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**The Kosovo and Serbia War:
From conflict to independence**

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Relatrice

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*La dedico a Zio Ardi e Zio Miri,
che, pur non essendo loro figlia,
mi hanno sempre fatta sentire tale,
donandomi l'amore e la presenza di tre papà.*

*Ja dedikoj Axha Adit dhe Axha Mirit
qe, edhe pse nuk jam bija e tyre,
ata gjithmonë më kanë bërë të ndihem si e tillë,
duke më dhuruar dashurinë dhe praninë e tre babave.*

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INTRODUCTION

War is one of the most complex and devastating phenomena in human history. It is not only an armed clash between armies or states, but the result of political, social, cultural and identity processes that mature over time and that often find their extreme expression in violence. Every conflict brings with it a profound transformation of internal and international balances, redefining boundaries, collective identities and power relations. In the twentieth century, and especially after the end of the Cold War, armed conflicts took on new forms, in which the ethnic dimension, historical memory and the construction of the enemy played a central role in the legitimization of violence. The Kosovo war is fully in this perspective. It cannot be understood as an isolated episode, but must be placed in the broader process of dissolution of Yugoslavia, one of the most traumatic and significant events in contemporary European history. The Yugoslav crisis has shown how the fragility of a federal system based on complex political balances, once its main guarantor has failed, can quickly turn into fertile ground for the re-emergence of nationalisms, historical claims and identity conflicts.

Kosovo is an emblematic case of this dynamic. A region characterized by a strong ethnic plurality and a deep symbolic value for both the Serbian and Albanian communities, it has become over time the point of convergence of unresolved political, cultural and territorial tensions. The progressive erosion of Kosovo autonomy, the radicalization of political positions, the failure of peaceful resistance strategies and the emergence of armed struggle have contributed to transforming the conflict into an international crisis, culminating in NATO intervention in 1999.

This work aims to analyze the conflict between Serbia and Kosovo through a historical and political-institutional perspective, reconstructing its deep roots and main evolutionary phases. The goal is to understand how the combination of historical, institutional and identity factors contributed to the degeneration of the crisis, and what role international actors played in the process that led Kosovo from the war to independence proclaimed in 2008. Particular attention will be devoted to the relationship between nationalism and political construction, to the transformation of violence into an instrument of sovereign affirmation and to the complex relationship between self-determination of peoples and territorial integrity of States.

Analyzing the Kosovo war also means questioning the very meaning of war in the contemporary context: no longer only as a clash for control of the territory, but as a space in which memory, identity, international law and political legitimacy are confronted. In this sense, the Kosovar case represents a fundamental key to understanding not only the Balkan crisis, but also the transformations of the international system in the transition from the 20th to the 21st century.

The analysis of the conflict between Kosovo and Serbia highlights how the war is the point of arrival of a long process of political, social and identity deterioration, in which the fractures of the past continue to influence the present. The Kosovo question was not only a territorial dispute, but the reflection of a broader clash between opposing

visions of sovereignty, national membership and the right to self-determination. In this sense, Kosovo represents one of the most emblematic cases of the crisis of the Yugoslav order and the difficulties in managing coexistence within multinational states.

The path that led from the revocation of autonomy in 1989, to the war of 1998-1999, to the declaration of independence in 2008, shows how the absence of political dialogue, institutional repression and the radicalization of leadership can make the escalation of the conflict inevitable. At the same time, the Kosovo case highlights the decisive role of the international community, which acted not only as a mediator, but also as a direct actor in the redefinition of regional balances.

However, despite the end of the war and the construction of new institutions, many of the central issues still remain open. The lack of universal recognition of Kosovo's independence, the persistent tension with Serbia and the internal fragilities of the Kosovar state show that the formal conclusion of a conflict does not necessarily coincide with a fully consolidated peace. Precisely for this reason, the Kosovo case continues to be a significant example to understand how the war leaves deep and lasting consequences, capable of influencing entire generations and redefining the political future of a region.

CHAPTER I

The Balkan Leviathan: rise and disintegration of Yugoslavia (1945–1989)

1.1 Origins of socialist Yugoslavia

The birth of socialist Yugoslavia represents one of the most significant moments in the political history of the Balkans in the 20th century. The new federal state emerged from the rubble of World War II and was the result of a complex political and military process led by the communist partisan movement under the leadership of Josip Broz Tito. The construction of socialist Yugoslavia was, not only an institutional transformation with respect to the previous Kingdom of Yugoslavia, but also involved a profound redefinition of the relations between the different nationalities of the region, as well as the elaboration of a federal political model that aimed to overcome the national tensions that had characterized the history of the region in the interwar period. To understand the genesis of socialist Yugoslavia it is necessary to start from the crisis of the monarchical Yugoslav State, established in 1918 with the name of Kingdom of Serbs, Croats and Slovenians and later renamed the Kingdom of Yugoslavia. Since its foundation, this state has faced structural difficulties related to the coexistence of different national, religious and linguistic communities. The monarchical political system was largely dominated by Serbian political elites, who tended to conceive the state as an expanded continuation of pre-war Serbia.¹ This approach generated a strong discontent among the other nationalities, especially among Croats and Slovenians, who demanded greater political autonomy and a federal structure of the state.

Internal tensions worsened further in the 1930s, when the monarchical regime adopted an increasingly centralized and authoritarian structure. The inability to build an inclusive political system helped weaken the legitimacy of the Yugoslav state and created the conditions for an increasing radicalization of national conflicts. This context of institutional fragility made the country particularly vulnerable to international developments that led to the outbreak of World War II. In 1941, the invasion of Yugoslavia by the Axis powers determined the definitive collapse of the monarchical regime.² The Yugoslav territory was dismembered and occupied by several foreign powers, including Nazi Germany and Fascist Italy, while local collaborationist regimes were created. In this scenario, several resistance movements emerged, including the monarchist Cetniks and the communist partisan movement led by Tito. The latter gradually distinguished itself as the most effective political and military force in the fight against foreign occupation.

¹ Malcom Noel, *Kosovo: A short history*. New York: New York University press, 1998, pp. 250-253.

² *Ibidem*, pp. 258-260.

The partisan movement led by Tito was characterized from the beginning by a strong ideological dimension and by a political project that went beyond simple national liberation. The Yugoslav communists aimed to radically transform the structure of the state and society, promoting a socialist and federal system that could integrate the different nationalities of the region. During the war, the partisan movement managed to build a network of local administrations in the liberated areas, effectively creating the institutional foundations of a new state.

A decisive moment in this process was represented by the creation of the Anti-Fascist Council for the National Liberation of Yugoslavia (AVNOJ), which played a fundamental role in defining the future political structure of the country. During its sessions, the AVNOJ proclaimed the birth of a new federal Yugoslavia and rejected the restoration of the monarchy. This body became in fact the political nucleus of the new Yugoslav state and established the fundamental principles of the future federal organization.³

At the end of the war, the movement led by Tito managed to consolidate its political control over Yugoslav territory. In 1945 the People's Federative Republic of Yugoslavia was proclaimed, which was configured as a socialist state led by the Yugoslav Communist Party. The new political system was based on a federal model composed of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia. Within Serbia, two autonomous provinces were also established, Kosovo and Voivodina, which reflected the complex ethnic composition of these regions.

Yugoslav federalism represented an attempt to reconcile different national identities within a single socialist state. The ideological principle of "brotherhood and unity" became one of the pillars of the legitimacy of the regime. According to this conception, the Yugoslav nationalities would have to cooperate within a federal structure that guaranteed formal equality among the different peoples of the federation. However, this system did not completely eliminate national tensions, which continued to manifest themselves in different forms over the following decades.

In the period immediately after the war, socialist Yugoslavia adopted a highly centralized political model, inspired in part by the Soviet system. The Communist Party exercised direct control over the main state institutions and the economy, while the state apparatus was used to promote rapid social and economic transformation. The regime initiated important reforms, including the nationalization of industries and agrarian reform, with the aim of modernizing the country and consolidating socialist power.⁴

However, the relationship between Yugoslavia and the Soviet Union took a significant negative turn in 1948, when Tito broke with Stalin following a serious political and ideological conflict. This event marked the beginning of a phase of autonomous development of Yugoslav socialism, which gradually broke away from the Soviet model. The Tito regime developed an original political and economic system based on

³ *Ibidem*, pp. 265-269.

⁴ *Ibidem*, pp. 270-275.

the principle of socialist self-management, which attributed a greater role to workers in the management of companies.⁵

During the 1950s and 1960s, Yugoslavia developed a relatively more decentralized model of socialism than other countries in the Eastern Bloc. This process led to a progressive reform of the federal institutions and a strengthening of the competences of the republics. Yugoslav federalism gradually turned into a more complex system, in which the different federal units acquired greater political and economic autonomy.

This evolution culminated in the adoption of the Yugoslav Constitution of 1974, one of the most important institutional reforms in the history of the Yugoslav state. The new constitution represented the most advanced point in the process of decentralization of the federal system. It significantly strengthened the power of the republics and the autonomous provinces, introducing a political system in which the different federal units enjoyed wide margins of autonomy.⁶

The 1974 Constitution profoundly redefined the balance between the federal government and the republics. The republics acquired greater legislative and economic competences, while the federal political system became increasingly based on negotiation mechanisms between the different components of the federation. The autonomous provinces of Kosovo and Vojvodina also obtained a much wider level of autonomy than in the past, with direct representation in the federal institutions.

This constitutional reform represented the most ambitious attempt to stabilize Yugoslavia through a balance between federalism and regional autonomy. However, it also introduced new complexities into the functioning of the state. The broad autonomy granted to republics and provinces helped strengthen national identities and make political coordination at the federal level more difficult.

However, socialist Yugoslavia managed to maintain relative political stability during the long period of Tito's leadership. The combination of the leader's personal authority, balance between republics and economic growth helped contain internal tensions for several decades. However, many of the structural contradictions of the federal system remained unresolved and would resurface more intensely after Tito's death in 1980.

The genesis of socialist Yugoslavia can therefore be interpreted as the result of an ambitious political project aimed at reconciling socialism, federalism and national plurality in a multinational state. This project managed for a long time to guarantee a certain stability to the region, but at the same time created a complex and fragile institutional system, in which the tensions between regional autonomy and federal unity continued to represent a permanent challenge. The 1974 Constitution marked the culmination of this process, consolidating a model of advanced federalism that would profoundly influence the political developments of Yugoslavia in the following years.⁷

⁵ *Ibidem*, pp. 278-280.

⁶ *Ibidem*, pp. 282-284.

⁷ *Ibidem*, pp. 286-290.

1.2 Institutional architecture and the 1974 Constitution

To understand Kosovo's position within socialist Yugoslavia and the role it would have assumed in the crisis of the 1980s and 1990s, it is necessary to carefully analyze the institutional structure that developed during the Tito period and which reached its most accomplished point with the 1974 Constitution. This constitutional reform represented the moment of maximum expansion of Yugoslav federalism and profoundly redefined relations between federation, republics and autonomous provinces.⁸ In the case of Kosovo, the new structure produced a particularly complex configuration: the province remained formally an integral part of the Socialist Republic of Serbia, but acquired a very broad level of political and institutional autonomy, which in various areas brought it closer to the rank of the federated republics.

To understand the meaning of this transformation, it is necessary to start from the institutional structure of Yugoslavia after the Second World War. After the partisan victory led by Josip Broz Tito and the birth of the Yugoslav Socialist Federation, the state was organized as a federation composed of six republics: Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro and Macedonia. Within Serbia, however, there were two autonomous entities: Vojvodina and Kosovo. This configuration reflected the desire of the Yugoslav leadership to recognize some ethnic and historical specificities without turning them into real republics. In the case of Kosovo, this solution was linked both to the presence of an Albanian majority and to the strong symbolic and historical value that the region had for Serbia, being traditionally considered one of the central places of Serbian historical and religious memory.

In the early phase of socialist Yugoslavia, however, Kosovo's autonomy had a relatively limited content. Although provincial institutions existed, the actual power remained strongly concentrated in the hands of Serbia and, more generally, of the federal center dominated by the Communist League of Yugoslavia. The political structure was characterized by a marked centralism, which allowed the regime to maintain control over national and regional dynamics within the federation. In this context, provincial autonomy did not yet represent a true system of self-government, but rather a form of circumscribed political recognition within a strongly hierarchical state structure.⁹

The picture began to change in the 1960s, when Yugoslavia went through a phase of institutional and political transformation. Tensions between the different republics, economic difficulties and the need to make the federal system more stable led the Yugoslav leadership to promote progressive decentralization. In this process, the fall of Aleksandar Ranković in 1966, a symbolic figure of Serbian centralism within the Yugoslav system, played an important role. Its removal marked a significant turning point, as it paved the way for a downsizing of centralized control policies and favored greater recognition of regional autonomies.

⁸ Maliqi Shkelzen, *Kosovo. Alle radici del conflitto*. Puglia: Besa editrice, 2001, pp. 60-64.

⁹ *Ibidem*, pp. 66-69.

The constitutional reforms of 1968 and 1971 represented fundamental milestones in this path of transformation. In 1968, Kosovo saw its political and institutional status strengthened: the term "Metohija" was removed from the official name of the province, which simply became "Kosovo", and some cultural and linguistic rights of the Albanian population were expanded. At the same time, a process of strengthening provincial institutions began, with a greater presence of Albanian leaders in political and administrative structures. The reforms of 1971 continued in the same direction, further expanding the competences of the autonomous provinces and strengthening the principle of decentralization.¹⁰

The process culminated in the Constitution of 1974, one of the most complex documents in post-war European constitutional history. It transformed Yugoslavia into a highly decentralized federation, in which the republics and autonomous provinces enjoyed broad political, economic and administrative competences. In this new system, Kosovo acquired an unprecedented position. While remaining formally part of Serbia, the province gained very extensive institutional powers, which made it similar to a federated republic in many areas.

The new Yugoslav institutional architecture was based on a particularly articulated federal system. Power was no longer concentrated in a strong decision-making center, but was distributed among different institutional levels according to a principle of balance between federal units. The Federal Assembly was the main legislative body and reflected the complex nature of the Yugoslav system, divided into several representative chambers. Its operation was based on a principle of territorial and political representation that guaranteed the participation of the republics and autonomous provinces in the decision-making process. The most important decisions often required the consent of the various federal units, thus strengthening the negotiating and consensual nature of Yugoslav policy.¹¹

Alongside the Federal Assembly was the Federal Executive Council, which performed functions similar to those of a government. This body was responsible for the implementation of federal policies and the management of the central administration. However, even in this case the authority of the federal level was limited by the strong decentralization of the system, since many competences were attributed directly to the republics and the autonomous provinces.

Another fundamental element of the Yugoslav federal structure was represented by the collective presidency of the state. The Constitution of 1974 introduced a collegial presidential system composed of representatives of the six republics and the two autonomous provinces. This structure reflected the will to avoid the concentration of power in the hands of a single leader after Tito's death and to ensure a balance between the different national components of the federation. The presidency functioned according to a principle of rotation, which allowed each federal unit to periodically assume the leadership of the collegiate body.¹²

¹⁰ *Ibidem*, pp. 71-72.

¹¹ Morozzo della Rocca Roberto, *Kosovo. La guerra in Europa. Origini e realtà di un conflitto etnico*. Milano: Guerini e Associati, 1999, pp. 100-104.

¹² *Ibidem*, pp. 105-108.

Within this system, Kosovo also acquired direct representation in federal bodies. In fact, the province became part of the Yugoslav collective Presidency, thus obtaining an autonomous presence in the federal decision-making process and reducing the political mediation of Serbia. Alongside this representation, the 1974 Constitution gave Kosovo the right to have its own constitution, which further strengthened its institutional status.¹³

The provincial institutions were divided into several fundamental bodies. The Kosovo Assembly represented the main legislative body and played a central role in the development of provincial policies. Alongside it, the Executive Council was responsible for the implementation of political and administrative decisions. Completing the institutional framework was a provincial Constitutional Court, in charge of ensuring the conformity of provincial laws with the constitution of Kosovo and the principles of the Yugoslav federation.

The presence of these legislative, executive and judicial bodies at the provincial level meant that a significant part of the decision-making power was exercised directly in Kosovo. The province was no longer simply a territory administered from the outside, but became a political center with its own institutions and its own ruling class.¹⁴

The competences attributed to Kosovo concerned many key areas of public life, including education, culture, a part of economic policy and local administration. In particular, the control over education had profound consequences on the social and cultural structure of the province. The expansion of higher education in the Albanian language and the development of the University of Pristina contributed to the formation of a new Kosovar-Albanian intellectual and political élite.

This process also had important effects on the identity level. The provincial institutions became a space in which the Albanian population of Kosovo could express and develop their own political and cultural identity. Constitutional autonomy therefore favored the growth of a stronger collective consciousness and the formation of an increasingly autonomous local ruling class.

However, it was precisely this strengthening of Kosovo autonomy that also generated growing tensions with Serbia. Many Serbian leaders and intellectuals saw the 1974 Constitution as a weakening of the Serbian position within the Yugoslav Federation. Serbia was in fact the only republic within which there were two autonomous provinces with very broad powers and direct representation at the federal level. In this perspective, Kosovo's autonomy was interpreted as a limitation of Serbian sovereignty over its own territory.

At the same time, even among a part of the Albanian population of Kosovo, higher and higher political expectations developed. The autonomy acquired in the 1970s helped to strengthen the perception of Kosovo as a distinct political entity, but the fact that the province was not recognized as a republic continued to be perceived by many as a limitation of its political status.

¹³ *Ibidem*, pp. 112.

¹⁴ Maliqi Shkelzen, *Kosovo. Alle radici del conflitto*. Puglia: Besa editrice, 2001, pp. 87-92.

The institutional structure created by the 1974 Constitution was therefore characterized by a strong ambiguity. On the one hand, it represented the highest recognition of Kosovar autonomy within socialist Yugoslavia; on the other hand, it did not definitively resolve the question of the political status of the province. Kosovo was in an intermediate position: too autonomous to be considered a simple province subordinate to Serbia, but not autonomous enough to be fully equated with the federal republics.¹⁵

This ambiguity was one of the structural elements of the future Yugoslav crisis. As long as the federal political system remained relatively stable and the figure of Tito guaranteed a balance between the different components of the federation, the structure of 1974 could function as a compromise mechanism. After Tito's death in 1980 and with the worsening of the Yugoslav economic and political crisis, however, latent tensions within the federal structure emerged with greater force. In this context, Kosovo progressively became one of the main points of friction between the different components of Yugoslavia and the institutional autonomy defined by the 1974 Constitution turned from an instrument of federal integration into one of the central factors of the political tensions that would lead to the crisis of the Yugoslav State.¹⁶

1.3 From Tito's death to the collapse of Yugoslavia

The death of Josip Broz Tito in 1980 marked a deep break in the history of socialist Yugoslavia, not only for the disappearance of its leader, but above all for the end of that complex political and symbolic balance that he had embodied for over three decades. Tito had represented the main guarantor of coexistence between the different Yugoslav peoples, keeping national tensions under control through a combination of personal authority, party structure and ideological construction of federal unity. His death immediately raised the fear that the centrifugal thrusts, hitherto contained, could re-emerge, calling into question the state's own estate.¹⁷

Despite the authoritarian character of the regime, the mourning for Tito's death was authentic and widespread. Under his leadership, Yugoslavia had experienced relative internal stability and a certain improvement in living conditions, especially when compared to other socialist countries in Eastern Europe. The deep ethnic fractures produced by the Second World War, marked by extreme violence between Serbs, Croats, Bosnian Muslims and other communities, had been progressively removed from public discourse, replaced by an official narrative based on "brotherhood and unity". This process of removal did not imply a real elaboration of the past, but rather a suspension of it, made possible by the authority of the regime and the control

¹⁵ Malcom Noel, *Kosovo: A short history*. New York: New York University press, 1998, pp. 289-292.

¹⁶ *Ibidem*, pp. 295-298.

¹⁷ Maliqi Shkelzen, *Kosovo. Alle radici del conflitto*. Puglia: Besa editrice, 2001, pp. 103.

exercised over the political debate. At the same time, Yugoslavia had acquired significant international prestige, thanks to the role played in the movement of non-aligned countries and its intermediate position between the blocs of the Cold War. The Yugoslav passport, a symbol of a relative openness to the outside world, concretely represented this privileged status.¹⁸

However, already in Tito's last years, the system showed obvious signs of fragility. The final phase of his government was characterized by a growing personalism and a progressive inability to guarantee a clear political succession. The "autumn of the patriarch", as it was defined, highlighted the absence of alternative leadership capable of replacing Tito's unifying role. In this context, the Constitution of 1974, although conceived as an instrument of balance between the different components of the federation, contributed to strengthening the extremely decentralized character of the system. It institutionalized a complex mechanism of self-management and distribution of power between republics and autonomous provinces, based on a system of weights and counterweights that assumed, however, the existence of a figure capable of mediating conflicts. In the absence of Tito, this architecture proved to be increasingly difficult to govern, generating a slow, fragmented and often paralyzed decision-making dynamic.¹⁹

The consequences of this transformation emerged quickly. Already in March 1981, less than a year after Tito's death, Kosovo became the scene of a wave of protests that marked the beginning of a new and more unstable phase. Students and, later, large sections of the Albanian population took to the streets denouncing the difficult economic and political conditions of the province. The demands quickly radicalized, including the demand that Kosovo be elevated to the rank of a federal republic. This request, in the Yugoslav context, was not simply administrative, but implied full political recognition and, potentially, openness to perspectives of self-determination. The Yugoslav authorities interpreted these demonstrations as a direct threat to the integrity of the state. The fear that Kosovo could embark on a path towards independence or even a union with Albania led to a repressive response. The protests were stifled by the intervention of federal forces and the region was subjected to increased political and military control. This episode marked a fundamental passage: Kosovo ceased to be a relatively marginal domestic issue and became one of the main critical nodes of the federation.

The unrest of 1981 made evident a structural contradiction already inherent in the structure defined by the Constitution of 1974. The broad autonomy granted to Kosovo had favored the development of local institutions, an Albanian-language education system and an autonomous ruling class, contributing to the formation of a strong political identity. However, the absence of republic status kept the province in subordinate position, fueling a sense of frustration and incompleteness. This

¹⁸ *Ibidem*, pp. 108-109.

¹⁹ *Ibidem*, pp. 112-115.

institutional ambiguity resulted in growing tension between integration and separatist aspirations.²⁰

During the 1980s, the management of Kosovo became increasingly problematic. The federal and Serbian authorities sought to restore control through a combination of repression and administrative intervention. Police and army were used to "normalize" the situation, while within the local institutions and the League of Communists repeated purges were implemented. These interventions, however, did not eliminate the root causes of the discontent, but rather helped to strengthen the perception of a structural conflict between the Albanian population and the Yugoslav state.

At the same time, a growing sense of insecurity and frustration developed within the Serbian population. Kosovo began to be perceived as an area where the Serbs would be progressively marginalized. Internal reports to the Yugoslav institutions showed significant demographic changes: the percentage of Serbs and Montenegrins in the province had decreased significantly, while the Albanian population grew rapidly. These data were accompanied by complaints of discrimination, social pressure and hostile acts towards non-Albanians, which contributed to consolidating a narrative of victimization.

This perception found fertile ground in the broader context of the Yugoslav crisis. The economic crisis of the 1980s, characterized by inflation, unemployment and growing debt, further weakened the legitimacy of federal institutions. In the absence of strong leadership and a shared political project, national tensions began to emerge with greater intensity. In Serbia, in particular, the idea spread that the Tito system had penalized the Serbian people in an attempt to balance the different nationalities.

The progressive rebirth of Serbian nationalism was inserted in this context. Kosovo took a central role in this process, being reinterpreted as the symbolic heart of the Serbian nation. The historical memory of the battle of 1389 and the religious and cultural significance of the region helped to build a narrative focused on sacrifice, loss and the need for redemption. This reinterpretation of the past was intertwined with contemporary perceptions of injustice, creating a powerful emotional and political combination.²¹

Serbian intellectual circles also played a significant role. The Memorandum of the Academy of Sciences of 1986 represented a key moment in the formalization of this discourse. The document denounced the alleged discrimination against Serbs within Yugoslavia and interpreted the situation in Kosovo as an existential threat. Although it was not an official political program, the Memorandum helped spread and legitimize a vision of the conflict in national terms.

Meanwhile, Kosovo's demographic dynamics continued to evolve. The high rate of growth of the Albanian population, among the highest in Europe, further accentuated the gap with the Serbian component. This phenomenon was interpreted in profoundly divergent ways: for the Albanians it represented a natural process; for many Serbs, however, it constituted a threat to their historical presence in the region. The

²⁰ Malcom Noel, *Kosovo: A short history*. New York: New York University press, 1998, pp. 301-303.

²¹ *Ibidem*, pp. 306-310.

progressive exodus of the Serbs from Kosovo, due to a combination of economic, social and political factors, reinforced this perception.

At the same time, the Albanian society of Kosovo began to develop forms of political organization autonomous from the Yugoslav system. The emergence of alternative parties to the Communist League and initiatives aimed at defining an independent political status marked a further step towards a break with the federal order. The symbolic proclamation of the Republic of Kosovo and the independence referendum of the early 1990s represented the most obvious expression of this dynamic.²²

In the broader context of the Yugoslav crisis, Kosovo was therefore configured as an area in which multiple tensions converged: ethnic conflicts, political demands, demographic changes and economic crises. The federal structure, already weakened, proved incapable of managing such dynamics. The policies adopted by the authorities, oscillating between repression and attempts at administrative control, failed to rebuild a stable balance, but rather contributed to tightening the positions of the different communities.

In this scenario, the progressive politicization of national identities and the growing polarization of public discourse prepared the ground for a radical transformation of the Yugoslav political scene, which would find one of its most significant expressions in the emergence of new leadership and new strategies of political mobilization. The disappearance of the figure of Tito not only opened a phase of uncertain political succession, but made visible all the contradictions that the Yugoslav system had long contained without really resolving. The economic crisis, the weakness of federal institutions, the re-emergence of traumatic memories of war and the growing politicization of national affiliations progressively transformed Yugoslavia from a space of precarious balance into an open ground of conflict. In this context, Kosovo took on a value that went far beyond its regional dimension: it became the point where the failure of Tito federalism, the Serbian identity fears and the political aspirations of the Albanian majority were concentrated. Precisely in this interweaving of structural fragility, national narratives and competition for control of the State are the conditions that made possible, in the following years, the rise of Slobodan Milošević and his ability to transform the Kosovar question into the fulcrum of the new Serbian political mobilization.²³

1.4 The rise of Slobodan Milošević and the Gazimestan speech

The rise of Slobodan Milošević is one of the decisive steps in the transformation of the Yugoslav crisis from federal and constitutional tension to national and, later, military conflict. His figure emerged in a context marked by multiple factors of instability: Tito's death had deprived Yugoslavia of the main guarantor of the balance between its

²² *Ibidem*, pp. 315-317.

²³ Maliqi Shkelzen, *Kosovo. Alle radici del conflitto*. Puglia: Besa editrice, 2001, pp. 110-112.

components; the 1974 Constitution had strengthened the polycentric character of the federation, but also multiplied the points of friction between republics and autonomous provinces; the economic crisis of the 1980s had eroded the legitimacy of the socialist system; finally, the re-emergence of antagonistic national narratives had progressively replaced the language of "brotherhood and unity" with a new grammar of the conflict. In this context, Milošević was not simply the product of an ongoing crisis, but the leader who knew how to interpret it, deepen it and lead it in a direction that made it increasingly difficult for Yugoslavia to survive as a shared political space.²⁴

Unlike other protagonists of Serbian nationalism, Milošević did not come from dissident circles or openly ideological circles, but from the apparatus of the Serbian Communist Party. His career developed within the structures of socialist power, and it was precisely this origin that allowed him to know the institutional mechanisms from within and to bend them to a new political strategy. At first he did not present himself as a destroyer of Yugoslavia or as a theorist of ethnic nationalism, but as a man of order, a corrector of the imbalances of the system, a leader capable of defending Serbia within the federation. This dimension is essential to understanding its success: its strength was not only in the radicality of the message, but in the ability to clothe institutional legitimacy in a policy that, in essence, undermined the very foundations of the Yugoslav federal structure.

Kosovo was the prime ground for this transformation. Already during the 1980s, the province had become one of the federation's main points of crisis. The Albanian protests of 1981, the demand to give Kosovo the status of a republic, the harsh repression by the Yugoslav authorities and the worsening of interethnic tensions had made clear the fragility of the compromise built in 1974. For a growing part of Serbian society, Kosovo now represented the symbol of a double loss: loss of political control over a region formally internal to Serbia and loss of historical and symbolic centrality in a territory perceived as the heart of national memory. The traditional communist leadership appeared unable to face this situation, and it was here that Milošević found the space to propose himself as an interpreter of Serbian discontent.

His political rise was therefore closely linked to the Kosovo issue. The decisive step was the visit to Kosovo Polje in 1987, when Milošević, addressing local Serbs who denounced abuse and marginalization, built the image of a leader finally willing to defend the nation. From that moment he transformed Kosovo into an instrument of mass political mobilization. His speech was not limited to denouncing local problems; he built a broader narrative, in which Serbia appeared as a nation penalized by the federal structure of 1974 and Kosovo as the place where this injustice manifested itself in a more dramatic way. In this sense, Milošević knew how to link a constitutional question to an identity question, making Kosovo the emotional center of the new Serbian nationalism.²⁵

Through the so-called "antibureaucratic revolution", Milošević quickly consolidated his power. This process, presented as a popular mobilization against the immobility of

²⁴ Vernale Stefano, *Ex Jugoslavia. Gioco sporco nei Balcani*. Caviglioglio: Anteo Edizioni, 2013, pp. 115-116.

²⁵ *Ibidem*, pp. 118-120.

the old communist bureaucracies, was in fact an instrument of concentration of personal power. The hostile or too autonomous local leaderships were progressively replaced, media control was strengthened, the public square became a means of political legitimation and the language of the offended and betrayed people served to delegitimize any internal opposition. This strategy allowed him to win a broad consensus in Serbia and to build a political bloc capable of directly challenging the old Yugoslav balance.

In Kosovo, Milošević's policy resulted in the progressive demolition of the autonomy gained under the 1974 Constitution. The process culminated between 1988 and 1990, when, through political pressure, force intervention, a state of emergency and constitutional reforms, Serbia brought back under its direct control the main competences of the province. Security, justice, administration and economic policy were removed from the Kosovar self-government. This passage represented a decisive break: the autonomy that had allowed, even within its limits, the formation of an Albanian ruling class, a relatively autonomous educational and cultural system and a provincial political subjectivity was now emptied. Milošević's choice was not simply administrative, but deeply political: it was a matter of reaffirming Serbian sovereignty and showing the Serbian population that the state was again capable of controlling its territory.²⁶

The consequences for the Albanian population of Kosovo were profound. The revocation of autonomy was experienced as a collective degradation and as definitive proof of the impossibility of finding a fair solution within the Yugoslav and, then, Serbian state. The Kosovar-Albanian society initially reacted through the non-violent resistance led by Ibrahim Rugova, the construction of parallel institutions in the educational, health and political fields, and the attempt to internationalize the Kosovar issue without immediately resorting to armed struggle. But repression, mass dismissals from public devices, police control and the rejection of any compromise contributed to the progressive radicalization of the conflict. In this sense, Milošević's action not only eliminated the previous constitutional balance, but created the conditions that, in the medium term, would make the birth and strengthening of the Kosovo Liberation Army (KLA or UÇK) plausible.

At the same time, the Milosevic policy also had disruptive effects on the Yugoslav framework as a whole. The redesign of power relations in Serbia and the regaining control over Kosovo, Vojvodina and Montenegro changed the internal balance of the federation, fueling the distrust of other republics, especially Slovenia and Croatia. They interpreted the Serbian strategy not as a simple constitutional correction, but as a project of hegemony. Consequently, the rise of Milošević should not be read as a purely Serbian story: it was one of the decisive accelerators of the Yugoslav collapse.²⁷

In the 1990s, as Yugoslavia dissolved between wars and secessions, Kosovo remained in a particular position for a few years, precisely because the Albanian leadership initially tried to avoid open war. However, this phase should not be interpreted as a

²⁶ *Ibidem*, pp. 123-125.

²⁷ *Ibidem*, pp. 128-132.

moment of stability. On the contrary, Kosovo became a space of systematic repression, political marginalization and increasing separation between the two communities. The loss of autonomy, the exclusion of Albanians from institutions, police control and the absence of effective channels of representation produced an increasingly explosive situation. When in the second half of the decade the UÇK began to strengthen and turn the conflict into an armed clash, the ground had already been prepared by a decade of political closure and coercive domination.

The failure of the Rambouillet negotiations in February 1999 marked the point of no return of the Kosovo crisis, but it can only be fully understood in the light of the political path initiated by Milošević in the late 1980s. The positions that emerged there were in fact not the result of sudden radicalization, but the result of a long transformation of the relationship between Belgrade and Kosovo, which began with the progressive erosion of provincial autonomy and the redefinition of Kosovo as a central question of Serbian sovereignty.²⁸

During the 1990s, this process had produced a growing separation between the two communities, accompanied by the absence of effective political channels of mediation. The state control strategy pursued by Belgrade, combined with the institutional marginalization of the Albanian population, had progressively emptied the space of an internal compromise, while the radicalization of the conflict and its progressive inclusion in the international framework made a negotiated solution increasingly difficult. In this sense, when we tried to define a new structure for Kosovo, the political conditions were already deeply compromised.

Following the failure of the negotiation, the crisis quickly entered an openly military phase. In March 1999, NATO launched a campaign of bombing against the Federal Republic of Yugoslavia, justified as a necessary intervention to stop the repression in Kosovo and prevent a humanitarian catastrophe. The operation marked a fundamental step in the international management of the conflict: for the first time, a military alliance intervened without an explicit mandate from the United Nations Security Council, raising a broad debate on the relationship between state sovereignty, human rights and the use of force.

During the bombing, the situation on the ground in Kosovo worsened further. Serbian forces intensified operations against the Albanian population, causing a mass exodus to neighboring countries. Hundreds of thousands of people were forced to leave their homes, while the social fabric of the province was deeply destabilized. This development contributed to strengthening the international perception of the conflict as a humanitarian crisis, consolidating political support for NATO intervention.

For Milošević, this phase represented both the highest point and the breaking point of his political path. On the one hand, he continued to present himself as a defender of Serbian sovereignty against Western interference, maintaining a rhetoric consistent with that developed since the 1980s; on the other, international military, economic and diplomatic pressure made it increasingly difficult to support this position. The Kosovo war showed the limits of the Milošević's strategy: a policy built on internal control and

²⁸ *Ibidem*, p. 135.

nationalist mobilization was now facing a profoundly changed international context after the end of the Cold War.²⁹

In June 1999, after weeks of bombing and indirect negotiations, Milošević accepted the withdrawal of Serbian forces from Kosovo and the entry of an international presence led by NATO, under the aegis of United Nations Security Council Resolution 1244. Formally, Kosovo remained part of Yugoslavia, but in practice it was placed under international administration, marking a substantial loss of Serbian control over the province. This passage represented a significant political defeat for Milošević and the concrete result of the process that began with the revocation of autonomy in 1989. The consequences of the war were profound and lasting. Kosovo emerged from the conflict as a de facto separate territory from Serbia, characterized by a strong international presence and still unresolved inter-ethnic tensions. The Albanian population returned en masse, while a significant part of the Serbian population left the province, completely reversing the previous demographic and political dynamics. At the same time, the war contributed to redefining the role of the international community in the Balkans, inaugurating a phase of interventionism that would also characterize the subsequent developments of the region.³⁰

For Milošević, the end of the war marked the beginning of the definitive decline. Although he managed to maintain power for a short time, his position was now weakened both domestically and internationally. Economic difficulties, diplomatic isolation and growing internal discontent led to its fall in October 2000, following popular protests and the loss of support from part of Serbian political and institutional elites. The following year, Milošević was arrested and transferred to the International Criminal Tribunal for the former Yugoslavia, where he was tried for war crimes, crimes against humanity and genocide.

The entire political parable of Milošević, from his rise in the late 1980s until his fall in 2000, therefore appears closely intertwined with the issue of Kosovo. What had initially represented an instrument of internal political legitimacy gradually became one of the main factors of his international delegitimization and, finally, of his political defeat. In this sense, Kosovo was not only an element of its strategy, but the fulcrum around which its power was built and dissolved.

It is precisely within this process of redefinition of Kosovo as the central node of Serbian policy and of progressive radicalization of national discourse that one of the most significant events of the rise of Milošević takes place. Even before the conflict took on an openly military and international dimension, the Serbian leader built the symbolic and political foundations of his power through a wise use of historical memory and national myth. In this sense, the speech delivered at Gazimestan in 1989 represents a crucial moment not only to understand the consolidation of its leadership, but also to grasp the transformation of Kosovo from a constitutional issue to the fulcrum of political and identity mobilization.

²⁹ Mirković Nikolo, *Il martirio del Kosovo*. Torino: Novantico, 2015, pp. 61-65.

³⁰ *Ibidem*, pp. 67-68.

The year 1989 represented a decisive moment in the history of Yugoslavia, marking the definitive affirmation of Serbian nationalism in the federal political context following the rise of Slobodan Milošević. Although he had formally assumed the office of President of the Republic of Serbia on May 8 of the same year, it was on June 28, on the occasion of the sixteenth anniversary of the battle of Kosovo Polje, that the true symbolic moment of his political consecration. On that date, in front of a huge crowd gathered at the Gazimestan monument, erected in 1953 to commemorate the battle of 1389, Milošević gave a speech intended to exert a profound influence on the later developments of Yugoslavia.³¹

The Gazimestan discourse represents an emblematic case to understand the role that a political leader can play in building consensus and mobilizing collective identities. It shows particularly clearly how the ethnic and symbolic components can be used to guide political discourse and, potentially, prepare the ground for conflictual dynamics. At the time Milošević intervened, the hypothesis of an armed conflict was not yet perceived as imminent; however, his intervention contributed to introducing elements into public discourse that made this possibility increasingly conceivable. At the same time, the speech sanctioned the definitive affirmation of Milošević as the leader of Serbia, thanks to the use of symbolic references such as the myth of Kosovo and the constant reference to Serbian nationalism. The analysis of this intervention therefore makes it possible to grasp how a leader is able to build the cultural and political premises of a conflict, leveraging immaterial elements that are often neglected, but extremely effective in mobilizing the masses.

In his speech, Milošević said that, after six centuries of suffering, Serbia had finally "regained its state, national and spiritual integrity". The narration of Serbian history was divided into three main moments: the battle of Kosovo in 1389, the period after World War II and the contemporary political situation of Yugoslavia. This structure allowed to create a continuity between past and present, transforming historical memory into an instrument of political legitimation.³²

Particularly significant was the reinterpretation of the defeat of 1389. Milošević proposed an alternative reading of the suffering of the Serbian people, attributing the responsibility not so much to the military superiority of the Ottoman Empire as to the internal divisions of the Serbian leadership. As he himself stated, the defeat was not only the result of the strength of the opponent, but also of the "tragic division" among the Serbian leaders of the time. In this way, the historical narrative was reoriented: the fundamental problem was not external oppression, but internal disunion.

From this interpretation derived a broader reading of national history. The political division of the elites was presented as the common thread of the Serbian political life, the main cause of the long Ottoman submission and the difficulties experienced in the following centuries. According to Milošević, this division had weakened Serbia and compromised its dignity, generating a condition of subordination to other peoples. This

³¹ *Ibidem*, pp. 80-83.

³² *Ibidem*, pp. 89-94.

resulted in the need to overcome this historical fragmentation through renewed political and social unity, an indispensable condition for building a different future.

The issue of division thus also assumed an immediate political function. It was used as a scapegoat to explain the suffering of the past, shifting responsibility from the masses to the mistakes of the elites. In this way, Milošević implicitly offered a prospect of collective redemption, presenting himself as the leader able to correct historical errors and guide the rebirth of Serbia. This symbolic construction was reinforced by the reference to the figure of Prince Lazar, which was reinterpreted in a critical key: his choice of the "celestial realm" was implicitly questioned, suggesting the need for a different leadership, oriented towards concrete and earthly results.³³

Another relevant element of the discourse was the redefinition of the Kosovo myth. Milošević extolled the sacrifice and heroism of the Serbian people, contrasting them with the weakness and errors of historical leadership. The battlefield of Kosovo was thus transformed from a place of defeat to a symbol of betrayal and division, but also of possible rebirth. In this perspective, Milošević implicitly proposed himself as the leader capable of restoring positive meaning to Kosovo, transforming it into a symbol of national unity.

The narration of the division was also extended to the period after the Second World War. Milošević maintained that the lack of unity and betrayal had continued to characterize Serbian history even in the context of socialist Yugoslavia, where the Serbian leadership would be inclined to compromise at the expense of national interests. In this way, he linked the remote past to the present, reinforcing the idea of a historical continuity of Serbian difficulties and, at the same time, legitimizing the need for political change.

In addition to the national dimension, the speech also introduced a reflection on Serbia's role in Europe. Milošević claimed that Serbia had historically defended the European continent, presenting it as a bastion of European civilization against external invasions. This representation made it possible to claim Serbia's membership in Europe and to place the political project of the Serbian leader within a broader dimension, not limited to the national context alone. Serbia was thus presented as an integral part of Europe, capable of contributing to progress and the construction of a common future.³⁴

In the final part of the speech, Milošević introduced a particularly significant element, stating that the battle of Kosovo could not be considered over and that new challenges would arise. He emphasized the need for courage and heroism, albeit in different forms than in the past, implicitly indicating that the defense of national unity would require new efforts and sacrifices. In this passage, the transformation of the historical myth into a political message addressed to the present clearly emerges.

Milošević seemed convinced that consolidated control over Serbia, the autonomous provinces and Montenegro would allow him to face the other republican leadership and to impose a reorganization of the federation in a more centralized sense. This position reopened, in a new way, tensions already present in Yugoslav history, contrasting the

³³ *Ibidem*, pp. 98-101.

³⁴ *Ibidem*, pp. 104-108.

vision of greater centralization, supported by Milošević, with the autonomist aspirations of Slovenia and Croatia. For the latter, Serbian policies, including the suppression of the autonomy of the provinces and the use of force in Kosovo, represented the signal of a possible Serbian dominance over the federation.

The consequences of this dynamic were quick to manifest. In January 1990, Slovenia abandoned the League of the Yugoslav Communists, marking an irreversible break within the federal political system. Despite the optimism of Federal Prime Minister Ante Marković, who trusted in a peaceful transition towards a multi-party system capable of integrating Yugoslavia into the new post-cold-war Europe, this transformation did not take place. On the contrary, the combination of economic crisis, political conflict and nationalist mobilization quickly led to the collapse of the Yugoslav state. The use of nationalism as a tool for political legitimation thus contributed to triggering a process of disintegration that would lead, over the next decade, to a series of large scale armed conflicts.³⁵

³⁵ *Ibidem*, pp. 110-113.

CHAPTER II

Denied identity: Kosovo from civil resistance to insurgency (1989–1997)

2.1 From institutional apartheid to parallel governance

While the Serbian leadership, in 1991 and 1992, completed the reconquest of Kosovo, Yugoslavia itself was dissolving. The Kosovo scenario became marginal within the broader crisis of the now former Yugoslav state. The disintegration of Tito's state resulted in some peoples being rewarded along nationalist lines and others penalized. The Albanians represented the least fortunate nationality in the partition that followed the demarcation lines of the six republics of the former federation. Indeed, the Albanians did not succeed in forming a successor state and instead found themselves divided between the southern regions of the new Serbo-Montenegrin Yugoslavia and Macedonia.

In the turbulent process of Yugoslav succession, Kosovo remained at the margins of international attention. The focus of global media was directed toward the wars taking place further north, leaving Kosovo, for the time being, largely forgotten.

In 1992, a peculiar equilibrium was established in Kosovo, based on a form of mutual apartheid between Serbs and Albanians. This balance would persist until the early months of 1998.

Albanians and Serbs lived separately.

Already during Tito's era, when Albanians held power in the capital, Pristina, Serbs and Albanians preferred to walk on separate sidewalks. At that time, it was the Serbs, many of whom were leaving the region, who accused the Albanians of carrying out a form of ethnic cleansing.³⁶

Now, however, it was the Albanians who complained about the emigration of their men, attempting to escape the policies imposed by the government in Belgrade.

The Serbs held political power, managed public employment, controlled economic resources, and tolerated the organization of a parallel Albanian society. This society did not pay taxes, maintained limited relations with state administration, boycotted censuses and elections, practiced draft evasion from the Yugoslav army, and rejected everything perceived as Serbian in Kosovo.

³⁶ Morozzo della Rocca Roberto, *Kosovo. La guerra in Europa. Origini e realtà di un conflitto etnico*. Milano: Guerini e Associati, 1999, pp. 122-124.

At the same time, the Serbian authorities did not hesitate to periodically target Albanian groups considered extremist or to demonstrate their authority through punitive measures.³⁷

Human rights violations were numerous, though not to the extent that they made the autonomous organization of Albanian society impossible. If thousands of young Albanians emigrated, the reasons also included avoidance of military conscription and a widespread tendency to seek employment abroad.

Both Serbs and Albanians accepted the existence of a form of mutual apartheid in Kosovo, even if the propaganda of each side denied it. Albanians traveled by bus, while Serbs used trains; there were restaurants and bars predominantly frequented by Serbs and others by Albanians; settlements themselves were rarely mixed, with some villages entirely Albanian and others, far fewer, with a strong Serbian majority.

The Albanians were determined to organize an alternative state and a society they themselves described as “parallel,” attempting to reproduce the institutional structures they had previously enjoyed as legitimate institutions, while also developing a network of thousands of commercial enterprises initially created to provide employment for Albanians dismissed from public sector jobs.

Every patriotic demonstration was banned and repressed by Serbian police, yet Albanians still found ways to express their national sentiment, particularly during weddings and funerals, when the national flag would lead processions filling the streets or accompany rituals of farewell.³⁸

On May 24, 1992, elections were held—illegal according to Belgrade, which nevertheless did not significantly interfere with their conduct—leading to the establishment of the parliament of the self-proclaimed “Republic of Kosovo.” The Democratic League of Kosovo (LDK) obtained 76% of the vote, while its leader, the writer Ibrahim Rugova—an intellectual figure of a singular profile, educated in Paris under Roland Barthes and belonging to a family of ancient clan notables—was elected president of the Republic with more than 90% of the votes.

Former president of the association of ethnic Albanian writers, and not a professional politician, Rugova had already distinguished himself both as an anti-communist dissident and as a defender of his Albanian compatriots. For years, he had systematically and publicly denounced the discrimination and abuses suffered by Albanians, a commitment that had also led to his imprisonment. Rugova soon became an internationally recognized figure and was often described as the “Gandhi of the Balkans,” although his non-violence was less a form of absolute pacifism and more a strategy grounded in patience and confidence in eventual victory.

Rugova was fully aware that the Albanians were militarily much weaker than the Serbs and sought to avoid devastation and loss of life for his people. Unlike other Albanian leaders such as Adem Demaçi and Rexhep Qosja, who encouraged more confrontational and risky challenges to Serbian authority, Rugova prioritized the needs of civil society and demonstrated a marked humanitarian sensitivity, insofar as the

³⁷ *Ibidem*, p. 126.

³⁸ *Ibidem*, pp.129-132.

harshness of interethnic confrontation allowed. He rejected the widespread Balkan belief that conflicts must ultimately be resolved through force. This commitment to non-violence, however, generated misunderstandings that later evolved into open hostility toward him, particularly among members and sympathizers of the UÇK, who were convinced that only armed struggle could achieve justice and victory.³⁹

No Albanian leader, including Rugova, was moderate in terms of final objectives, as all aimed ultimately at independence. Even the recurring demand for Kosovo to become the third republic of a restructured Yugoslav federation must be understood as a transitional step toward that goal. The referendum of September 1991 remained a constant point of reference for Albanian political actors of all orientations. The divergence lay in the methods. For Rugova, independence was not worth the cost of thousands of deaths; it was preferable to pursue peaceful resistance while waiting for favorable developments: demographic growth of the Albanian population, pressure from Western governments, internal economic crises in Serbia, and broader historical circumstances that might persuade Belgrade to abandon its policies in Kosovo.

Rugova established a shadow government, including representatives abroad, while the LDK organized a parallel Albanian society. Employment, education, healthcare, justice, taxation, and other aspects of public life were managed through this parallel system, which was not clandestine, as Serbian authorities, for reasons of convenience, often refrained from intervening. A paradoxical situation thus emerged. Although oppressed by an adverse regime, many Albanians were able to maintain a standard of living that in some cases was higher than that of the Serbs, or at least to ensure the growth and education of a number of children significantly larger than that of Serbian families.

The substantial Kosovar Albanian diaspora in Germany, Switzerland, and other Northern European countries played a crucial role by sending remittances both to families and to the LDK, which used these funds to sustain parallel social institutions. Moreover, Albanians proved more dynamic than Serbs in trade and economic initiative. Many Albanians who had been dismissed from public employment quickly stopped regretting their previous average monthly wages of around 100 dollars, as private economic activities often allowed them to earn up to 300 dollars. By contrast, Serbian employees, whose state salaries had risen to approximately 400 dollars per month during the period of the “reconquest” of Kosovo, saw their incomes collapse to around 12 dollars by 1994, as a result of the Bosnian war and the international sanctions imposed on Belgrade.⁴⁰

The Albanian parallel society, however, had to operate under significant constraints imposed by the existing power structure, within which everything it did was legally considered illegal. Managing a society without formal institutional authority proved extremely difficult. While the shared opposition to Serbian rule fostered unity among Albanians and reduced internal divisions, this cohesion was also reinforced by symbolic acts such as the reconciliation of blood feuds. More than a thousand families,

³⁹ *Ibidem*, pp. 135-139.

⁴⁰ *Ibidem*, pp. 140-143.

previously divided by longstanding vendettas rooted in Albanian customary law, agreed to end their conflicts, recognizing that internal violence weakened the collective struggle against a common enemy.

Large gatherings, sometimes involving up to half a million people, participated in reconciliation ceremonies held across towns and villages. Members of opposing families exchanged pieces of bread soaked in their own blood as a symbolic act marking the end of cycles of revenge, referred to in Albanian tradition as “bloods.” These assemblies celebrated national solidarity and the values associated with the Albanian cause. Such mass mobilizations also contributed to the foundations of the non-violent resistance advocated by Rugova.

Despite these efforts, the limitations of the parallel system were evident. Funding was irregular and insufficient, medical facilities were unable to perform complex surgical procedures, hygienic conditions were often precarious, and vaccination programs, although prepared by the World Health Organization, were frequently boycotted because they were associated with Serbian authorities. Infant mortality increased, while schools often operated in basements or private apartments, where forty or fifty children were crowded into a single room. Many newborns remained stateless due to the refusal to register them with Serbian authorities, courts did not function, and justice was administered through informal mediation.

Political divisions among Kosovo Albanians also persisted. While united against Serbian rule, internal disagreements over strategy were intense. The political culture inherited from Tito’s Yugoslavia, where public life was highly politicized, combined with personal rivalries to fuel these disputes. Rugova became the target of growing criticism—not on moral grounds, which were considered a secondary concern in such circumstances, but because his political strategy was perceived as excessively cautious and passive. Serbian authorities, particularly the security services, actively sought to exploit these internal divisions.⁴¹

The Serbian strategy aimed to prevent the emergence of a strong and unified Albanian leadership. In this context, Rugova was often hindered: his frequent interviews with international media were deemed subversive, Serbian authorities protested against governments that received him with a degree of official recognition, and members and activists of the LDK were harassed. Other Albanian political figures, by contrast, encountered fewer obstacles. This approach reflected a classic divide-and-rule strategy. At the same time, Belgrade sought more compliant interlocutors, considering Rugova too radical. Such figures were found only among marginal local administrators affiliated with Milošević’s Socialist Party, many of whom would later be targeted by the UÇK as collaborators.

At certain moments, Milošević attempted to engage with Albanian representatives, as if overlooking the fact that his own earlier policies had marginalized or even imprisoned moderate Albanian politicians with a Yugoslav orientation, such as Azem Vlasi and Mahmut Bakalli. In 1995, political circles in Belgrade briefly considered Veton Surroi as a possible interlocutor. Surroi, the editor of the widely circulated

⁴¹ *Ibidem*, pp. 145-147.

Albanian newspaper *Koha Ditore*, was a sharp critic of the regime but came from a family with a Yugoslav diplomatic background.⁴² This heritage initially led Belgrade to view him as potentially moderate, although by 1995 Surroi had clearly embraced a nationalist stance, combined with a Western-oriented intellectual outlook shaped by his time abroad. Serbian authorities would later recognize their misjudgment, particularly in 1998 when *Koha Ditore* began publishing UÇK calls for mass mobilization.

The parallel system enabled the Albanian population to survive, but it did not restore the level of self-government that existed before 1989, nor did it bring Kosovo closer to independence. The situation required endurance and patience. The fact that Kosovo had been spared the devastating wars that affected other parts of the Balkans during the early 1990s, largely due to Rugova's cautious strategy, did not necessarily translate into widespread appreciation among the population, perhaps because most had not directly experienced the horrors of war. Meanwhile, internal divisions deepened.

The prime minister of the shadow government, Bujar Bukoshi, based in Germany, where he coordinated fundraising among the diaspora, began to oppose Rugova in 1996, partly due to personal rivalries and partly due to strategic disagreements, moving closer to the positions of Demaçi and Qosja. Similarly, Sali Berisha in Albania, who had initially supported Rugova, later shifted his backing toward Demaçi, although he was soon weakened by the domestic crisis caused by the collapse of pyramid financial schemes.

At the same time, various groups advocating armed struggle began to emerge. Among them, the Kosovo Liberation Army/*Ushtria Çlirimtare e Kosovës* (KLA, UÇK), which appeared publicly in 1996, proved to be the only one capable of sustaining its activity over time. It was precisely the UÇK that, at the beginning of 1998, disrupted the fragile balance that had kept the situation in Kosovo relatively stable.⁴³

The UÇK initially became known through targeted killings of Albanian collaborators with the Serbian authorities, particularly members of the Socialist Party, as well as attacks against police forces. Over the course of approximately two years, it carried out actions resulting in the deaths of around thirty collaborators and policemen. The turning point came in March 1998, following the massacres in the Drenica region including of the Jashari family, when the ranks of the UÇK rapidly expanded to include thousands of fighters. This marked the decisive escalation of the Kosovo crisis.⁴⁴

⁴² Vickers Miranda, *Between Serb and Albanian: A History of Kosovo*. New York: Columbia University Press, 1998, pp. 114-117.

⁴³ *Ibidem*, pp. 119-121.

⁴⁴ *Ibidem*, p. 125.

2.2 The genesis of the UCK and the limits of nonviolent resistance

The emergence of the KLA/UÇK, represents one of the most critical steps in the transformation of the Kosovo issue from a political-institutional crisis to a progressively militarized conflict. More than the result of a sudden break, the birth of the UÇK must be interpreted as the outcome of a long-term process, characterized by structural political exclusion, socio-economic marginalization and progressive disenchantment with the non-violent strategy. Its origins lie at the intersection between internal dynamics in Kosovo and regional and international developments that redefine opportunities and limits of political action.

The fundamental fracture occurs in 1989, when Slobodan Milošević revokes the autonomy of Kosovo, dismantling the institutional structure provided for by the Yugoslav Constitution of 1974. This act marks the beginning of a systematic process of centralization and repression. The Albanian population, the majority in the province, is progressively excluded from public life: thousands of workers are laid off from the public sector, educational and cultural institutions are placed under Serbian control and political representation is in fact zeroed. Numerous scholars have defined this system as a form of institutional apartheid, characterized not by a formally codified segregation, but by a substantial exclusion of a majority from the political and economic sphere.⁴⁵

Faced with this situation, the Albanian leadership, led by Ibrahim Rugova and the Democratic League of Kosovo (LDK), adopts a non-violent resistance strategy that represents a peculiar case in the context of the Yugoslav crisis of the 1990s. While other regions plunge into armed conflict, Kosovo embarks on a path based on civil resistance, parallel institutionalization and diplomatic action. The construction of a "parallel society" is the central element of this strategy: the Albanians develop alternative systems of education, health and political representation, creating a sort of shadow state that operates alongside, but independently, Serbian institutions.

This strategy is based on a precise political rationality. Rugova and the LDK believe that the international community, especially Western countries, would sooner or later reward moderation and non-violence. In this perspective, this line is part of a liberal logic according to which adherence to democratic and peaceful principles would have produced legitimacy and external support. However, with the passage of time, this assumption became increasingly fragile.⁴⁶

The marginalisation of Kosovo on the international agenda was in fact a decisive element in the deterioration of this strategy. During the 1990s, international attention focused almost exclusively on the conflicts in Croatia and Bosnia, which were perceived as more urgent and destabilizing. Kosovo, on the other hand, remained a low-intensity crisis, lacking the level of violence that usually attracts external

⁴⁵ Ramet Sabrina P., *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević*. London: Routledge, 2002, pp. 232-236.

⁴⁶ *Ibidem*, pp. 238-240.

intervention. This created a paradox: it was precisely the success of non-violence in containing the escalation that contributed to the relative political invisibility of Kosovo. This dynamic is particularly evident with the Dayton Accords. Although Dayton put an end to the war in Bosnia, it completely excluded the Kosovo issue from the negotiating framework. For many Kosovo Albanians, this exclusion was not simply a diplomatic oversight, but a structural signal: the international system reacts to violence, not to peaceful resistance. In literature, Dayton is often interpreted as a turning point that indirectly contributed to the radicalization of the Kosovo conflict, delegitimizing the non-violent strategy.

It is precisely in this context of growing frustration that the first nuclei of the UÇK emerge. Already in the early 1990s, clandestine networks were developed, composed of radicalized activists, former members of illegal political movements and members of the diaspora. Their radicalization was fueled not only by ideological factors, but also by generational dynamics: the new generations, who grew up in a context of exclusion and repression, were less willing to accept a strategy based on expectation and international mediation.

The ideological bases of these groups were heterogeneous. They combined elements of Albanian nationalism, anti-colonial rhetoric and, in some cases, remnants of Marxist language deriving from the Yugoslav experience. At the same time, these groups were influenced by contemporary models of guerrilla warfare, which offered both symbolic and strategic references. This hybrid character reflected the transitory nature of the post-Yugoslav space, in which old ideological categories coexisted with new forms of nationalist mobilization.

The Albanian diaspora played a key role in this process. Communities in Switzerland, Germany and other European countries became crucial centers of political organization, financial support and logistical coordination. In this transnational space, alternative political visions are developed with respect to the official line of the LDK. The People's Movement of Kosovo (LPK) emerges as one of the main actors, acting as a bridge between clandestine activism and the formation of the first armed structures. The first actions attributable to the UÇK in 1996 marked the transition from a latent resistance to an embryonic form of insurrection. While they remained limited, these actions represented a qualitative turning point. The targets, mainly Serbian and Albanian police forces accused of collaboration, were selected to maximize political impact by avoiding immediate escalation. From a strategic point of view, these actions aimed to delegitimize the Serbian authority and, at the same time, to erode the political monopoly of the LDK, proposing armed struggle as a concrete alternative.

The regional context further contributed to strengthening the UÇK. The collapse of the Albanian state in 1997, following the crisis of pyramid financial companies, favored the uncontrolled spread of small arms. A significant part of these weapons flowed into Kosovo, lowering the material barriers to armed mobilization. This event represented a decisive enabling factor in the transformation of the UÇK into a more structured insurrectionary actor.⁴⁷

⁴⁷ *Ibidem*, pp. 248-253.

From an organizational point of view, the UÇK developed as a decentralized and flexible structure, shaped by both strategic needs and the social context. The organization was divided into small operational nuclei, often rooted locally and connected to specific communities. This territorial rooting made it possible to exploit the support of the civilian population for logistics, recruitment and information, but at the same time made it difficult to coordinate and centralize its efforts.

At the same time, the UÇK built its own symbolic and political dimension. Figures like Adem Jashari emerged as icons of resistance, contributing to the formation of an imaginary based on sacrifice, heroism and national liberation. This symbolic construction was essential for the legitimization of the movement and for its ability to mobilize consensus.

From a strategic point of view, the UÇK adopted a logic typical of insurrectionary movements. The guerrilla actions were not only aimed at hitting the opponent on the military level, but also at provoking a repressive reaction. This repression, often indiscriminate, contributed to further radicalization of the Albanian population and to broaden support for armed struggle. In this sense, violence took on a communicative and political function, becoming an integral part of the movement's strategy.

Between 1996 and 1997, this dynamic began to change the internal balance in Kosovo. If initially the UÇK was looked at with suspicion, especially by supporters of non-violence, it gradually acquired consensus, especially among young people and in rural areas. The perception of the ineffectiveness of Rugova's strategy, combined with the lack of concrete results, favors a shift in public opinion towards the acceptance of the armed struggle.⁴⁸

At this stage, however, the UÇK remained an organization in the process of formation: leadership was fragmented, operational capabilities limited and strategy still evolving. Despite this, the conditions for its expansion were present: delegitimization of non-violent leadership, support of the diaspora, growing availability of resources and a social context marked by frustration and radicalization.

In this perspective, the birth of the UÇK should not be interpreted as an anomaly, but as a structurally determined development within the trajectory of the Kosovo conflict. It represented the moment when the limits of non-violent resistance become evident and new forms of political action acquire legitimacy. At the end of the 1990s, the presence of the UÇK still did not imply a large-scale war, but clearly marked the end of the exclusive dominance of the peaceful strategy and the opening of a more conflictual phase in Kosovo's political history.⁴⁹

2.3 The failure of diplomacy and the post-Dayton turning point

The signing of the Dayton Accords in November 1995, which put an end to the conflict in Bosnia-Herzegovina, represented a turning point not only for the stabilization of the

⁴⁸ *Ibidem*, pp. 256-260.

⁴⁹ *Ibidem*, p. 264.

Balkan region, but also for the redefinition of the political and diplomatic balances in the area of the former Yugoslavia. However, if for Bosnia Dayton marked the end of the war, for Kosovo it represented the beginning of a new phase of international marginalization and growing internal radicalization.

During the negotiation process that led to the agreements, the Kosovo leadership had significant expectations. US President Bill Clinton had indeed made it clear, also through communications addressed to Ibrahim Rugova, that the issue of Kosovo would be taken into account in the broader framework of post-Yugoslav settlement. However, this expectation proved to be completely unfounded: Kosovo was completely excluded from the negotiations and was not mentioned at any point in the agreements.⁵⁰

This exclusion had an extremely relevant political and symbolic impact. It represented, for the Albanian people of Kosovo, a demonstration that the international community was not prepared to intervene in the absence of an open conflict. In other words, the non-violent resistance strategy pursued by the Kosovo Democratic League (LDK) not only did not produce concrete results, but contributed to making the Kosovo crisis invisible to international actors.

In the 1990s, Ibrahim Rugova's leadership had built a system of resistance based on non-violence, social self-organization and the internationalization of the Kosovo issue. This strategy was based on the idea that respect for democratic principles and the rejection of violence would promote international recognition of Albanian claims. However, the Dayton result highlighted the structural limits of this approach.

The absence of Kosovo from the negotiating table in fact highlighted a deeply realistic logic in international relations: crises are only addressed when they represent a concrete threat to regional stability. In this sense, violence — and not moderation — proved to be the main factor capable of attracting international attention. This "paradox of nonviolence" contributed to progressively delegitimizing Rugova's leadership, especially among the younger sections of the population.

At the same time, the internal political context of Kosovo began to change. International marginalization was in fact accompanied by a continuous worsening of the socio-economic conditions of the Albanian population, already affected by the exclusion policies imposed by the regime of Slobodan Milošević after the revocation of autonomy in 1989. The expulsion of Albanians from public institutions, the control of educational structures and the repression of political demonstrations had already produced a system that many observers have defined as a form of institutional apartheid.

In the period after Dayton, this situation of exclusion not only persisted, but was further consolidated. The lack of political progress fueled a growing sense of frustration, which resulted in a progressive erosion of consensus towards the LDK's peaceful strategy. In this context, alternative political forces began to strengthen, often characterized by more radical positions.⁵¹

⁵⁰ Pirjevec Jože, *Le guerre jugoslave: 1991-1999*. Torino: Einaudi, 2014, pp. 521-527.

⁵¹ *Ibidem*, pp. 530-533.

Among these, a particularly important role was played by the People's Movement of Kosovo (LPK), an evolution of the previous Popular Movement for the Republic of Kosovo (LPRK). Already active since the 1980s, the movement had supported the 1981 protests and was strongly influenced by a nationalist ideology. The name change in the early 1990s reflected a significant political evolution: any prospect of compromise with Serbia was abandoned, in favor of an explicit claim for independence.

Within this political and ideological context is the figure of Hashim Thaçi, one of the protagonists of the new Kosovar political generation. Active in the student protests of the early 1990s, Thaçi was forced to leave Kosovo due to the repression of the Yugoslav authorities, finding refuge in Switzerland. Precisely in the diaspora, he contributed to the reorganization of the Albanian nationalist movement, which would later play a fundamental role in the birth and development of the UÇK.

The Albanian diaspora was in fact a crucial element in the process of radicalization. The communities present in Switzerland, Germany and other European countries not only provided financial resources, but also contributed to the construction of organizational and logistical networks. In a context relatively free from direct repression, these communities became the privileged place for the development of alternative strategies to non-violent one.

It is in this context that the first nuclei of the UÇK begin to emerge. Their genesis cannot be traced back to a single event, but must be interpreted as a gradual process that develops between the early and mid-nineties. As early as 1992, there were isolated episodes of violence attributable to clandestine groups, although the reaction of the Serbian authorities forced these groups to operate in conditions of extreme secrecy.

A significant moment is represented by the November 1994 attack against a Serbian police officer, claimed by the UÇK. This episode marks a first public demonstration of the organization, even if it still remains marginal and lacks a broad social consensus. Only in 1997 will the UÇK make its first official appearance, on the occasion of a public burial ceremony in the village of Llausha, marking the beginning of greater visibility.⁵²

At this early stage, the UÇK still did not enjoy internal political recognition. The same leadership of the LDK and Rugova tried to delegitimize it, going so far as to argue in some cases that it was a creation of the Serbian secret services. This position reflects the fear that the emergence of the armed struggle could definitively compromise the diplomatic and peaceful strategy pursued until then.

However, the political and social context continued to evolve in the opposite direction. The lack of concrete results at the international level, combined with the growing internal repression, contributed to strengthening the attractiveness of the armed struggle. Between 1996 and 1997, there were numerous attacks, initially limited and targeted, against symbolic targets of Serbian power. These actions, while not having a significant military impact, played a fundamental political function: they showed that there was an alternative to passive resistance.

⁵² *Ibidem*, pp. 538-542.

A further factor that favored the growth of the UÇK was represented by the regional context, in particular the Albanian crisis of 1997. The collapse of the state in Albania, caused by the bankruptcy of pyramid financial companies, led to the uncontrolled spread of small arms, many of which ended up in Kosovo. This event contributed to changing the balance on the ground, making it concretely possible to develop a more organized armed structure.⁵³

At the end of 1997, Kosovo was therefore undergoing a phase of profound transformation. The non-violent strategy, although not completely abandoned, appeared less and less effective. Rugova's leadership was progressively losing its centrality, while new forms of mobilization, more radical and oriented towards armed struggle, acquired visibility and consensus.

The marginalisation of Kosovo in the post-Dayton context had therefore produced effects that went far beyond the diplomatic dimension. It helped to redefine the internal political framework, favoring the transition from a phase of civil resistance to a phase of increasing militarization of the conflict. In this sense, the period between 1995 and 1997 can be interpreted as a phase of incubation of radicalization, in which the conditions that will make possible the explosion of the armed conflict in the following years were consolidated.

It is not yet an open war, but a profound transformation of the logic of political action. Violence began to emerge as a legitimate tool of struggle, while confidence in negotiated solutions was progressively eroding. This change marked the decisive step towards the next phase, in which the Kosovar crisis turned into a large-scale armed conflict.⁵⁴

2.4 The radicalization of the internal conflict

The radicalization of the internal conflict in Kosovo is the result of a long and stratified process, in which political, institutional, economic, social and symbolic factors were progressively intertwined to the point of making a negotiated solution increasingly unlikely. To reduce the explosion of violence of 1998-1999 to a simple consequence of the emergence of the UÇK or Serbian repression would mean neglecting the historical depth of the crisis. The conflict radicalized well before the beginning of the open war, maturing within a society marked by ethnic segregation, opposing memories, mutual delegitimization and progressive erosion of spaces of coexistence.

One of the central elements of this radicalization was the transformation of Kosovo into a politically shared but socially separated space. Starting with the revocation of autonomy in 1989, the province ceased to be perceived as a common institutional framework and became the site of two incompatible political projects. For the Serbian leadership, Kosovo represented the symbolic heart of the Serbian nation and a territory

⁵³ *Ibidem*, p. 544.

⁵⁴ *Ibidem*, pp. 548-551.

to be fully reintegrated into the state. For the Albanian majority, it was instead a distinct community, holder of the right to self-determination and illegitimately deprived of the prerogatives acquired during the Yugoslav period. The conflict, therefore, did not only concern the administrative control of the territory, but the very meaning of sovereignty, legitimacy and national belonging.⁵⁵

Radicalization was favored by the progressive dismantling of common institutions. In the Yugoslav years, despite tensions and imbalances, the federal system had offered at least some spaces for political mediation. After 1989, these spaces were drastically reduced. Belgrade's intervention on the provincial apparatus, the centralization of power and the replacement of local elites produced a vertical rift between rulers and ruled. Much of the Albanian population ceased to recognize official institutions as legitimate, while the Serbian authorities considered any form of opposition as a threat to state order. In the absence of a shared arena of negotiation, the conflict moved from the political to the identity terrain.

In this context, the system of the Albanian parallel society developed, promoted by the Democratic League of Kosovo (LDK) under the leadership of Ibrahim Rugova. This strategy represented, in the first phase, an attempt to contain radicalization through nonviolence and the construction of alternative institutions. Schools, health services, forms of social assistance and clandestine political representation allowed the Albanian community to preserve internal cohesion and organizational capacity. However, the parallel society also had an ambivalent effect. If on the one hand he avoided an immediate armed explosion, on the other he consolidated the separation between the two communities, normalizing the idea of an impossible coexistence and a double sovereignty over the same territory.

The radicalization of the conflict was therefore also a radicalization of everyday life. Serbs and Albanians increasingly lived in separate spaces, attended different schools, used separate economic networks, and relied on different sources of information. The reduction of intercommunal contacts favored the circulation of stereotypes, fears and hostile representations. In the absence of ordinary interactions capable of relativizing the nationalist discourse, the other became more and more an abstract and threatening category. Social segregation turned the neighbor into a potential enemy.

A decisive role was played by the opposing historical narratives. The past became an instrument of political mobilization and a symbolic resource to justify present claims. In Serbian public memory, Kosovo was represented as the spiritual cradle of the nation, theater of sacrifice in 1389 and place of historical persecution of the Serbs. In Albanian memory, on the contrary, it appeared as a land historically inhabited by the Albanians, victim of Serbian domination, colonization and repression. These readings were not mere academic interpretations of the past, but real political devices: they defined who was native, who was a victim, who was an aggressor and who was the legitimate owner of the territory.⁵⁶

⁵⁵ Ramet Sabrina P., *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević*. London: Routledge, 2002, pp. 267-271.

⁵⁶ *Ibidem*, pp. 279-284.

The school contributed significantly to this process. School manuals in the different Balkan contexts often transmitted nationalized versions of history, based on partial selections of events, emphasis on one's own collective martyrdom and silences about the suffering of others. The educational system was therefore not neutral, but participated in the formation of antagonistic identities. The new generations grew up within separate narrative universes, in which conflict appeared as a natural continuation of national history. Radicalization occurred not only in the squares but also in school classrooms and in the processes of collective socialization.

At the same time, state repression helped fuel distrust and resentment. Mass dismissals in the public sector, linguistic and cultural limitations, police control, arbitrary arrests and violations of civil rights strengthened the perception among Albanians of being faced not a negotiable political conflict, but a system of structural domination. In these conditions, moderation lost credibility and the strategic patience invoked by Rugova seemed to many less and less sustainable. Every coercive measure adopted by Belgrade weakened the supporters of gradualism and strengthened those who considered the use of force inevitable.⁵⁷

The international context also had a significant impact on internal radicalization. During the wars in Croatia and Bosnia, the Kosovo question remained on the margins of the Western diplomatic agenda. For many Kosovo Albanians, this was proof that moderation did not produce international attention. The 1995 Dayton Accords, while putting an end to the Bosnian conflict, excluded Kosovo from the negotiating table. This exclusion had a strong psychological and political effect: it delegitimized the wait-and-see strategy of non-violent leadership and made room for more radical options. If diplomacy rewarded those who fought and ignored those who resisted peacefully, then the armed struggle appeared, in the eyes of a growing part of the population, the only language capable of being heard.

It is in this framework that the rise of the UÇK must be understood. The organization was not born in a political vacuum, but within a crisis of representation. His consensus increased not only because of his initially limited military capacity, but because he offered a symbolic response to collective frustration. Where the LDK embodied patience, the UÇK embodied action; where nonviolence appeared sterile, the armed resistance promised dignity and initiative. Radicalization was therefore also a shift in political prestige: from the moral legitimacy of moderation to the fighting legitimacy of resistance.

The figure of Adem Jashari and the events of Prekaz in March 1998 further accelerated this dynamic. The killing of Jashari and numerous members of his family by Serbian forces turned a local commander into a national martyr. The symbolic value of the episode surpassed the strictly military one: it made tangible, for many Albanians, the impossibility of peaceful coexistence under Serbian sovereignty and favored mass recruitment in the UÇK.

Repression, instead of isolating the onset, contributed to socializing and legitimizing it.

⁵⁷ *Ibidem*, p. 288.

The conflict also radicalized through a growing symmetry of fears. The Kosovo Serbs perceived the rise of the UÇK as an existential threat and feared revenge, expulsion or marginalization in a future independent Kosovo. The Albanians, for their part, interpreted the presence of Serbian security forces as a prelude to new repressive campaigns. When both communities read their own security as dependent on the insecurity of the other, the compromise becomes increasingly difficult. Thus, a classic ethnic security dilemma is affirmed: every defensive measure on the one hand is perceived as offensive on the other.⁵⁸

The media also played a crucial role. In Serbia in the 1990s, political control of information facilitated the spread of victim and security narratives, often presenting Kosovo as a place of anti-Serbian persecution and state intervention as a necessary restoration of order. On the Albanian side, informal networks, diaspora and alternative media instead spread images of repression, national martyrdom and heroic resistance. Information did not build a shared public space, but two antagonistic communication spheres, each impervious to the other's reasons.

The Kosovar-Albanian diaspora in turn played an important role. The communities that emigrated to Switzerland, Germany, the United States and other European countries not only provided economic resources, but contributed to the circulation of ideas, organizational networks and international awareness campaigns. In many cases, geographical distance was accompanied by political radicalization: those who observed the conflict from the outside sometimes tended to support more drastic solutions than those who experienced the immediate costs of repression and war on a daily basis. The economic remittances and the political support of the diaspora thus strengthened the mobilization capacity of the Kosovar national movement.

The radicalization of internal conflict therefore did not follow a linear or monocausal trajectory. It was the cumulative product of institutional exclusion, social segregation, competing memories, diplomatic failure, state repression and increasing legitimacy of armed struggle. Each element strengthened the others in a progressive spiral. The closure of political spaces made antagonistic identities stronger; antagonistic identities made violence more acceptable; violence produced new repression; repression generated further mobilization.⁵⁹

On the eve of 1998, Kosovo was now a deeply polarized society, in which the structures of coexistence had been eroded and the moderate center was rapidly shrinking. The war was therefore not a sudden break, but the outcome of a long transformation of the conflict from constitutional dispute to existential confrontation. Understanding this radicalization means recognizing that ethno-political conflicts do not explode only because of military decisions or contingent events, but slowly mature through everyday practices, collective representations, and institutions unable to include rival communities. In Kosovo, when the war began, much of the preparatory work for the violence had already been done.

⁵⁸ Pirjevec Jože, *Le guerre jugoslave: 1991-1999*. Torino: Einaudi, 2014, pp. 604-609.

⁵⁹ *Ibidem*, p. 610.

To this internal dynamic was added, in the final years of the decade, a progressive crisis of moderate leadership represented by Ibrahim Rugova. For most of the 1990s, Rugova had embodied the strategy of political patience: avoiding armed confrontation, keeping Albanian society compact, internationalizing the Kosovar issue and waiting for a change in regional balances. This approach had guaranteed cohesion and prevented Kosovo from immediately falling into the war between Croatia and Bosnia. However, over time, the same prudence that initially appeared as foresight began to be perceived by many as immobility. The absence of tangible results, the permanence of the Serbian repressive regime and the indifference of the main Western powers progressively eroded the political capital of nonviolent leadership.⁶⁰

The psychological and symbolic turning point was represented by the Bosnian post-war period. If until 1995 many Kosovo Albanians had believed that the conclusion of the conflict in Bosnia would inevitably also open up the Kosovo dossier, the Dayton Accords had the opposite effect. Kosovo was excluded from the negotiating table and its issue was treated as an internal problem of the Federal Republic of Yugoslavia. For a growing part of Kosovar society, this confirmed a bitter lesson: the international community reacted to outright wars, not to prolonged discrimination over time. In this reading, those who wielded weapons got attention; those who practiced civil resistance remained invisible.

The relative decline of the political hegemony of the LDK opened up space for new national currents and groups in favor of direct action. The criticism of Rugova came from different and often mutually distant environments. Some accused him of excessive diplomatic rigidity and considered it necessary to start a gradual negotiation with Belgrade; others, on the contrary, judged that any expectation was a failure and supported the need for armed struggle. What these positions have in common was the growing belief that the existing political framework was exhausted. The parallel society continued to ensure collective survival, but did not produce substantial advances in terms of political status.⁶¹

In this climate, a generational transformation matured. Young people who grew up after 1989 had only experienced exclusion, segregation and lack of prospects. For them, the memory of Yugoslav autonomy was an indirect memory, not a lived experience. While previous generations could still conceive of federal compromise as a possible horizon, a part of the new generation interpreted the conflict in clearer and less conciliable terms. The idea of absolute independence acquired centrality, while mediation appeared more and more as a remnant of a concluded era.

The crisis in Albania in 1997 also had profound effects on Kosovo. The collapse of Albanian state structures, following the collapse of the so-called financial pyramids, caused a widespread dispersion of small arms and ammunition. Part of this arsenal reached Kosovo through informal networks and clandestine channels. This concretely changed the relationship between political aspiration and military capacity: the armed struggle was no longer just a militant rhetoric, but a material possibility. The transition

⁶⁰ *Ibidem*, pp- 615-617.

⁶¹ *Ibidem*, pp. 623-629.

from protest to guerrilla warfare became logistically feasible to a much greater extent than in previous years.

At the same time, the border between Kosovo and Albania took on a new strategic significance. The mountainous areas and cross-border routes became spaces for mobilization, training and refueling. The rise of Kosovo was thus part of a broader regional geography, in which the Balkan crises were deeply interconnected. The internal conflict in Kosovo was no longer just a Serbian-Albanian domestic issue, but began to depend on regional flows of men, weapons and resources.⁶²

The diaspora continued to play a decisive role. The Kosovar-Albanian communities in Western Europe and North America not only financially supported the parallel structures that arose around the LDK, but also became one of the main funding basins for insurrectionary networks. Through associations, fundraisers and informal circuits, they contributed to the growth of the UÇK and its ability to maintain an armed presence in the territory. The diaspora also acted as a political sounding board, promoting the Kosovar cause in the host countries and strengthening the link between national struggle and international recognition.

The rise of the UÇK must therefore be read not only as a military phenomenon, but as a process of recomposition of the Albanian national representation. The organization gradually managed to present itself as the subject capable of combining political will, military sacrifice and promise of strategic effectiveness. In many rural areas, especially where the presence of the Serbian state was perceived mainly through the police and coercive apparatuses, the UÇK quickly gained social prestige. The fighter became a symbol of national dignity, while martyrdom was integrated into a new collective narrative of liberation.

The Serbian response further contributed to this transformation. Security operations conducted against villages suspected of supporting the outbreak, indiscriminate use of force, and reprisals against civilians strengthened popular support for guerrilla warfare. The mechanism was now recurrent: an armed action of the UÇK provoked a disproportionate response of Serbian forces; this response generated indignation and new recruitment; the growth of the outbreak induced further repressive campaigns. It was a spiral of radicalization in which each actor confirmed, in the eyes of his community, the narrative of the irreducible enemy.⁶³

The year 1998 marked the transition from a low-intensity crisis to a generalized conflict. Clashes in Drenica, the destruction of villages, population movements and the growing presence of the UÇK on the territory showed that Kosovo had entered a new phase. It was no longer just a question of clandestine resistance or police control, but of armed competition for territorial domination and political representation of the Albanian population. The war began even before its formal internationalization.

The evolution of the conflict also transformed the Western perception of Kosovo. For years, the European and US chancelleries had considered the province a secondary

⁶² *Ibidem*, p. 631.

⁶³ Ramet Sabrina P., *Balkan Babel: The Disintegration of Yugoslavia from the Death of Tito to the Fall of Milošević*. London: Routledge, 2002, pp. 303-308.

dossier compared to Bosnia. But the worsening humanitarian crisis, the possibility of regional destabilization and the risk of a new Balkan conflict imposed a change in priorities. In this sense, internal radicalization inevitably produced a progressive internationalization of the Kosovar question. The more the local compromise became impractical, the more the role of external actors grew.⁶⁴

This passage had ambivalent consequences. On the one hand, international attention finally opened up the prospect of concrete mediation. On the other hand, it strengthened the idea - already widespread among many Kosovo Albanians - that only the military escalation could attract Western intervention. The sequence of events seemed to confirm that violence was politically more productive than moderation. This was one of the most important paradoxes of the entire crisis: the lack of preventive management of the conflict subsequently made it necessary to force-based emergency management. By the end of 1997 and in the early months of 1998, Kosovo had already entered an irreversible phase of open conflict. The moderate leadership was progressively weakened, the non-violent strategy appeared incapable of producing concrete results and the UÇK was increasingly imposing itself as a new pole of national mobilization. At the same time, Serbian repression intensified, further fueling social support for armed struggle. The political compromise now seemed remote: both confidence in international mediation and the credibility of the gradual solutions pursued in previous years had failed. On this basis, the Kosovo war would soon develop, in which the tensions accumulated during the entire decade would have exploded definitively.

The Kosovar experience thus shows how ethno-political conflicts are fueled not only through strategic decisions of the elites, but through the accumulation of collective frustrations, antagonistic memories, exclusionary institutions and missed diplomatic opportunities. When these factors converge, the threshold that separates chronic tension and open war becomes extremely thin. In Kosovo, that threshold was exceeded when a growing part of society concluded that peace no longer offered any way out.⁶⁵

⁶⁴ *Ibidem*, p. 310.

⁶⁵ *Ibidem*, pp. 312-316.

CHAPTER III

The Kosovo War: escalation, International intervention and independence

3.1 The outbreak in Drenica and the Prekaz massacre

The transition from the political-institutional crisis to an open armed conflict in Kosovo takes place in the early months of 1998, when the fragile stability built during the 1990s definitively gave way under the weight of internal radicalisation and Serbian repression. The events that occur in the Drenica region, and in particular the Prekaz massacre, represent the decisive breaking point: from that moment on, the Kosovo conflict can no longer be interpreted as a simple internal matter in Serbia, but assumes the characteristics of a real war.

Drenica plays a central role in this process. A rural, mountainous and historically marginalised region, it is also one of the main bastions of Albanian national identity in Kosovo. Already in previous eras, Drenica had distinguished itself as an area of resistance against the central authorities, and in the 1990s this tradition settled with the growing discontent with the Belgrade regime. The dissolution of Yugoslavia and the political isolation of Kosovo, excluded from international negotiations and ignored by the 1995 Dayton agreements, contribute to fuelling a widespread sense of frustration among the Albanian population.⁶⁶

In this context, the non-violent strategy promoted by Ibrahim Rugova and the Democratic League of Kosovo (LDK), despite having guaranteed relative stability for years, is beginning to lose its consensus. The absence of concrete results at the international level and the permanence of a system of institutionalised discrimination push a growing part of Kosovar society towards more radical positions. It is in this climate that the Ushtria Çlirimtare and Kosovës (UÇK) begins to emerge as a credible alternative to the pacifist line.

The first actions of the UÇK, already starting in 1996, had been limited and selective, directed mainly against symbolic objectives of the Serbian power and against alleged collaborators. However, between 1997 and the beginning of 1998, the movement experienced significant growth, also favoured by the regional context. The collapse of the Albanian state in 1997, with the consequent uncontrolled spread of small arms, provides the UÇK with new operational capabilities, while the Albanian diaspora contributes with economic resources and logistical support.

The situation precipitated at the end of February 1998, when a series of armed clashes between UÇK militants and Serbian police forces in Drenica led to the killing of some

⁶⁶ Malcom Noel, *Kosovo: A short history*. New York: New York University press, 1998, pp. 335-337.

agents. Belgrade's response is immediate and far-reaching: instead of limiting themselves to targeted operations against armed groups, the Serbian authorities are launching a real offensive against the entire area, employing special units, armoured vehicles and heavy artillery. This choice marks a qualitative leap in conflict management, transforming a problem of internal security into a large-scale military confrontation.⁶⁷

The most dramatic moment of this escalation occurs between 5 and 7 March 1998 in the village of Prekaz, where the family complex of Adem Jashari, a key figure of the UÇK and symbol of the Albanian armed resistance, is located. Serbian forces surround the village and launch a large-scale attack, using heavy weapons against inhabited buildings. The operation ends with the destruction of the Jashari compound and the killing of about eighty people, including women, children and the elderly. Almost all of Jashari's family is exterminated, turning the episode into one of the most tragic and symbolically powerful moments of the entire conflict.

The impact of the Prekaz massacre is immediate and profound. Internally, the event causes an accelerated radicalisation of Kosovo Albanian society. The figure of Adem Jashari is quickly elevated to a national martyr, and his death becomes a powerful tool of collective mobilisation. Thousands of young people joined the UÇK in the following weeks, convinced that armed struggle was now the only possible way to counter Serbian rule. In this sense, the Serbian operation, conceived to eliminate an insurgent leader and deter further mobilisations, turns out to be counterproductive, instead strengthening the movement it intended to repress.

On the strategic level, the events of the Drenica highlight a misjudgement on the part of Belgrade. The use of indiscriminate force, which indiscriminately affects fighters and civilians, contributes to erasing any residual legitimacy of Serbian authority in the eyes of the Albanian population. As pointed out by numerous scholars, this dynamic fits perfectly into the insurrectionary logic of the UÇK, which aims to provoke repressive reactions to feed consensus and expand the recruitment base. Violence, in this context, is not only a means, but becomes a structural element of the escalation process.⁶⁸

At the same time, there is a change in the international perception of the Kosovar crisis. If until 1997 Kosovo had remained on the margins of global attention, overshadowed by the wars in Croatia and Bosnia, the images and testimonies from Drenica contribute to bringing the issue back to the centre of the international debate. However, the initial reaction of the Western powers is cautious: while condemning the excessive use of force by the Serbians, they hesitate to intervene directly, still influenced by the difficulties encountered in the Bosnian conflict and by the limitations imposed by the post-Dayton structure.

Meanwhile, on the ground, the situation evolves rapidly. The UÇK goes from a clandestine and fragmented structure to an increasingly organised military actor, capable of controlling portions of territory and openly challenging Serbian forces. The

⁶⁷ *Ibidem*, p. 339.

⁶⁸ *Ibidem*, pp. 340-342.

spread of the conflict beyond the Drenica marks the beginning of a generalised war phase, in which military operations are accompanied by a growing number of displaced people and a progressive deterioration in humanitarian conditions.

1998 is thus configured as the year of the turning point: Kosovo definitively enters a spiral of violence that will lead, within a few months, to the internationalisation of the conflict and the intervention of NATO.

The events of Drenica and the Prekaz massacre represent the point of origin of this dynamic, the moment when the latent conflict turns into an open war and when political and diplomatic options give way to military logic.⁶⁹

3.2 The dynamics of war and the humanitarian crisis

In 1998, the conflict in Kosovo entered a completely new phase. After years of political tensions and non-violent resistance by the Albanian majority, the clash between the Serbian security forces and the Kosovo Liberation Army (UÇK) gradually turned into an open armed conflict. The war was not born suddenly, but was the result of a long process of deterioration of relations between Belgrade and the Kosovo-Albanian population, which began with the revocation of the province's autonomy in 1989 and was aggravated by the inability of international institutions to find a lasting political solution.⁷⁰

For most of the 1990s, the predominant strategy among the Kosovo Albanians had been that of peaceful resistance promoted by Ibrahim Rugova. Through the creation of schools, health facilities and parallel institutions, the Kosovar leadership had tried to preserve its national identity by avoiding a direct confrontation with the Serbian government. This policy, however, failed to produce concrete results. The situation changed further after the 1995 Dayton Accords, which ended the war in Bosnia and Herzegovina without addressing the Kosovo issue. Many Albanians interpreted this exclusion as proof that the international community was willing to intervene only in the face of armed conflict.

In this context, the UÇK began to gain more and more consensus. Born as a small clandestine movement, the group gradually managed to establish itself as an alternative to the moderate line of Rugova. Between 1997 and 1998, his militants intensified attacks against Serbian police stations, state officials and individuals considered collaborators of the Belgrade government. The Serbian authorities responded with increasingly extensive security operations which, instead of isolating the guerillas, helped to increase popular support for the UÇK.

One of the decisive moments occurred in March 1998 in the Drenica region, considered one of the main strongholds of the Kosovar guerillas. Serbian special forces launched an operation against the Jashari family in the village of Prekaz. During the assault,

⁶⁹ *Ibidem*, pp. 343-344.

⁷⁰ Judah Tim, *Kosovo: War and Revenge*. Yale University press, 2002, p. 204.

Adem Jashari, one of the founders of the UÇK, and many members of his family, including women and children, were killed. For the Serbian authorities it was a legitimate anti-terrorism operation; for a large part of the Albanian population, however, the episode represented a real massacre. Jashari's death quickly took on a symbolic value and helped turn him into a martyr of the independence cause.⁷¹

After the events of Prekaz, violence increased rapidly throughout Kosovo. During the spring and summer of 1998, the fighting extended to many rural areas of the province. Serbian forces sought to regain the territories controlled by the UÇK through large-scale offensives, while the guerillas attempted to consolidate their presence by harnessing the support of a growing part of the local population. The conflict thus took on characteristics increasingly similar to a civil war and caused a rapid deterioration of the humanitarian situation.

The military operations had particularly heavy consequences for the civilian population. Entire villages were damaged or destroyed and thousands of people were forced to leave their homes. According to international organisations on the ground, by the end of 1998 hundreds of thousands of civilians had been displaced within Kosovo or taken refuge in neighbouring countries. Many of them lived in extremely precarious conditions, without regular access to food, medical care, and adequate shelter.

The growing humanitarian emergency gradually attracted the attention of the international community. Organisations such as the OSCE, Human Rights Watch and the United Nations began documenting human rights violations, incidents of violence against civilians and cases of disproportionate use of force. At the same time, the Serbian government accused the UÇK of using terrorist tactics and deliberately contributing to the instability of the region. The conflict was therefore interpreted in profoundly different ways by the parties involved, making it even more difficult to reach a negotiated solution.⁷²

At the end of 1998, Kosovo was already on the verge of a humanitarian catastrophe. The intensification of military operations and the continuous increase in the number of displaced people foreshadowed a further escalation of the conflict, while international diplomatic efforts proved unable to stop the spiral of violence that was overwhelming the province. The worsening situation during 1998 prompted the international community to intensify attempts at mediation. The United States, the European Union and the Organisation for Security and Cooperation in Europe sought to put pressure on both the Serbian government and the Kosovo-Albanian leadership to accept a political solution. However, the deep differences between the parties and the continuous escalation of violence made any concrete progress extremely difficult.

A particularly significant moment occurred in October 1998, when NATO first threatened the use of force against the Federal Republic of Yugoslavia. Faced with this international pressure, Slobodan Milošević accepted an agreement that provided for the partial withdrawal of Serbian security forces from Kosovo and the sending of international OSCE observers in charge of monitoring the situation on the ground. The

⁷¹ *Ibidem*, pp. 208-211.

⁷² *Ibidem*, pp. 216-220.

agreement temporarily helped reduce the intensity of the fighting, but failed to eliminate the root causes of the conflict. Both sides continued to prepare for a possible resumption of hostilities.⁷³

In the following months the ceasefire proved to be extremely fragile. On the one hand, the UÇK exploited the relative decrease in military pressure to reorganise and strengthen its positions. On the other hand, the Serbian forces maintained a strong presence in the province and continued to consider the Kosovar guerillas a threat to the sovereignty of the state. Mutual distrust prevented the construction of any basis for a political compromise.

The episode that contributed most to changing the international perception of the conflict was the Račak massacre, which took place in January 1999. The bodies of dozens of Kosovo Albanians killed during an operation by the Serbian security forces were found in this southern Kosovo village. Images released by international media sparked strong outrage and fuelled allegations against Belgrade of being responsible for serious human rights violations. Serbian authorities immediately challenged this interpretation, claiming that the victims were members of the UÇK who died during an armed clash. Despite the controversies about the precise circumstances of the episode, Račak represented a fundamental turning point in the Kosovar crisis.

The political impact of the event was enormous. For many Western governments, it showed that the situation was rapidly degenerating and that the risk of a large-scale humanitarian catastrophe was becoming more and more concrete. The belief that it was necessary to quickly find a definitive solution led to the organisation of a new international diplomatic initiative.

In February 1999, the parties were summoned to the French town of Rambouillet for a peace conference sponsored by the major Western powers. The goal was to reach an agreement that would guarantee Kosovo broad autonomy while formally maintaining it within the Federal Republic of Yugoslavia. The project also provided for the presence of an international force in charge of ensuring security and the application of the agreements.⁷⁴

The Kosovo-Albanian representatives reluctantly accepted the proposal, considering it a necessary step towards future independence. The Serbian government, on the other hand, rejected the plan, judging it as a violation of its national sovereignty. In particular, Belgrade rejected the idea that NATO-led troops could be deployed on Yugoslav territory. The negotiations then ended without an agreement and sanctioned the definitive failure of the diplomatic route.

The collapse of the Rambouillet negotiations gradually convinced the United States and the main members of NATO that there were no more margins for an immediate negotiated solution. At the same time, the humanitarian situation on the ground continued to deteriorate. The number of displaced people was constantly increasing,

⁷³ Organization for Security and Co-operation in Europe. (2004). *Human Rights Challenges Following the March Riots*. OSCE Mission in Kosovo.

⁷⁴ Organization for Security and Co-operation in Europe. (1999). *Kosovo/Kosova: As Seen, As Told: The Human Rights Findings of the OSCE Kosovo Verification Mission, October 1998 to June 1999*. OSCE.

while international organisations reported new human rights violations and growing insecurity for the civilian population.⁷⁵

On the eve of NATO's intervention, Kosovo had now become one of the main sources of instability in post-Cold War Europe. The conflict had caused thousands of victims, hundreds of thousands of displaced people and a deep rift between the communities present in the province. The failure of diplomatic initiatives and the progressive deterioration of the humanitarian situation thus prepared the ground for the Atlantic Alliance's decision to intervene militarily against Yugoslavia in the spring of 1999.

On March 24, 1999, NATO launched Operation Allied Force, an air campaign against the Federal Republic of Yugoslavia that would mark a decisive turning point in the conflict. However, in the weeks immediately before the intervention and during the early stages of the bombing, the humanitarian situation in Kosovo deteriorated further and dramatically.

Serbian forces intensified military operations against Albanian-majority areas, while the UÇK continued to resist in several regions of the province. Numerous international observers and human rights organisations documented incidents of violence against the civilian population, destruction of homes and forced mass displacement. In many locations, the inhabitants were forced to leave their villages within a few hours, leaving behind assets, property and means of livelihood.

The refugee crisis quickly took on a regional dimension. Hundreds of thousands of Kosovar-Albanians crossed the borders to Albania, Macedonia and Montenegro in an attempt to escape the fighting. Images of long columns of refugees, broadcast daily by international media, contributed to turning the Kosovo conflict into a matter of global relevance.⁷⁶

Improvised shelter camps arose along the borders, while humanitarian organisations and United Nations agencies sought to provide assistance to an ever-increasing population.

According to estimates spread by international organisations, during the war more than eight hundred thousand people were forced to leave Kosovo and hundreds of thousands were displaced within the province. It was the most serious population movement in the Balkans after the wars of Croatia and Bosnia-Herzegovina. Alongside the Albanian refugees, there were also numerous Serbian civilians and belonging to other minorities who suffered the consequences of the conflict and growing instability.

The humanitarian issue quickly became one of the central elements of the international debate. Western governments used the deteriorating conditions of the civilian population as one of the main justifications for NATO's intervention. According to this interpretation, military action was necessary to prevent further violence and prevent an even more serious humanitarian catastrophe. On the contrary, the Yugoslav government claimed that the NATO bombings had aggravated the situation and caused new suffering for the civilian population.

⁷⁵ Organization for Security and Co-operation in Europe. (1999). *Kosovo/Kosova: As Seen, As Told: The Human Rights Findings of the OSCE Kosovo Verification Mission, October 1998 to June 1999*. OSCE.

⁷⁶ Judah Tim, *Kosovo: War and Revenge*. Yale University press, 2002, pp. 231-234.

The assessment of the responsibilities and consequences of the war remains the subject of historiographical and political debate today. However, there is broad consensus that the conflict has produced a serious humanitarian emergency and has left deep wounds in Kosovar society. The violence of 1998 and 1999 fuelled a climate of mutual distrust among ethnic communities that would survive even after the end of hostilities.⁷⁷

When the NATO bombing ended in June 1999, Kosovo presented itself as a society deeply marked by war. Thousands of people had lost their lives, large areas of the province were damaged and a significant part of the population had been forced to abandon their homes. The conclusion of the conflict would therefore not have represented the end of Kosovo's problems, but only the beginning of a new phase characterised by the international presence, the administration of the United Nations and the complex question of the political status of the province.

The signing of the Kumanovo Agreement on June 9, 1999 and the approval of United Nations Security Council Resolution 1244 the next day formally ended the war, opening a new phase in Kosovar history that would be dominated by reconstruction, international presence and the long path towards defining one's political future.⁷⁸

3.3 NATO Intervention and Resolution 1244

The failure of the Rambouillet negotiations represented the final turning point in the Kosovo crisis. After months of fighting, growing human rights violations and continuous diplomatic attempts without concrete results, the main NATO member states came to the conclusion that the political solution now seemed unattainable. The belief that Slobodan Milošević's government was not willing to accept a negotiated agreement helped reinforce the idea that it was necessary to resort to military force to stop the deterioration of the situation.

On March 24, 1999, NATO started Operation Allied Force, an air campaign against the Federal Republic of Yugoslavia. The official objective of the intervention was to force Belgrade to stop military operations in Kosovo, withdraw its forces from the province and accept an international presence in charge of ensuring the safety of the civilian population. For the first time in its history, the Atlantic Alliance launched a military operation of this magnitude without being directly attacked.

The decision immediately sparked intense international debate. On the one hand, Western governments argued that the intervention was necessary to prevent a humanitarian catastrophe and protect the Kosovar-Albanian population from ongoing violence. On the other hand, numerous observers and several states disputed the legitimacy of the operation, stressing that it had not been authorized by a specific resolution of the United Nations Security Council. Russia and China, traditionally close

⁷⁷ *Ibidem*, p. 237.

⁷⁸ *Ibidem*, p. 239.

to Serbia on this issue, considered the bombings a violation of Yugoslav sovereignty and international law.⁷⁹

Precisely the relationship between legality and legitimacy became one of the most discussed issues of the Kosovo war. Many supporters of the intervention recognized the absence of a formal authorization from the United Nations, but believed that the exceptionality of the humanitarian situation made the use of force morally justified. Other scholars and governments argued instead that the intervention risked creating a dangerous precedent, allowing the great powers to circumvent the collective security system provided for by the Charter of the United Nations.

From a military point of view, Operation Allied Force was characterized almost exclusively by the use of air power. NATO decided to avoid the immediate deployment of ground troops and focused its strategy on bombings against military targets, strategic infrastructure and Yugoslav communication systems. The Alliance's planners believed that a relatively short air campaign would be enough to convince Milošević to change his position.⁸⁰

However, the initial forecasts proved to be excessively optimistic. Contrary to what many Western governments hoped, the Yugoslav government did not quickly give in to military pressure. The air campaign, initially conceived as a short-lived operation, lasted seventy-eight days. Meanwhile, the conflict on the ground continued and the number of refugees and displaced people increased further.

The bombings hit many Yugoslav military infrastructure, but also involved bridges, roads, power plants and communication networks. Some episodes sparked particular controversy at an international level. These included the bombing of the Chinese embassy in Belgrade, which NATO called an intelligence error, and several attacks that caused civilian casualties. These events fueled criticism against the operation and helped open a debate about the limits of the use of air force in humanitarian operations. Despite these difficulties, NATO's technological and military superiority progressively exerted increasing pressure on the Yugoslav government. As the weeks went by, the deteriorating economic and military situation in Serbia made it increasingly difficult to continue the conflict. At the same time, the intensification of international diplomatic efforts favored the search for a negotiated solution that would allow an end to hostilities. The decisive turning point came at the beginning of June 1999. After weeks of bombing and intense diplomatic negotiations, the Yugoslav government accepted the conditions proposed by the international community. On June 9, the Kumanovo Agreement was signed between the military representatives of NATO and those of the Federal Republic of Yugoslavia. The agreement provided for the complete withdrawal of Serbian military, police and paramilitary forces from Kosovo and authorized the entry of an international force in charge of ensuring the security of the province.⁸¹

The agreement effectively marked the end of hostilities. In the following days, Yugoslav troops began to leave Kosovo territory, while NATO contingents gradually

⁷⁹ Clark Wesley K., *Waging Modern War: Bosnia, Kosovo, and the Future of Combat*. New York: Public Affairs, 2002, pp. 389-391.

⁸⁰ *Ibidem*, pp. 395-397.

⁸¹ *Ibidem*, pp. 401-403.

entered the province. The international force, called the Kosovo Force (KFOR), had the task of maintaining security, preventing the resumption of fighting and encouraging the return of refugees and displaced people. The presence of KFOR represented one of the fundamental elements of post-war stabilization and would continue to play an important role in the following years.

The day after the signing of the Kumanovo Agreement, on June 10, 1999, the United Nations Security Council approved Resolution 1244. This document would become the legal and political basis of the entire post-war phase. The resolution formally ended the conflict and established the framework within which Kosovo would be administered in the following years.

Resolution 1244 first provided for the creation of an international civil administration under the authority of the United Nations. For this purpose, the United Nations Interim Administration Mission in Kosovo (UNMIK) was established, responsible for temporarily assuming the administrative functions of the province. UNMIK received extremely extensive expertise, which included public administration, the judicial system, civil security and the coordination of economic and institutional reconstruction.

For the first time in the contemporary history of Kosovo, the Belgrade government lost direct control of the territory, which passed under the supervision of the international community. Although the province was not formally independent, Serbia no longer exercised effective authority over its institutions. This created a particular and partly unprecedented situation, in which Kosovo was administered by the United Nations but did not yet have a clearly defined definitive status.⁸²

It is precisely this ambiguity that is one of the most important aspects of Resolution 1244. On the one hand, the text reaffirmed the principle of sovereignty and territorial integrity of the Federal Republic of Yugoslavia, thus formally acknowledging that Kosovo remained part of the Serbian state. On the other hand, the same resolution provided for a very high level of autonomy for the province and entrusted the effective administration of the territory to the United Nations and the international presence.

This dual approach allowed the resolution to be adopted within the Security Council, but left the fundamental issue of Kosovo's political future unresolved. In fact, the document did not establish whether the province would remain permanently within Serbia or whether it could aspire to independence. The decision was postponed to a subsequent political process that should have taken into account the will of the population and regional stability.

However, the end of the war did not mean the end of ethnic tensions. After the withdrawal of Serbian forces and the arrival of KFOR, many Kosovo Serbs left the province for fear of reprisals. In many areas, there was violence against members of the Serbian community and against other non-Albanian minorities. If during the war most of the victims and displaced people belonged to the Albanian population, in the

⁸² Lambeth Benjamin S., *NATO's Air War for Kosovo: A Strategic and Operational Assessment*. California: RAND Corporation, 2001, pp. 253-255.

period immediately following the conflict even the minorities present in the province found themselves in a situation of great vulnerability.⁸³

Despite these difficulties, the end of hostilities opened a completely new phase in Kosovar history. The focus gradually shifted from military operations to the reconstruction of institutions, the return of refugees and the definition of a stable political structure. In this context, the international presence played a central role, profoundly influencing the evolution of Kosovo in the following years.

Resolution 1244 remained the main legal reference of the Kosovar issue for almost a decade. All subsequent negotiations on the status of the province were in fact developed within the framework created in June 1999. For this reason, the document represents not only the final act of the Kosovo war, but also the starting point of the long and complex path that would have led to the 2008 declaration of independence. NATO's intervention in Kosovo continues to represent one of the most controversial cases of contemporary international relations. From the beginning, scholars, jurists and political leaders have discussed whether the operation should be considered a violation of international law or a necessary response to a serious humanitarian emergency. This dispute has helped to make Kosovo a central case study in the debate on so-called humanitarian intervention and the relationship between state sovereignty and the protection of human rights.

Supporters of the intervention believe that NATO has acted to prevent further violence against the civilian population and to prevent the repetition of tragedies such as those already occurred in Bosnia in previous years. According to this interpretation, the international community had a moral responsibility to intervene in the face of a situation that threatened the security and fundamental rights of hundreds of thousands of people. From this point of view, Operation Allied Force would be an example of collective action aimed at preventing a humanitarian catastrophe.⁸⁴

Critics of the intervention, on the contrary, underline the lack of clear authorization from the United Nations Security Council and highlight the consequences of the bombings on the civilian population and on the Yugoslav infrastructure. They argue that NATO's action has weakened the principle of state sovereignty and created a problematic precedent for the international system. Some authors also highlight how the intervention failed to completely eliminate ethnic tensions in the region, which continued to manifest themselves even after the end of the war.

Despite these differences in interpretation, there is a broad consensus that the Kosovo conflict marked a pivotal moment in post-Cold War European history. For the first time, NATO intervened militarily against a sovereign state for openly humanitarian reasons, while the United Nations assumed direct responsibility for the administration of a territory through the UNMIK mission. The Kosovo war thus became a political and legal laboratory in which principles were often difficult to reconcile, such as state

⁸³ *Ibidem*, p. 257

⁸⁴ United Nations Security Council. (1999, June 10). *Resolution 1244 (1999)* (S/RES/1244).

sovereignty, the self-determination of peoples, the protection of human rights and international security.

Resolution 1244 formally closed the armed conflict but left open the most important issue: the future status of Kosovo. The ambiguity of the document, necessary to obtain the consent of the Security Council, made it possible to stop the war but postponed the definitive solution to the problem. In the following years, the debate would therefore shift from the military to the political and diplomatic level, giving rise to a long negotiation process that would have progressively led Kosovo towards the 2008 declaration of independence.⁸⁵

3.4 The long path to sovereignty

The conclusion of the war in June 1999 did not resolve the fundamental issue of Kosovo: its political status. Although the conflict ended with the withdrawal of the Yugoslav forces and the entry of KFOR, the future of the province remained uncertain. From that moment on, a long political and institutional process began that would lead, almost nine years later, to the declaration of independence on February 17, 2008.

The starting point of this new phase was United Nations Security Council Resolution 1244. The document established that Kosovo should benefit from a "substantial autonomy and meaningful self-government" while respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (UNSC Resolution 1244, para. 11). This wording contained significant ambiguity. On the one hand, Yugoslav sovereignty was formally confirmed; on the other hand, the creation of autonomous institutions was authorized and the effective administration of the territory was entrusted to the international community.⁸⁶

To implement the resolution, the United Nations Interim Administration Mission in Kosovo (UNMIK) was established. Through UNMIK Regulation No. 1999/1, issued on 25 July 1999, the Special Representative of the Secretary-General assumed "all legislative and executive authority with respect to Kosovo, including the administration of the judiciary". In practice, the United Nations simultaneously exercised legislative, executive and judicial functions, configuring one of the most extensive international administrations ever realized in the post-Cold War period.

According to King and Mason (2006), Kosovo became a sort of international state-building laboratory, in which international organizations, Western governments and local institutions sought to build a functioning state starting from a situation characterized by economic destruction, ethnic tensions and institutional fragility. However, the international presence did not immediately eliminate the problems inherited from the war.

⁸⁵ United Nations Security Council. (1999, June 10). *Resolution 1244 (1999)* (S/RES/1244).

⁸⁶ Lambeth Benjamin S., *NATO's Air War for Kosovo: A Strategic and Operational Assessment*. California: RAND Corporation, 2001, pp. 276-279.

One of the main objectives of UNMIK was to encourage the return of refugees and rebuild public institutions. In the months following the war, hundreds of thousands of Kosovar Albanians returned to their homes. At the same time, however, thousands of Serbs left Kosovo for fear of reprisals. The United Nations High Commissioner for Refugees (UNHCR) pointed out that the problem of minority security represented one of the main challenges of the post-war period.⁸⁷

The difficulty of ensuring a stable coexistence between the different communities also emerged clearly in the periodic reports of the Secretary-General of the United Nations. The 2000 Report of the Secretary-General on UNMIK stressed that the security of Serbian minorities remained a top priority for international administration. The report also highlighted that the return of the displaced was hindered by the climate of mutual distrust that developed during the conflict.⁸⁸

In an effort to gradually build local institutions, in May 2001 UNMIK adopted Regulation No. 2001/9, known as the Constitutional Framework for Provisional Self-Government in Kosovo. The document established a Legislative Assembly of 120 members, a President of Kosovo and a government responsible for numerous administrative powers. However, Chapter 8 of the Framework reserved the control of the main matters relating to security, foreign policy, the protection of minorities and the final interpretation of the rules to the United Nations Special Representative.

As Marc Weller (2009) observes, the system created in 2001 represented a form of limited self-government: Kosovar institutions could administer many internal matters, but key decisions continued to depend on international authority. This situation gradually contributed to frustration within the Albanian leadership, which considered autonomy a temporary transition to independence.

In 2003, the United Nations also introduced the policy known as "Standards before Status". In an official document called Standards for Kosovo, UNMIK established that the future status of the province would only be discussed after the achievement of certain objectives regarding the rule of law, the functioning of democratic institutions, the protection of minorities, freedom of movement and the return of displaced persons. The basic idea was that Kosovo should demonstrate that it has stable institutions before addressing the issue of independence.⁸⁹

This approach, however, generated growing tensions. Many Kosovar leaders believed that achieving the required standards was subject to vague and continuously modifiable criteria. The "Standards before Status" formula was perceived by a significant part of the population as an indefinite postponement of the most important political decision for the future of Kosovo. Despite the institutional progress made in the early years of international administration, at the beginning of 2004 it became increasingly clear that Kosovo continued to be characterized by deep ethnic tensions. The construction of democratic institutions progressed slowly and the question of political status remained

⁸⁷ United Nations Interim Administration Mission in Kosovo. (1999). *UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo*.

⁸⁸ United Nations Interim Administration Mission in Kosovo. (1999). *UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo*.

⁸⁹ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 135-136.

unresolved. In this context, the policy of "Standards before Status" began to show its own limitations. In fact, many Kosovar-Albanian citizens perceived the international presence as incapable of offering a clear perspective on the future of the province.

The situation exploded in March 2004. On March 16, some Kosovar media reported the death of three Albanian children who drowned in the Ibar River near Mitrovica. Although the circumstances of the event had not yet been clarified, the belief that those responsible were members of the Serbian community quickly spread. The news provoked a wave of protests that in a few hours turned into widespread violence in many localities in Kosovo.⁹⁰

Between 17 and 19 March 2004, the province was crossed by the most serious unrest that occurred since the end of the war. The riots caused the death of nineteen people, hundreds of injuries and the destruction of homes, Orthodox churches and property belonging to the Serbian minority. According to the report of the Organization for Security and Cooperation in Europe (OSCE, Human Rights Challenges Following the March Riots, 2004), over four thousand Serbs, Roma and belonging to other minorities were forced to abandon their homes.

The violence highlighted the fragility of the order built by the international administration. Despite the presence of thousands of KFOR soldiers and UNMIK officials, international institutions proved unable to prevent or quickly contain clashes. The United Nations Secretary-General, in the Report on the United Nations Interim Administration Mission in Kosovo of 30 April 2004 (S/2004/348), acknowledged that the events of March had represented "the most serious setback to the peace process in Kosovo since 1999".⁹¹

The 2004 riots had important political consequences. First, they showed that mere international administration was not enough to ensure lasting stabilization. Secondly, they highlighted how the continued postponement of the status issue was fueling growing frustration within Kosovar society. As King and Mason (2006) note, the events of March 2004 marked the failure of the idea that Kosovo could remain indefinitely under international administration without addressing the problem of its political future.

The seriousness of the situation prompted the United Nations to reconsider its strategy. In 2005, the Secretary General instructed the Norwegian diplomat Kai Eide to carry out an overall assessment of the situation in the province. The result was the report entitled *A Comprehensive Review of the Situation in Kosovo* (UN Doc. S/2005/635), presented in October of the same year.

The document represented a fundamental moment in the path towards Kosovar sovereignty. Eide acknowledged that significant progress had been made in the construction of democratic institutions, but also emphasized that maintaining the status quo was becoming increasingly problematic. In one of the most cited passages of the report, the diplomat stated that "the time has come to move to the next phase of the

⁹⁰ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 142-145.

⁹¹ United Nations Interim Administration Mission in Kosovo. (1999). *UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo*.

political process" (S/2005/635, para. 4), arguing that the future of Kosovo could no longer be postponed.⁹²

Particularly important was also the assessment contained in paragraph 62 of the report, where Eide noted that uncertainty about the final status was hindering economic investments, political normalization and institutional consolidation of the province. According to the diplomat, the lack of a clear perspective fueled tensions and prevented the full stabilization of the region.

Accepting the recommendations of the Eide report, the Secretary-General of the United Nations decided to officially start the negotiation process on the final status of Kosovo. The decision marked a fundamental turning point: for the first time since 1999, the international community openly accepted that the central issue was no longer just the administration of the province, but the definition of its future political and legal structure.

In this new context, the former Finnish President Martti Ahtisaari was appointed special envoy of the United Nations, who was entrusted with the task of leading the negotiations between Belgrade and Pristina. It would have been precisely the process initiated by Ahtisaari that led to the most organic proposal ever drawn up to resolve the Kosovo question and, indirectly, to the 2008 declaration of independence. The start of negotiations on the final status of Kosovo was one of the most complex diplomatic initiatives undertaken by the United Nations in the Balkans after the conclusion of the Yugoslav Wars. In November 2005, Secretary-General Kofi Annan appointed Martti Ahtisaari, former President of Finland, as United Nations Special Envoy to lead the negotiation process between Belgrade and Pristina. The objective was to identify a definitive solution compatible with regional stability, the protection of minorities and international law.

The talks formally began in 2006 and took place mainly in Vienna under the supervision of the United Nations. From the early stages, however, the extreme distance between the positions of the parties emerged. The Kosovar-Albanian leadership considered independence the only acceptable solution, arguing that a return to Serbian sovereignty was now impossible after the conflict of 1998-1999. Serbia, on the contrary, reiterated that Kosovo was an integral part of its national territory and proposed a form of broad autonomy, excluding any hypothesis of secession.

The negotiations took place in a context in which the compromise appeared extremely difficult. The two parties did not in fact discuss the degree of autonomy of the province, but two radically different visions of its future: independence on the one hand and maintenance of Serbian sovereignty on the other.

After months of consultation, Ahtisaari drew up an overall proposal destined to become the central document of the entire process. In March 2007, the Comprehensive Proposal for the Kosovo Status Settlement, commonly known as the Ahtisaari Plan, was presented. While avoiding explicitly using the term "independence", the plan outlined

⁹² United Nations Interim Administration Mission in Kosovo. (1999). *UNMIK Regulation No. 1999/1 on the Authority of the Interim Administration in Kosovo*.

an institutional structure that would effectively transform Kosovo into an autonomous state separated from Serbia.⁹³

One of the most significant aspects of the document concerned the multi-ethnic nature of the future Kosovo. Article 1.1 of the proposal established that "Kosovo shall be a multi-ethnic society, governing itself democratically and with full respect for the rule of law". The goal was to prevent the new State from being perceived as an exclusively Albanian project and instead guarantee the protection of the minority communities present in the territory.

Particular attention was paid to the protection of the Serbian minority. Annex III of the Ahtisaari Plan provided for an extensive process of administrative decentralization through the creation of new municipalities with a Serbian majority and the strengthening of the competences of local administrations. In this way, we tried to offer Serbian communities concrete tools to preserve their cultural and political identity within the future of Kosovo.

The plan also contained very detailed provisions on the protection of Orthodox religious heritage. Annex V introduced specific "Protective Zones" around the main monasteries and Serbian Orthodox religious sites, recognizing the historical and cultural value of these places and providing for special security measures. This choice reflected the awareness that the protection of religious heritage represented one of the most sensitive issues in the relations between the two communities.

From an institutional point of view, the Ahtisaari Plan provided for the creation of a democratic constitution, a parliamentary system and an articulated catalogue of fundamental rights. Article 2 of the proposal stated that Kosovo should respect "the highest standards of human rights and fundamental freedoms". In addition, various international human rights instruments would be directly applicable in the future Kosovo legal system.⁹⁴

One of the most innovative elements, however, was the concept of "supervised independence". Unlike full immediate sovereignty, the plan provided for the continued presence of the international community through an International Civilian Representative (ICR) with broad powers of control. According to Annex IX, the international representative would have the authority to annul decisions of the Kosovar institutions and even remove public officials if they were deemed to violate the provisions of the plan.

As Weller points out, Ahtisaari's project represented a compromise between the principle of self-determination of the Kosovar population and the concerns of the international community regarding regional stability. Independence was therefore recognized, but subjected to significant mechanisms of international supervision.

Despite diplomatic efforts, the proposal immediately met with strong opposition from Serbia. Belgrade argued that the plan violated the principle of territorial integrity recognized by the United Nations Charter and by Resolution 1244 itself of 1999. The

⁹³ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 149-153.

⁹⁴ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 156-160.

Serbian government also stated that no solution could be imposed without the consent of the state concerned.

The Russian Federation also openly sided against the project. Moscow announced that it would use its right of veto within the Security Council to prevent the approval of any resolution that paved the way for Kosovo's independence. This position made it impossible to transform the Ahtisaari Plan into a new UN resolution and caused a phase of diplomatic deadlock.

However, the failure of the negotiations did not eliminate the belief, shared by most Western governments, that Kosovo's return to Serbian sovereignty was no longer realistic.

At the end of 2007 many international actors now considered independence not so much one of the possible solutions, as the most likely outcome of the political process that began in 1999.

It was in this context that the Kosovar leadership began to prepare the step that would definitively change the history of the province: the unilateral proclamation of independence. At the end of 2007, the negotiation process promoted by the United Nations had already reached a standstill. Despite more than a year of talks, Serbia and Kosovo continued to hold irreconcilable positions. The so-called "Troika", composed of representatives of the European Union, the United States and the Russian Federation, attempted a final mediation between the parties. In the final report presented to the Secretary-General of the United Nations on December 10, 2007 (UN Doc. S/2007/723)⁹⁵, the mediators recognized, however, that it had not been possible to reach any agreement on the final status of the province. The document concluded that the parties had exhausted all possibilities of compromise without being able to bring their respective positions closer together.

The failure of the Troika confirmed a widespread belief among many Western governments: the institutional framework created by Resolution 1244 could not be maintained indefinitely. International administration was conceived as a temporary solution, but almost nine years after the end of the war, it continued to rule a territory whose status remained undefined. This situation produced political uncertainty, slowed down economic investment and made it difficult to consolidate local institutions.

In this context, the Kosovo leadership decided to proceed unilaterally. On February 17, 2008, the Kosovo Assembly adopted the Declaration of Independence, proclaiming Kosovo "independent and sovereign state". The text of the declaration is a particularly important source because it demonstrates the strong link between independence and the Ahtisaari Plan. From the first lines, in fact, the Kosovar representatives claimed to act "in full accordance with the recommendations of United Nations Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement".⁹⁶ This passage is of fundamental importance. The declaration did not present independence as a break with the international process that began in 1999, but rather

⁹⁵ United Nations Security Council. (2007). *Report of the European Union/United States/Russian Federation Troika on Kosovo* (S/2007/723).

⁹⁶ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 162-167.

as its natural completion. The Kosovar leaders thus sought to strengthen the international legitimacy of the new state, directly linking the proclamation of independence to the recommendations made by the United Nations special envoy.

The declaration also contained a series of political and legal commitments aimed at reassuring the international community. In one of the most significant steps, Kosovo undertook to fully adopt the obligations provided for by the Ahtisaari Plan, including the protection of national minorities, the protection of the Orthodox religious heritage and the maintenance of the international presence in the territory. The signatories declared that Kosovo would be a "democratic, secular and multi-ethnic republic", founded on respect for human rights and the rule of law.

The reference to international conventions on fundamental rights was also of particular importance. The declaration promised compliance with the highest international standards on human rights and the protection of all communities in the territory. This approach clearly reflected the philosophy of the Ahtisaari Plan, according to which the legitimacy of the new state should be based not only on the principle of self-determination, but also on the ability to effectively guarantee the rights of minorities.

International reactions were immediate but profoundly divergent. The United States, the United Kingdom, France, Germany, and most of the member states of the European Union quickly recognized the new state. Many Western governments saw independence as the inevitable conclusion of a process that began with NATO's intervention in 1999 and continued through nearly a decade of international administration.

Instead, Serbia categorically rejected the declaration, calling it a serious violation of its sovereignty and international legal order. Belgrade held that Resolution 1244 continued to recognize Kosovo as an integral part of Serbian territory. In particular, the Serbian authorities referred to the preamble to the same resolution, in which the Security Council reaffirmed 'the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia'.

The question of the compatibility between Kosovo independence and Resolution 1244 quickly became one of the central themes of the international legal debate. According to the author Ker-Lindsay, the problem stemmed precisely from the original ambiguity of the 1999 document. The resolution had been formulated in a sufficiently flexible way to allow the approval of the Security Council, but precisely this ambiguity had allowed radically different interpretations of the future of the province.⁹⁷

In the months following independence, Kosovo began the process of building its own state institutions. On June 15, 2008, the new Constitution of the Republic of Kosovo came into force. Article 1 defined Kosovo as "an independent, sovereign, democratic, unique and indivisible state", while Article 3 stated that the Republic was a "multi-ethnic society". Many constitutional provisions derived directly from the Ahtisaari Plan, in particular those concerning the representation of minorities, administrative decentralization and the protection of fundamental rights.

⁹⁷ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 171-173.

At the same time, the civil mission of the European Union EULEX Kosovo was established, intended to progressively replace some functions previously carried out by UNMIK. Through the Joint Action 2008/124/CFSP of the Council of the European Union, EULEX was given the task of assisting Kosovar institutions in the areas of justice, police and the rule of law. The creation of the mission showed that independent Kosovo continued to depend on a significant international presence.⁹⁸

The proclamation of independence did not put an end to legal and political disputes. In 2008, Serbia asked the United Nations General Assembly to submit the matter to the International Court of Justice. Although the Court's decision would not come until 2010, the initiative showed that the Kosovo question continued to be one of the most complex and controversial cases of contemporary international law.

Almost a decade after the end of the war, Kosovo had therefore made the transition from territory administered by the United Nations to an independent state recognized by a significant part of the international community. This transformation was not the result of a single event, but the outcome of a long process in which international intervention, state-building, diplomatic negotiations and principles of international law were constantly intertwined. Precisely this complexity explains why the case of Kosovo continues to occupy a central position in the academic debate on international relations, on the self-determination of peoples and on the limits of state sovereignty. Kosovo's independence did not automatically resolve all the open issues that emerged during the previous decade. On the contrary, the proclamation of February 17, 2008 inaugurated a new phase characterized by diplomatic disputes, legal disputes and different interpretations of international law. The main problem concerned the legitimacy of secession and the relationship between the principle of self-determination of peoples and that of the territorial integrity of States.

For Serbia, Kosovo continued to represent a province belonging to its sovereign territory. This position was founded not only in the Serbian Constitution, but also in the interpretation of Security Council Resolution 1244. Belgrade claimed that the 1999 document had explicitly confirmed Yugoslav sovereignty over Kosovo and that no subsequent UN act had changed this principle.⁹⁹

A different position was instead supported by most of the states that recognized Kosovar independence. According to this interpretation, the long period of international administration, the inability to reintegrate Kosovo into Serbia and the failure of the negotiations on final status had created an exceptional situation that justified an equally exceptional solution.

Many Western governments regarded Kosovo not as a general precedent applicable to other contexts, but as a single case resulting from the particular circumstances of the Yugoslav dissolution and international intervention in 1999.

In an attempt to obtain international confirmation of its position, Serbia promoted a resolution at the United Nations General Assembly. On 8 October 2008, the Assembly

⁹⁸ Council of the European Union. (2008). *Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo*.

⁹⁹ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 186-189.

adopted Resolution 63/3, through which it asked the International Court of Justice for an advisory opinion on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?". The wording of the question showed that the debate had now shifted from the political to the strictly legal terrain.¹⁰⁰

The importance of the procedure before the International Court of Justice went far beyond the Kosovo case. In fact, many states feared that a pro-independence pronouncement could be used as a precedent by other separatist movements around the world. Other governments, on the other hand, considered that Kosovo represented an exceptional situation and not comparable to other cases of secession.

In the meantime, Kosovo continued its path of institutional consolidation. The entry into force of the Constitution in June 2008 and the start of EULEX's activities represented two fundamental steps in the state-building process. However, the simultaneous presence of Kosovo institutions, international missions and parallel administrative structures supported by Serbia in some areas of the north of the country showed that full sovereignty still remained incomplete.

Kosovo found itself in a peculiar situation: it was independent for a significant part of the international community, but not for all states. This condition of partial recognition would continue to influence his political, economic and diplomatic development in the following years.¹⁰¹

The period between 1999 and 2008 can therefore be interpreted as a long transition from territory administered by the United Nations to an independent state. Resolution 1244, UNMIK, the 2001 Constitutional Framework, the Policy of Standards before Status, the Eide Report, the Ahtisaari Plan and the Declaration of Independence are the main stages of a process in which the international community played a decisive role. More than any other contemporary European case, Kosovo demonstrates how the construction of state sovereignty can develop through a complex interweaving of international intervention, diplomatic negotiation and institutional transformation.

¹⁰⁰ Council of the European Union. (2008). *Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo*.

¹⁰¹ Ker-Lindsay James, *Kosovo: The Path to Contested Statehood in the Balkans*. Londra: I.B. Tauris, 2009, pp. 193-198.

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