresented both in the police and the Kosovo Security Force, Serbs had less than 1,500 officers in total. From 2008 onwards, both conflict parties had separate forces: Serbia's government commanded military troops and police forces and Kosovo's government had the Police Service. One year later, Kosovo's government also commanded the lightly armed Kosovo Security Force [**SEPFORCE 1999-2007= -1, SEPFORCE 2008-2012=0**].

Upon the KLA's demilitarization in 1999, only the government in Belgrade had armed forces at its disposal; this was the case until Kosovo's government took control of the Police Service in 2008 and of the Kosovo Security Force in 2009 [**TROOPS 1999-2007=n.r.; ARMS 1999-2007=n.r.**]. When we compare Serbia's military with the combined strength of the Kosovo Police and the Kosovo Security Force for the years 2008-2012 (see Table 2 in the annex), Serbia's military predominance was smaller than in 1999 [**TROOPS 2008-2012=1**]. During the war, the KLA possessed only small weapons (cf. Pettifer 2012: 157). Neither the Kosovo Police nor the Kosovo Security Force was allowed to have heavy weapons. As such, no substantial change happened with respect to equipment [**ARMS 2008-2012=0**].

When government forces withdrew from Kosovo, the KLA partly filled the power vacuum and built state-like structures before the United Nations Interim Administration Mission in Kosovo was fully in place. The international administration largely co-opted this shadow state into its provisional institutions (Schoch 2012: 106-107; UN Secretary-General 1999: para. 35). After the first elections at the end of 2001, the predominantly Albanian governments worked under supervision of the UN mission, which possessed the authority to overrule decisions made by the elected bodies. It would be misleading to assume that this supervision completely disempowered Kosovo's political actors. The UNMIK only held total civilian control of Kosovo on paper, not on the ground. The UNMIK gradually reduced its supervision, thereby increasing the power of Kosovo's government that was still dominated by Albanian

11 Ministry for the Kosovo Security Force 2013: 3.

parties. While the Albanian parties enlarged their control of Kosovo, Belgrade at first ruled over the Federal Republic of Yugoslavia and then over Serbia [**TERRCON 1999-2012=0**].

Serb forces withdrew in the post-war period and Albanian parties – some with roots in the KLA – established a civilian presence over most parts of Kosovo. Only a few municipalities in north Kosovo (North Mitrovica, Leposavić, Zvečan, and Zubin Potok¹²), predominantly inhabited by Serbs, defied control by Pristina [**TERRWIN 1999-2012=1**].¹³

Comparing the geographic characteristics of Serbia (and Montenegro) to those of Kosovo, neither territory is noticeably more vulnerable than the other [**VULNERAB 1999-2012=0**].

The ‘International Security Force’ (abbreviated KFOR for Kosovo Force) was deployed in 1999 (Fortna 2008) and was still present at the end of 2012 [**PEACKEEP 1999-2012=0**].¹⁴

The USA, Russia, the United Kingdom and France all substantially participated in efforts to make, keep and build peace in Kosovo. While all of them committed themselves to guaranteeing peace, none of them clearly announced an intention to be either conflict party’s military ally in the case of a new war [**P5ALLY 1999-2012=n.r.**].

Altogether, the post-war military balance changed from a slight advantage for the government in Belgrade to an advantage for the former Albanian rebels [**POSTBAL 1999-2007=0, POSTBAL 2008-2012=0.38**].

In sum, the combined figures for the military balance at the end of the war and for the post-war years shifted from an advantage for the government towards a balance [**BALANCE 1999-2007= -0.25, BALANCE 2008-2012= -0.06**].

Economy

According to information by the World Bank, the gross domestic product (GDP) per capita tripled between 2000 and 2012.

Table 1: The GDP per capita in current USD¹⁵

<i>Year</i>	<i>Population</i>	<i>GDP per capita</i>
1999	1,762,000	n.d.
2000	1,700,00	1088
2001	1,701,154	1490
2002	1,702,310	1588
2003	1,703,466	1970
2004	1,704,622	2135
2005	1,705,780	2194

12 As it is more common, we use the Serb spelling of these municipalities. This does not mean that we take the Serb side.

13 UN Secretary General 2012: para. 10-17.

14 <http://www.aco.nato.int/kfor/about-us/troop-numbers-contributions.aspx> (31 Mar 2014).

15 <http://api.worldbank.org/v2/en/country/ksv?downloadformat=excel> (28 Mar 2014).

2006	1,719,536	2279
2007	1,733,404	2736
2008	1,747,383	3303
2009	1,761,474	3199
2010	1,775,680	3239
2011	1,790,957	3706
2012	1,806,366	3568

The scale of compromise after the war

In 1999, the UNMIK took on the role of a government. The Kosovo Transitional Council, including both Albanian and Serb representatives, only had advisory tasks. All executive and legislative power was vested in the UN mission [**GOVERN 1999=d.e.**]. In 2000, the UNMIK established the Joint Interim Administrative Structures. The Interim Administrative Council comprised eight members, among them three Albanians and one Serb. Moreover, twenty Administrative Departments came into being that were respectively co-headed by a UN representative and a Kosovan representative. While most Kosovan representatives belonged to Albanian parties, two departments were co-headed by Serbs. As the UNMIK always had the final say, these interim institutions did not constitute a real government (Brand 2003: 15-23). Nevertheless, both Albanian and Serb representatives took part in running Kosovo [**GOVERN 2000-2001=d.e.**]. At the end of 2001, elections for the new Provisional Institutions of Self-Government – still under supervision by UNMIK – took place and resulted in an all-party government with participation of the Serb ‘Coalition Return’ (Schoch 2012: 111). Following the elections in 2004, the government included only one Serb minister – who resigned in November 2006 [**GOVERN 2002-2006=0, GOVERN 2007=1**].¹⁶ Following the elections at the end of 2007, the Serb Independent Liberal Party (SLS) participated in the government with two ministers (Schoch 2012: 125), three after elections in 2010 [**GOVERN 2008-2012=0**].¹⁷ Following the declaration of independence, international supervision over Kosovo continued until September 2012 (UN Secretary-General 2012: para. 6). Throughout the post-war period, except for parties with roots in the KLA, parties with a background in the non-violent resistance played an important role in the Albanian camp.

During the interim administration and the Provisional Institutions of Self-Government, none of the conflict parties had sole decision-making power: the UNMIK did not grant veto rights [**VETO 1999-2007=n.r.; VETOSAT 1999-2007=n.r.**]. The Constitution of Kosovo (2008) established a number of weak veto mechanisms. Amendments to the constitution “shall require for its adoption the approval of two thirds (2/3) of all deputies of the Assembly includ-

16 See <http://reliefweb.int/report/serbia/sole-kosovo-serb-cabinet-minister-resigns-pm> (14 May 2014).

17 See <http://www.kryeministri-ks.net/?page=2,43> (16 Apr 2014). The constitution (2008: art. 96.3-4) demands that at least one minister and two deputy ministers be a Serb.

ing two thirds (2/3) of all deputies of the Assembly holding reserved or guaranteed seats for representatives of communities that are not in the majority in the Republic of Kosovo” (Constitution 2008: art. 144.2). As ten of twenty reserved seats belonged to Serbs, a strong minority of the Serb deputies had to vote in line with the Albanian representatives. Art. 81 of the constitution stipulated that the adoption of laws that affect the vital interests of ethnic groups¹⁸ require a majority of all deputies in addition to the majority of deputies “holding seats reserved or guaranteed for representatives of Communities that are not in the majority”. As a consequence, at least one Serb vote was needed when all non-Albanian deputies took part in the voting process. This weak Serb veto right was further degraded by the transitional provision that “the laws of vital interest [...] shall initially be adopted by the majority vote of the deputies of the Assembly present and voting” (Constitution 2008: art. 149). This provision was only removed after end of the international supervision (Assembly of Republic of Kosovo 2012: Amendment 10). In sum, veto rights existed for both sides but the Serb veto – rather a veto for non-Albanians – was weak [**VETO 2008-2012=0**]. As Serb representatives had demanded much stronger veto provisions for their group, the outlined procedures were closer to Albanian interests [**VETOSAT 2008-2012=1**].

Between the end of war and autumn 2001, there were no general elections in Kosovo administered by the UNMIK [**ELECT 1999-2001=d.e.**]. In 2001, 2004, 2007 and 2010, parliamentary elections took place in which Albanian, Serb and other parties participated.¹⁹ While Freedom House rated the status of political rights as very bad in 2001, 2004 and 2007²⁰, election observers from the Council of Europe (2001: para. 1) concluded that, in 2001, the “whole election process was conducted in an efficient democratic manner largely free from intimidation and violence”. Three years later, the observers certified that the elections in 2004 “were conducted generally in line with Council of Europe principles and international standards for democratic elections” (Council of Europe 2004: para. 1.3). For the election in 2007, the observers drew a similar conclusion (Council of Europe 2007). In sum, both conflict parties were able to run in basically free and fair elections [**ELECT 2002-2012=0**].

18 This affects laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities, laws on the use of language and symbols, local elections, protection of cultural heritage, religious freedom and education.

19 See the results for 2001 at: <http://www.osce.org/kosovo/20466?download=true> (12 Jun 2014), for 2004 at: <http://www.osce.org/kosovo/25332?download=true> (12 Jun 2014), for 2007 at: <http://www.osce.org/kosovo/38260?download=true> (12 Jun 2014), for 2010 at: http://www.kqz-ks.org/Uploads/Documents/rezultatet_e_pergjithshme_eyedbpohj.pdf (16 Apr 2014).

20 It rated the political rights a ‘6’, the second-worst rating: <http://www.freedomhouse.org/sites/default/files/Territory%20Ratings%20and%20Status%2C%201973-2014%20%28final%29.xls> (15 May 2014). For 2010, Freedom House rated the political rights a ‘5’: <http://www.freedomhouse.org/report/freedom-world/2011/kosovo#.U3St9ijeKrE> (15 May 2014).

The war was dominated by the question of whether Kosovo should remain in Yugoslavia (or later Serbia). Most Albanians supported the rebels' struggle for an independent Kosovo, whereas the majority of Serbs rejected the secession. From 1999 to 2007, a compromise was implemented. In accordance with Resolution 1244, Kosovo obtained institutions for "substantial autonomy and self-government" but was first a part of the Federal Republic of Yugoslavia, then of Serbia-Montenegro and finally of Serbia. On 17 February 2008, however, Kosovo unilaterally declared its independence.²¹ Until the end of 2012, 98 member states of the United Nations – among them 23 member countries of the European Union – have recognized Kosovo as an independent state **[EXBORDER 1999-2007=0, EXBORDER 2008-2012=1]**.²² Before and during the armed conflict, the conflict parties struggled over Kosovo's status but not over internal borders within Serbia or Kosovo or over the allocation of competences between the central government and sub-state units **[INBORDER 1999-2012=n.r.; COMPETEN 1999-2012=n.r.]**. Dissent over economic policy were not a driving force in the war, either **[ECONOMY 1999-2012=n.r.]**. The Albanians' call for secession took precedence over more limited demands regarding their situation **[SPECPRO 1999-2012=n.r.; ISSUE 1999-2012=n.r.; ISSUE2 1999-2012=n.r.]**.

The conflict over municipalities predominantly inhabited by Serbs was closely connected to the struggle over the status of Kosovo. Serbia supported parallel structures in north Kosovo that defied control by the UNMIK and the provisional institutions. From 2008 onwards, we treat the question of Serb municipalities as a discrete issue in the conflict. Under international pressure, the Albanian parties accepted granting the Serb municipalities more autonomy than other municipalities (Republic of Kosovo Assembly 2008a: chapter III). Additionally, financial assistance from Serbia was allowed (Republic of Kosovo Assembly 2008c: art. 7.1). These concessions were intended to compensate the Serbs in Kosovo for the secession to some degree. Nevertheless, most Serbs in north Kosovo insisted that the former Autonomous Province remained a part of Serbia and resisted rule by Pristina **[NEWCON 1999-2007=n.r., NEWCON 2008-2012=0; NEWCON2 1999-2012=n.r.]**.

The compromise on Kosovo's interim status between 1999 and 2007 (neither status quo nor secession) removed the disputed territory from Belgrade's rule. While Serbia had excluded Albanians from public institutions, the UMMIK integrated them into the provisional structures. Thus, the compromise was preponderantly in favor of the Albanians. The same held for

21 See the declaration at: <http://www.assembly-kosova.org/?cid=2,128,1635> (15 May 2014).

22 As of September 2014, 110 states recognized Kosovo: <http://www.kosovothanksyou.com/> (23 Sep 2014).

the concession regarding the Serb municipalities as it did not outweigh Kosovo's secession from Serbia [BENEFIT 1999-2012=1; BENEFIT2 1999-2012=1].

In sum, the post-war order favored the interests of the former rebels much more than Serbia's government or the Serbs in Kosovo [COMPROM 1999-2001=0.67, COMPROM 2002-2006=0.4, COMPROM 2007=0.6, COMPROM 2008-2012=0.5].

Stability of peace

According to the UCDP, neither a new war nor an armed conflict below the threshold of war occurred in Kosovo [SAMEWAR=0; DATESAME=n.r.; ANYWAR=0; DATEANY=n.r.].²³ Peace lasted from June 1999 until the end of the period under investigation at the end of December 2012 [PEACMON1=163; PEACMON2=163].

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23 The worst outburst of violence occurred in 2004 when 19 people were killed and nearly 900 injured during the 'March Riots' or 'March Pogroms' (International Crisis Group 2004: 1).

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Annex

Table 2: Troops in post-war Yugoslavia/Kosovo (IISS 1998/1999-2013 and Bennett et al. 2012: 7)

Year	Government		Rebels (KLA)		Ratio	
	Armed Forces	Ministry of Interior troops & special police troops				
	<i>Yugoslavia</i>					
1998	108700	n.d.	5000-12000+		9.06 ²⁴	1
1999	108700	n.d.	5000-12000+		9.06	1
2000	97700	80000	dissolved			
2001	105500	93000	dissolved			
2002	74500	50100	dissolved			
2003	74200	45100	dissolved			
2004	65300	45100	dissolved			
2005	65300	45100	dissolved			
2006	39686	35000	dissolved			
2007	24257	10100	dissolved			
	<i>Serbia</i>		<i>Kosovo Police (Service)</i>	<i>Kosovo Security Force</i>		
2008	24257	10100	6600 ²⁵	not established		
2009	29125	5000	6600	less than 2147	3.68 ²⁶	1
2010	29125	n.d.	6600	2147 ²⁷	3.33	1
2011	28184	n.d.	6600	2147-2300	3.33	1
2012	28150	n.d.	6600	2300 ²⁸	3.17	1

24 As the KLA, according to Pettifer (2012: 217), had 18,000 fighters in April 1999, it is appropriate to consider the maximum number reported by the IISS (12,000).

25 According to Bennet et al. (2012: 7), the Kosovo Police (Service) had 7,335 officers after 2006. We deduct 10% from this number in order not to count the Serb officers.

26 The ratio for the years 2009-2012 compares Serbia's military to the combined strength of the Kosovo Police and the Kosovo Security Force. Troops of Serbia's Ministry of Interior are not considered as their number are not reported for every year.

27 Republic of Kosovo Ministry for Kosovo Security Force 2010: 13.

28 Republic of Kosovo Ministry of Security Force 2012: 15.