

THE INFLUENCE AND ROLE OF NATO IN THE CREATION OF THE STATE OF KOSOVO

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Abstract

This paper aims to examine the role and the contribution made by international organizations with significant influence such as the UN, the EU, and NATO, in creating the state of Kosovo with special emphasis on NATO- s. NATO directly opened the way for Kosovo to freedom and enabled the creation of the state thus fulfilling the aspirations of the innocent Albanian people who unfortunately for years were mistreated and barbarically violated by the Serbian aggressor. This Alliance as a guarantor of peace and security doesn't have an impact only before the bombings, which took place ten weeks in Kosovo, but it had an extraordinary effect even after the end of the bombings in Kosovo, including the return of refugees, the process of state-building of the state of Kosovo and the democratization of the country. NATO as an alliance once again proved its importance and it had a great impact on the liberation of a country where human rights were violated, and massacres, thefts, and rapes were carried out by the Serbian aggressor. Kosovo Albanians suffered for more than a decade from the abuses, discriminations, and degradation caused by Milosevic and Serbia. Albanians have experienced genocide and unprecedented violence which for years has been kept as a hidden issue and has been proclaimed before the international community as an internal issue. The Kosovar people have continuously shown positive will and energy to avoid obstacles, not being scared by the constant threats from the Serbian aggressor while building a railway for a safe future as a complete state.

Keywords: the state, international organizations, the state of Kosovo, and NATO.

1. Introduction

The state is an inseparable part of human life that includes more than just governance and power. The state is an institution created by the group to protect its interests, and interests within the state and in interstate relations, and it must have the following elements: a permanent population, territory, and legitimate power. Also, the concept of the state takes on different meanings depending on the perspectives and aspects that are treated and the notion of the state is used in many forms.

The Balkans in general and the Western Balkans, in particular, has been the arena of matches and conflicts from time to time. Places where world wars have started and regional and ethnic conflicts have erupted. The failure to find lasting solutions, mainly for the conflict in Bosnia and Herzegovina and Kosovo on the one hand, as well as the delayed justice for bringing to international criminal responsibility, the persons responsible for what happened in the former Yugoslavia, has harmed the direction of peace and stability of the region. What makes peace and stability in Western Balkans even more difficult is the fact that the nationalist spirit, which was at the root of the conflict in the former Yugoslavia, and even constituted the ideological basis of this conflict, continues today to produce negative effects, becoming a serious obstacle to any

initiative that contributes to stability.

The birth of the state is a factual situation, which is outside the scope of legal norms of international law. However, international law defines some conditions that must be met in order to present a state, and they are the permanent population, the territory where this population lives, and the legitimate government, which represents the population. This is confirmed by the Montevideo Conference (1933) bound between the American states in Article I, which presents these elements: population, territory, and legitimate power as a condition for the birth of the state. While the Badinter Commission for the former Yugoslavia in opinion no. 1 says: "The existence or disappearance of states is a factual situation, while recognition by other states is merely declarative."

Recognition is a declarative act by which a state declares that the new state has all the elements provided by its acts and the international right to be a state. The youngest country in the world, the Republic of Kosovo, has been recognized by 117 countries so far, which declares that the Republic of Kosovo completes all the basic criteria to be a country. The recognition of new countries is an individual and free act of states, which decide to make each state for itself or as a group of states, taking into account their state interests. Public international law recognizes several types of recognition, the most important of which are: de jure and de facto recognition, explicit or tacit recognition, and recognition can be individual or collective.

2. Kosovo and the dissolution of SFRY

In the disintegration of the former Yugoslavia, we find precisely the impact of the lack of such a normative framework for dealing with the issue of self-determination, manifested in the policies and contradictory positions of international diplomacy towards this conflict. These policies and solutions offered up to the moment of the declaration of Kosovo's independence, motivated by the need to preserve sovereignty and international order, had a contradictory impact on the parties to the conflict, and consequently on the development of the conflict. International diplomacy in general and the European Union in particular, which took the main role in solving the normative aspect of the dissolution of Yugoslavia, failed to solve many issues, which then added to the causes of conflicts in Bosnia, Kosovo, and Macedonia.¹

2.1 Dissolution of the SFRY: One of the most problematic challenges was the conception of the starting point for completing the mosaic, which encompasses an entire human, humanitarian, national, and international history, in a word, the entire process of the evolution of diplomacy and international relations around the issue of Kosovo, during the period 1990-2010, but which includes a long geostrategic, political and diplomatic period.² From the beginning of the dissolution of the Federation, the State of Kosovo was looking for solutions through peaceful means.

The recent Balkan wars prove the fact that the history of the Albanians shows that they are perhaps the only people in the Balkans who are not recognized as conquerors, it is not written anywhere that they have bloodied their neighbors. They have never suffered from the hegemonic feeling, they have not drawn up special strategies or programs for the occupation of foreign lands. Historically, Albanians have been conquered. Perhaps this was the reason that NATO was with the Albanians so that the tragedy of Bosnia would not be repeated.³

¹Enika Abazi, Tiranë, 2015, Çështja e Kosovës dhe Diplomacia Ndërkombëtare (1991-1999): Një konflikt i parashikueshëm, page 191

²Gazmir Gashi, 2020, Roli i faktorit ndërkombëtar në krizën jugosllave 1991-1998, page 5

³Arben Kondi, Tiranë, 2003, Barbarët, page 36

Before the start of the war, three main moments point out the consequences of the intervention of international diplomacy in the case of Kosovo: 1) The Conference on Yugoslavia and the Badinter Commission which negotiated the dissolution of Yugoslavia; 2) The Dayton Agreement that ended the Bosnian war; 3) Talks in Rambouillet [Rambuje] between Serbs and Kosovo Albanians with the mediation of international diplomacy to find a solution for the status of Kosovo.⁴

The Kosovo War was an armed conflict that began in February 1998 from Serbian aggression. The Serbian invaders started the offensive in Drenica against the unarmed and unprotected population under the pretext that the Albanians do not recognize the Serbian state and that the operations were allegedly directed against "Albanian terrorist gangs". When the Albanian people began to protect their hearths and when the Kosovo Liberation Army appeared on the scene with weapons in hand as a defender of the people and their centuries-old lands, then the international organizations were "sensitized" and it was seen that the issue of Kosovo is not an issue the interior of Serbia, but a matter of life or death of an ancient autochthonous people of Europe. Murders were a common occurrence, they were part of operations, in which soldiers, police, and paramilitary participated, and which aimed to terrorize the population to force them to leave Kosovo. Deliberate and unmotivated massacres of civilians - extrajudicial executions - constituted a key element of the "ethnic cleansing" campaign. Throughout the province, civilians who were not warriors including women and children, were killed by Serbian police, Yugoslav Army soldiers, and paramilitary forces in the style of arbitrary executions. Municipalities known to have strong ties to the KLA faced more serious consequences, partly because the attacks against them had already started in 1998. Police, soldiers, and especially members of the paramilitary units threatened various individuals with death if they did not agree to give money, usually brands German⁵.

Milosevic's intransigence set many wheels in motion in NATO. Western countries, and even the US, realized that a NATO force on the ground is essential to prevent a renewed outbreak of fighting in Kosovo. They were also aware that the approval of the Serbs is needed to deploy such a force. The diplomats again adopted the carrot-and-stick approach, warning them that if they don't negotiate and accept the proposed agreement they would be hit by the NATO Air Force.⁶ The war flared up with such momentum that it surprised and shocked the whole world. The military and paramilitary forces of the FRY launched a vicious campaign against the Albanian population of Kosovo. During the conflict, the government of FRY defended the position that it was taking military action against the KLA, and put all the blame for human rights violations, and in particular those for the violent displacement of Kosovo Albanians, on NATO and the KLA. The leaders of the FRY probably thought that the influx of refugees that would be caused in this way would create a political crisis in the neighboring countries, or that the European governments would lose their nerve with the hundreds of thousands of new refugees who would knock on their doors. They probably even thought that they could create a *fait accompli* - based on which in the subsequent negotiations with some agreement it would be possible for a part of the Kosovar Albanians to remain outside of Kosovo. But whatever calculations they made, they were extremely wrong calculations. The Yugoslav government, isolated from the International Community, was wrong in anticipating the international reaction to this massive and violent

⁴Enika Abazi, Tiranë, 2015, Çështja e Kosovës dhe Diplomacia Ndërkombëtare (1991-1999): Një konflikt parashikueshëm page. 188

⁵Nën pushtetin e urdhërave, HUMAN RIGHTS WATCH, 10, 2002, page 7-9

⁶Wesley Clark, Prishtinë, 2022, Të bësh luftë moderne Bosnja, Kosova dhe e ardhmja e luftimeve, page 199

displacement of the population; she did not realize that in this way she was recalling the darkest days of European history.

These actions offered NATO the strongest argument to continue the war with even more determination and enabled all the governments of the Alliance to commit even more to force the government of FRY to surrender. NATO's purpose, too, suited the newly created situation: the promise it made, and which was repeated many times to the refugees, was "we will return them." And this was a promising series of concrete political research, which NATO would never break. The refugee drama had the strongest impact on public opinion and not only in Europe. Without these actions, there would be no hope that the NATO campaign would continue, even for 78 days, as it did. At the same time, NATO member countries also made a serious mistake when they did not foresee that the bombings could cause brutal attacks on the Albanian population. The horror and destruction experienced by the Kosovo Albanian population between March and June 1999 have been documented in detail by numerous organizations⁷.

It is rightly said about the figure of Adem Jashari that he did not read the UN Charter, which talks about the natural right of individual and collective self-defense, he did not complete a military academy, but he took the weapon to protect the rights of his people. He and his friends started to do the impossible and they really did - they changed the history of Kosovo.⁸

3. The role of NATO in the Independence of Kosovo

NATO is an intergovernmental organization of sovereign states. It offers guarantees and security to all members regardless of the ability and capacity of each one, manages and resolves crises, promotes dialogue with countries outside it, and includes measures in the field of disarmament and the arms control regime. Special duties in the field of NATO security are included in the Treaty:

1. Security.
2. Consultations (Article 4)
3. Protection (Article 5-6)
4. Choice of crises (Article 7)
5. Partnership.⁹

NATO member states have expressed their faith in the goals and principles of the UN Charter, have reiterated their desire to live in peace with all peoples and governments, and have expressed their desire to preserve the freedom of peoples, their common life and civilization, based on the principles of democracy, individual freedom and the rule of law¹⁰.

Today, NATO has become an 'engine of consensus'. Although it has gone through a series of crises during its existence. This organization has been designed and evolved to harmonize the various options into a functioning and unified whole. Economy, language, culture, and politics occasionally bring divisions but in terms of issues The Atlantic military alliance has proven to be a lasting force of teamwork.¹¹

NATO bombing was a unilateral decision and Independent International Commission for Kosovo IICK- tasked with an investigation in the aftermath of NATO's bombing campaign came up with a report which concluded that "NATO military intervention was illegal but legitimate".

⁷Raporti Kosovar -Konflikti reagimi ndërkombëtar, leksionet e mësuara, komisioni i pavarur ndërkombëtar për Kosovën, 06.2005, Instituti kosovar për kërkime dhe zhvillime të politikave, http://www.kipred.org/repository/docs/RAPORTI_KOSOVAR_466917.pdf, visited 11.01.2023

⁸Kudusi Lama,Tetovë, 2022, Rexhep Qosja, Filozof, Ideolog dhe politikan i Çështjes Kombëtare, pg.403

⁹Drita M. Fazlia, Tetovë, 2023, Organizatandërkombëtare, pg 232

¹⁰ZejnullahGruda, Prishtinë, 2003,E drejta Ndërkombëtare Publike, pg 350

¹¹Wesley Clark, Prishtinë, 2022, Të bësh luftë moderne Bosnja, Kosova dhe e ardhmja e luftimeve, pg41

It is often said that the North Atlantic Treaty Organization was founded in response to the threat posed by the Soviet Union. This is only partially true. In fact, the Alliance's creation was part of a broader effort to serve three purposes: deterring Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent, and encouraging European political integration. By the end of 1998, over 300 000 Kosovar Albanians had fled their homes during the conflict between Albanians in Kosovo and the Serbian military and police. Following the failure of intense international efforts to resolve the crisis, the Alliance conducted air strikes for 78 days and flew 38 000 sorties with the goal of allowing a multinational peacekeeping force to enter Kosovo and cease ethnic cleansing in the region. On 4 June 1999, NATO suspended its air campaign after confirming that a withdrawal of the Serbian army from Kosovo had begun, and the deployment of the NATO-led Kosovo Force (KFOR) followed shortly thereafter. Today, KFOR troops are still deployed in Kosovo to help maintain a safe and secure environment and freedom of movement for all citizens, irrespective of their ethnic origin.

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- NATO has been leading a peace-support operation in Kosovo – the Kosovo Force (KFOR) – since June 1999.
- KFOR was established when NATO's 78-day air campaign against Milosevic's regime, aimed at putting an end to violence in Kosovo, was over.
- The operation derives its mandate from United Nations Security Council Resolution 1244 (1999) and the Military-Technical Agreement between NATO, the Federal Republic of Yugoslavia, and Serbia.
- KFOR's original objectives were to deter renewed hostilities, establish a secure environment and ensure public safety and order, demilitarise the Kosovo Liberation Army, support the international humanitarian effort, and coordinate with the international civil presence.
- Today, KFOR continues to contribute towards maintaining a safe and secure environment in Kosovo and freedom of movement for all.
- With the coronavirus outbreak, KFOR has been fully implementing the preventive measures recommended by the World Health Organization for the protection of military personnel and providing assistance to the institutions in Kosovo and to EULEX.
- NATO strongly supports the Belgrade-Pristina EU-brokered Normalisation Agreement (2013).¹²

NATO agreed on its objectives during the campaign, such as stopping the violence in Kosovo, withdrawing the Serbian army, police, and paramilitaries from Kosovo, stationing an international military force, ensuring the safe return of Kosovo Albanians home, working on the direction of a political agreement, based on the talks outside Paris.¹³ NATO continues to offer strong political support to the Belgrade-Pristina Agreement, and KFOR stands ready to support its implementation – by ensuring a climate of peace and security – within its current mandate.¹⁴

¹²NATO-History, https://www.nato.int/cps/en/natohq/declassified_139339.htm, visited 15.03.2023.

¹³Wesley Clark, Prishtinë, 2022, Të bësh luftë moderne Bosnja, Kosova dhe e ardhmja e luftimeve, page 314

¹⁴NATO-Topic:Operations and missions:past and present , <https://www.nato.int/cps/en/natohq/topics>, visited 15.03.2023

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NATO's aerial bombing campaign lasted from March 22 to June 11, 1999, involving some 1,000 aircraft operating mainly from bases in Italy and from naval warships and aircraft carriers stationed in the Adriatic Sea. All NATO members have been involved to some extent in this NATO intervention, including Greece, despite its public opposition to these attacks. The NATO campaign was originally designed to destroy Yugoslav air defenses and major military facilities. At the same time, Finnish and Russian negotiators continued to try to persuade Milosevic to withdraw. Faced with an unfavorable situation, Milosevic had no choice but to accept the terms offered by a Finnish-Russian mediation team and agreed on a military presence in Kosovo led by the UN, including NATO troops. The agreement was reached with the Kumanova agreement on June 9, 1999, or as it is also called the Technical-Military Agreement, which among other things, provided for the cessation of hostilities between NATO to protect the border of Kosovo, the acceptance of the agreement and its approval in the Yugoslav parliament, the demilitarization of the KLA, etc. Even after the demilitarization of the KLA in Kosovo, NATO was the guarantee for security, but it is also a guide in the process of creating the modern army of Kosovo.¹⁶

NATO contributes to peace and security on the international stage. It promotes democratic values and is committed to the peaceful resolution of disputes. When diplomatic efforts fail, however, NATO has the capacity to undertake crisis management operations and other military missions, either alone or in cooperation with other countries and international organizations. NATO's presence in Kosovo remains crucial for the stability of the Western Balkans region. Since 1999, the NATO-led Kosovo Force has continued its work to help maintain a safe and secure environment and freedom of movement for all communities in Kosovo. The mandate for NATO's role in Kosovo stems from United Nations Security Council Resolution 1244, adopted in 1999. In 2022, NATO continued to support the development of a stable, democratic, multi-ethnic, and peaceful Kosovo, in close cooperation with the United Nations, the European Union, and other international actors. This year, 28 NATO Allies and partners contribute to making partners more capable, more secure, and better prepared to respond to crises at home and abroad. The Alliance has decades' worth of accomplishments in building defense institutions and capacity with partners in NATO's neighborhood and beyond. NATO also has unique capabilities and expertise in crisis management, including coordinating, conducting, sustaining, and supporting multinational crisis response operations.¹⁷

Albanians are always grateful to the member countries of NATO for this historic commitment and are obliged to NATO for the major contribution to the freedom-loving and state-building path of Kosovo. Therefore, NATO is part of the modern history of Albanians. But this gratitude and love for NATO must be cultivated more carefully and with more passion in the sense of continuity even further, without allowing a decline. NATO's intervention in Kosovo in 1999 has been a beacon and at the same time a driver of the process of integration of the countries of the region into NATO, influencing the countries of the Balkan region to be convinced in practice that NATO represents a guarantor of security and that therefore it is very valuable for these countries orientation and reforms for membership in NATO. Everything in terms of the

¹⁵ NATO-History, https://www.nato.int/cps/en/natohq/declassified_139339.htm, visited 15.03.2023

¹⁶ Edona Bislimi, 2010, Luftadhe Inter luftadhe Intervenimii NATO-s në Kosovë, page 26-28

¹⁷ The Secretary General's Annual Report 2022, https://www.nato.int/nato_static_fl2014/assets/pdf/2023/3/pdf/sgar22-en.pdf#page=152, visited 10.07.2023

integration of the Balkan countries into NATO essentially started with NATO's intervention in Kosovo in 1999.¹⁸ In 1999, all the attention of international opinion was focused on Kosovo. During this period, Kosovo is placed under the authority of UNMIK, a period of transition, where the first temporary institutions of self-government are built, the implementation of the decentralization process begins, UNMIK is reconfigured and EULEX is established.

4. Conclusions

The history of the Albanian people is written in blood, the Kosovar people have gone through a lot of turbulence, and for the sake of the many sufferings, they deserve a safe future which it seems, will not be an easy road. Kosovo's independence is considered an international success story. What must be done is to don't repeat the mistakes of the past, and to protect the vision of the future to be part of the European Union as an independent state. The Western Balkans is faced today with a process of challenges dictated by history, bilateral and regional problems, the presence of third actors, etc. Only an inherent process of Euro-Atlantic integration of the countries of the Western Balkans is the only reliable alternative, which guarantees peace and stability in the region.

The rule of law and sustainable economic development is essential for Kosovo's citizenship. Serbia must resolve the dispute with Kosovo, as keeping an open dispute over Kosovo's citizenship makes it impossible to create a functioning democratic state with a defined territory, which is a prerequisite for EU membership. On December 15, 2022, Kosovo officially submitted its application for EU membership, and we all know that it is a complex process and takes years, especially if the five (5) non-recognizing states do not change their position, but perhaps the last meeting may change the views of non-recognizing states.

We are all witnesses to the numerous efforts being made by the Serbian side with the sole purpose of destabilizing and destroying the cooperation between the two states at any cost. But the decisive fact remains that inter-ethnic, inter-state relations are stabilized through international factors to create space for the influence of state policies to achieve their goals, for the effects of international stabilization.

Compromise is always required from Kosovo, even though this country has experienced war, ethnic cleansing, mass graves, and rapes, in a word, it has been a constant victim of consumption, treated every time as a second-rate race. Albanians are a nation with a percentage of 92% Albanians, while ironically, the remaining percentage has been subjected to violence by the Serbian apparatus.

Only genuine cooperation between states, without ethnic and religious differences, respect for human rights, tolerance, and economic reinforcement by third parties through experts will be able to bring the result. This will enable the EU and international organizations to continue expanding policies, especially for us as the Western Balkans.

¹⁸Veton Latifi, 24.03.2022, Intervenimii NATO-s nëluftën e Kosovës dheshëniimiinjëkaptinetë re tësigurisëndërkombëtarepërBallkanin, visited 30.01.2023, <https://www.nacionale.com/Lajmet/Ngjarja/Intervenimi-i-NATOs-ne-luften-e-Kosoves--dhe-shenimi-i-nje-kaptine-te-re-te-sigurise-nderkombetare-per-Ballkanin-875>

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