

USA and Kosovo: From human rights to independence

*Samet Dalipi**

Introduction

American intellectual opinion on Kosovo continues to draw significant attention from citizens and policymakers of Kosovo. This opinion continues to serve as a very important indicator for future developments. The Kosovo public's attention to the American reflections on Kosovo is a result of American pragmatism in the affirmation of freedom-loving values and promotion of democracy in the world.

The bloody destruction of the former Yugoslavia produced increased attention on the part of the international community, especially the United States, on the need to prevent another human tragedy that would burden the consciousness of policy makers of the time.

For ten years, Albanians peacefully resisted Serbian expansionist nationalism, but their voice, despite sympathies, did not suffice to attract the requisite international attention without having to enter the cycle of ethnic violence.

It appeared that a part of the international community had illusions about the longevity of the former federation, in the same way it considered finding a solution to the Kosovo issue within the Serbia-Montenegro remnant, or later, within Serbia. Nations of the former Yugoslav Federation paid their independence price with the loss of hundreds of thousands of lives as a consequence of a leadership guided by fabricated medieval myths and superstitions after which the ideology of Greater Serbia was modeled and on whose vanguard stood the Serbian Academy of Sciences and Arts.

In this paper, we will present the United States' official political and academic opinion on American policies on Kosovo before, during, and after the war. We will note a substantial evolution of attitude towards the resolution of the Kosovo issue.

Keywords: peace building, humanitarian intervention, multiculturalism, and humanitarian intervention.

* Dr. Samet Dalipi, AAB **University, Pristina, E-mail:** samet.dalipi@gmail.com

American interest for Kosovo

America's serious commitment to the Balkans was Wilson's legacy¹ set in the "14 points" of January 6, 1918, in which he argued against the U.S.' isolationism in the First World War by citing moral reasons and the need to protect the peace in Europe and progressive values. Wilson supported an open diplomacy, the right of self-determination², and the creation of the League of Nations, collective security that was not based on the balance of power.

After the Second World War, the U.S.' influence was crucial in efforts to promote the values of democracy against monist dictatorial ideologies. The fall of the iron curtain and communist dictatorships in Eastern Europe and the establishment of democracy was the ultimate result of the investment of Western democracies, but also unleashed nationalism suppressed by monist systems, which led to explosions of conflicts that resulted in genocidal acts and human and economic destruction. In this situation, all administrations in Washington over the last two decades have been determined to stop human suffering caused by wars and to share the burden with the European community in reconstructing and establishing peace in the region. Furthermore, the U.S. has been caught in a "war" between the inviolability of state borders (principle recognized by the UN Charter and the Helsinki Act) and the ideal of self-determination that "has been widely interpreted as the right of minorities to self-determination even for state-building".³ U.S. interest in the Balkans after the Second World War followed the cold war dynamics.

¹ Lisen Bashkurti, *Negotiations, history, theory, practice*, Tirana, Geer, 2007, p. 91.

² „We believe these fundamental things: first, that every nation has the right to choose the sovereignty within which they lived...” Woodrow Wilson: "Address delivered at the First Annual Assemblage of the League to Enforce Peace: "American Principles", May 27, 1916. Online by Gerhard Peters and John T. Woolley, The American Presidency Project. <http://www.presidency.ucsb.edu/ws/?pid=65391>. access, 3 February 2012.

³ Luic Poulain and Ilona Teleki, *U.S. Policy Toward the Western Balkans*. P.26. at ed. Janusz Bugajski, *Western Balkans Policy Review 2010*. Center for Strategic & International Studies, 2010.

As interest for Yugoslavia grew due to Tito's hostile policy toward Stalin and its neutral attitude towards policy blocks, Albania's policies aggravated relations between the two countries to the extent that the U.S. withdrew its diplomatic mission from Tirana (1946) and advocated against Albania's admission in the UN. Since Yugoslavia was considered a buffer zone between West and East, American policy did not easily accept its disintegration, although things were going in that direction. "The EU was confronted with a series of violent conflicts in what was then already commonly perceived as its "backyard", and it had little capacities to respond to the crisis. Both the wars in Bosnia and Herzegovina and in Kosovo were ended after international interventions by NATO, which were led by the United States"⁴.

The Operation Allied Force against the former FRY would not have happened without the U.S.' leading role, but it also signaled that most of European allies were willing to use their armies on the continent to prevent "humanitarian catastrophes" such as ethnic cleansing in their backyard⁵. Before the war, the U.S. was focused on respect for human rights in Kosovo and a status within the former Yugoslavia⁵. Despite this they had a leading role in the engagement of the International Contact Group in dealing with the Kosovo crisis. The Group adhered to U.S. official positions on Kosovo's status⁶.

In March 1998, the U.S. Senate passed a resolution to freeze state assets of Serbia-Montenegro. A group of 36 congressmen sent a letter to President Clinton, asking him to prepare NATO for a military

⁴ Abraham M. Verheij, *European Union peacebuilding in Kosovo, An analysis of dealing with peacebuilding paradoxes and engagement with civil society*, 30 October 2010, Thesis for the Masters Programme "Conflicts, Territories and Identities", p. 3. Radboud University Nijmegen, 2010.

⁵ Steven Woehrel, *CRS Report for Congress Kosovo and U.S. Policy*, June 16, 1998, p. 4, Robert Gelbard, head of mission of U.S. in former Yugoslavia, on May 6, 1998, said that the United States favors an "advantaged status" within FRY, which includes "meaningfull self-administration".

⁶ *Ibid.* p. 4.

intervention in Kosovo⁷. The UN Security Council Resolution 1199 of 23 September 1998, and lack of progress on the issues it contained led U.S. authorities to affirm a position that it offered sufficient legal basis for a NATO military air intervention in resolving the Kosovo issue,⁸ and NATO issued in October an "activation order," authorizing air strikes. Milosevic's maneuvering that consisted in complying with the requirements of resolutions, accepting the Kosovo Verification Mission and withdrawing a number of police and army personnel from Kosovo resulted only in the suspension of the "order." Milosevic did not honor this agreement, and, on the contrary, he beefed up the number of soldiers for a wider operation.

The UN Security Council Resolution 1160 on the imposition of an arms embargo, Resolution 1199 that noted a serious threat to peace in the region, and Resolution 1203 on the establishment of the Kosovo Verification Mission proved useless in foiling Serbia's plans over Kosovo. A military intervention by Allied Forces was needed to stop Serbian violence. NATO's decisive intervention created a climate for the adoption of the next resolution, 1244, which despite its flaws, created an environment for peace and did not close the doors to the march towards independence. Discussions about the legitimacy of intervention in a sovereign and non-NATO states had begun as early as the stage of preparations for intervention and continue even now, dependent on various international law perspectives. But the opposing voices abated overtime because this was a legitimate act in defense of a people from ethnic cleansing. These voices come from

⁷ Morton I. Abramowitz, Elliott Abrams, Richard L. Armitage, Nina Bang-Jensen, Jeffrey Bergner, George Biddle, John R. Bolton, Frank Carlucci, Eliot Cohen, Seth Cropsey, Dennis DeConcini, Paula Dobriansky, Morton H. Halperin, John Heffernan, James R. Hooper, Bruce P. Jackson, Robert Kagan, Zalmay Khalilzad, Lane Kirkland, Jeane Kirkpatrick, Peter Kovler, William Kristol, Mark P. Lagon, Richard Perle, Peter Rodman, Gary Schmitt, Stephen Solarz, Helmut Sonnenfeldt, William Howard Taft IV, Ed Turner, Wayne Owens, Paul Wolfowitz, Dov S. Zakheim. At <http://www.newamericancentury.org/kosovomilosevicsep98.htm>, access, 14 tetor 2012.

⁸ *Ibid.* p. 3.

countries that have problems with democracy and human rights violations.

U.S. senators and congressmen of both parties ⁹, the Albanian lobby in the U.S., the National Albanian American Council, the LDK branch in the U.S. and many societies supportive of Kosovo's independence were instrumental in raising the awareness about Kosovo's issue during the '80s and '90s. Friendships with U.S. policymakers, Kosovo political class' clear position on permanent friendship with the U.S. and America's vision of spreading freedom and democracy throughout the world made possible the laying of seeds of democracy in this part of Europe.

U.S. and Kosovo, after the war

After being placed under international administration, Kosovo was supported in all aspects, primarily by western democracies. After that began a phase of reduced American engagement while priority was given to European allies in dealing with the issue of Kosovo, but without signs of unilateral withdrawal, because as President Bush stated during his visit to American KFOR soldiers in Bondsteel, Kosovo, on 24 July 2001, "we came together in eastern Europe and will go together ... when peace in Kosovo will become self-sustaining"¹⁰.

They have interests regarding the future status of Kosovo, including the provision of protection and justice for Albanian and Serb populations of Kosovo, encouraging the establishment of a new democratic government in Serbia, improving safety and preventing unrest in neighboring countries, maintaining NATO's credibility and

⁹ Dole, Lantosh, Engel, Dioguardi, Biden, Lieberman, McConell, McCain, Lugar, Hutchinson, Presler...

¹⁰ President Bush in a long visit to Europe will use the phrase quoted. see: Valdet Beqiraj, *Bush speech to troops in Camp Bondsteel Kosovo*, <http://kosova.org/post/Bush-speech-to-troops-in-Camp-Bondsteel-Kosovo.aspx>, access 19 October 2012. Office of the Press Secretary, June 14, 2001, Press Conference by President Bush, Prime Minister Goran Persson of Sweden. <http://georgewbush-whitehouse.archives.gov/news/releases/2001/06/20010614-1.html>, access 19 october 2012.

cohesion, preventing harmful precedents and unintended consequences, holding Western relations with Russia in constructive way and limiting the size and duration of the U.S. commitment to the implementation of a solution¹¹.

In the dynamics of global constellations and fluidity of events which appear as challenges in international relations, the U.S. and world democracies were interested to "get the job done" in the Balkans and anchor Europe in calm political waters. And the beginning of peace-building efforts did not imply support for independence until conditions for dealing with the political status were created.

Speaking before the Council on Foreign Relations, Madeleine Albright stated that NATO's confrontation with Belgrade for Kosovo has concluded in conformity with the conditions set by the Alliance. "Now, there are some who see an insurmountable obstacle in the desire of many Kosovars for immediate independence -- a position that neither NATO nor governments in the region support."¹², speaks about the current position which can evolve in the future with regard to Kosovo's independence. At this time, many politicians and statesmen circulated an idea that Kosovo would be able to return to the previous state given that Serbia was heading towards democratization. Asked about this in an interview, Rugova said, "Kosovo will never be part of Serbia, even if Milosevic falls."¹³

In pursuit of peace, at the request of then Swedish Prime Minister, Göran Persson, the Independent International Commission on Kosovo was established in 1999 to provide an objective analysis of the past and current situation and Kosovo's prospects for its political status. The Commission produced two documents in which it preferred as the best option that of conditional Independence.

¹¹ Francis T. Miko, *CRS Report for Congress, Kosovo's Future Status: Alternative Models*, May 26, 1999, p. 2-4.

¹² Center on Foreign Affairs, Prepared Remarks by Secretary of State Madeleine Albright, June 28, 1999
<http://www.cfr.org/nato/prepared-remarks-secretary-state-madeleine-k-albright/p3189>, access 2 October 2012.

¹³ Associated Press, "Rugova Says Kosovo Will Never Be a Part of Serbia, Even if Milosevic Ousted", 7 August 1999.

A second document¹⁴ came after the stalemate in transferring powers to locals and as a subsequent result came the proposal "Standards before Status" by Administrator Michael Steiner.

The launching of the "Standards before Status" policy by UNMIK in 2002 was an attempt to increase awareness in Kosovo and that without success achieved in certain areas there would be no progress in determining the status of Kosovo, which was a balancing act between Kosovo's demands for accelerating the transfer of powers and moving towards final status and Serbia's demands not to do so. The Bush administration strongly supported this policy and in 2003 it requested this be given greater importance and set 2005 as the deadline for assessing the results of this Strategy. If Kosovo met the standards, the international community should be prepared to launch the process of determining the future status of Kosovo, adding that all options were on the table. Aforementioned dissatisfactions as well as tendencies of political groups trends to present the work of institutions such as fruitless also resulted in the events of March 2004 which the U.S. administration condemned and demanded the return of peace.

Noticing that the developments in Kosovo, particularly the reluctance to transfer powers to locals, the inability to build a unified system of governance in Kosovo, and that delay of the final status determination is fruitless and untenable policy, U.S. policy initiatives are again those that began to push the process forward. The Quint Group, (U.S., UK, France, Germany, Italy), after "cooling" from the 1999 intervention, in the interest of arriving easier to solution of the Kosovo problem was interested to cooperate with Russia through the Contact Group which in 2005 set Kosovo's final status parameters: Kosovo will not return to pre-1999 situation, will not be partitioned,

¹⁴ Members of commission were: Richard Goldstone, president, Afrika e Jugut, Carl Tham, deputy, Sweden, members: Gráce d'Almeida, Hanan Ashrawi, Akiko Domoto, Richard Falk, Oleg Grinevsky Michael Ignatieff, Mary Kaldor, Martha Minow, Jacques Rupnik, Theo Sommer, Jan Urban and support staff. See at: http://www.kulturserver-hamburg.de/home/illyria/kosovocommission.org_report_english_2001.pdf , access 12 October 2012.

will not create any union with another state¹⁵, proposals that had been made by the International Crisis Group, ICG, in its report of 2005¹⁶.

In his testimony before the House International Relations Committee in May 2005, Deputy Secretary of State Nicholas Burns launched a new policy of "carrying out a duty" in the region. In coordination with the UN and the Contact Group, the United States enforced the idea that 2005 was the "year of decision" for Kosovo, meaning that the U.S. wanted the launching of the process to determine Kosovo's future status. They came to this conclusion given that leaving the status question open was untenable and left open the possibility for a recurrence of ethnic violence which would undo the successes of the U.S. and its allies in the Balkans in building peace and establishing democracy and rule of law in the region. The reached agreement would be implemented with the help of the international civilian and military presences, and in this respect, the United States would want this role to be taken by the EU with the United States as an active partner¹⁷.

Congress and the U.S. Senate were very active at this time. At the 109th Congress, the issue of Kosovo's status took considerable place. Some Congress members¹⁸ insisted on independence as soon as possible, and some considered that Kosovo has to achieve some of the standards beforehand. In 2005, Tom Lantos proposed a resolution (H.Res.24) that called on the U.S. to supports the independence of Kosovo. In September 2005, the Senate adopted a resolution (S.Res. 237), which requested American engagement in reaching an

¹⁵ *Guiding Principles of the Contact Group for a Settlement of The Status of Kosovo*, at: www.unosek.org/docref/Contact%20Group%20%20Ten%20Guiding%20principles%20for%20Ahtisaari.pdf, point 6. Access 13 August 2012.

¹⁶ These suggestions are given in paragraph 1b ICG recommendations. See at: <http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/161-kosovo-toward-final-status.aspx>, access 12 August 2012.

¹⁷ More at : <http://www.state.gov/p/us/rm/2005/46471.htm>, access 23 August 2012.

¹⁸ See more at: Steven Woehrel, *CRS Report for Congress Updated, Kosovo's Future Status and U.S. Policy*. January 9, 2006.

agreement on the future status of Kosovo, which would satisfy the key concerns of the people of Kosovo and Serbia and Montenegro. The Norwegian ambassador to NATO, Kai Aidde, the UN Secretary General's Envoy for assessing progress in meeting standard in Kosovo, in his second report proposes to the Secretary-General that the process for the future status of Kosovo should begin¹⁹.

In December 2005, the U.S. administration appointed Ambassador Frank Wisner as special representative of the Secretary of State for talks on Kosovo's status, while Russia always challenged the West in facilitating its independence. In 2006, the Contact Group had tried to leave open the final status of Kosovo in public, but informally the U.S. and its allies have told both parties that they will propose independence this year²⁰. The Contact Group established a framework within which the solution was to be found that included, inter alia, that there will be no return to the time before the NATO intervention and the solution will satisfy the aspirations of the people of Kosovo and preserve the territory of Kosovo. "After a year of negotiations between Serbia and Kosovo, President Vladimir Putin's Kremlin rejected UN mediator Ahtisaari's report, which recommended supervised independence, prevented the Security Council to receive the report and insisted on additional three months of negotiations between Serbia and Kosovo, which proved again that compromise was impossible"²¹.

After the publication of the Ahtisaari Report, in its meeting in Germany from 6-8 June 2007, the G-8 accepted the surprising proposal of French President Nicolas Sarkozy to continue the talks for another four months in an effort to find a solution. Although supportive,

¹⁹ Letter dated 7 October from Secretary-General addressed to the President of the Security Council, UN Doc.S/2005/635, 7 tetor 2005.

²⁰ Morton Abramowitz and James Lyon, *Another Balkan high noon*, at <http://www.guardian.co.uk/commentisfree/2006/oct/24/anotherbalkanhighnoon>, access 27 august 2012.

²¹ Morton Abramowitz, *Putin's Balkan mischief*, *The Guardian*, 28 Janar 2008 at <http://www.guardian.co.uk/commentisfree/2008/jan/28/putinsbalkanmischief>, access 17 September 2012.

Russia did not join the G-8 viewing it as a "trap ... cover for automatic support the Ahtisaari document after the 120-day deadline"²².

Even after the second round of negotiations, given that Serbia was intent to introduce discussion on its proposal for Kosovo's autonomy, but with powers and symbols, which were reserved for sovereign states²³, positions of the two sides were "very far apart"²⁴.

Following the publication of the Comprehensive Proposal for the Kosovo Status by former Finnish President Martti Ahtisaari, the U.S. administration supported it as a fair and balanced solution that would serve as a basis for a stable, prosperous and multi-ethnic Kosovo and invited both sides to accept the plan. In this regard, the U.S. had engaged in urging Serbia to follow the path towards the EU and NATO by offering the Partnership for Peace program, and in the unification of the international community on the status.

Realizing that Russia was not on the same wavelength, during his visit to Italy and Albania in June 2007, Bush said that, "now is the time" and that the end of the process will be Kosovo's independence based on the Ahtisaari plan, regardless of additional four months of talks. Russia demanded that any agreement on Kosovo must have Serbia's approval and supported a continuation of negotiations, which could continue indefinitely. Russia intended to introduced divisions between Western allies or as Bugajski says, "prevented the alliance policy for two reasons: to increase its prestige and influence in the Balkans as well as weaken the credibility of NATO's new missions designed in Europe "²⁵.

²² Marc Weller, *Shtetësia e kontestuar, Administrimi ndërkombëtar i luftës së Kosovës për pavarësi*, Prishtinë, Koha, 2009.p. 364-5.

²³ Serbian President Tadic, offers to Kosovo access to international financial institutions (not the UN, OSCE, EC), flag, anthem, sports representation abroad, etc.. See Marc Weller, page 372.

²⁴ See *Report of the Security Council Mission to the issue of Kosovo*, UN Doc.S/2007/256, May 4, 2007, paragraph 59.

²⁵ Janusz Bugajski, *Facing The Future: The Balkans To The Year 2010*, Center for European Integration Studies Rheinische Friedrich Wilhelms-Universität Bonn, Discussion Paper D 86, 2001. P.17.

In this regard, on the eve of the declaration of independence of Kosovo, the U.S. special envoy, Frank Wisner, speaking about the consequences²⁶ of the Declaration of Independence, said that, "well-done things, a clarified political position and Kosovo running its own life" were three positive consequences of the event to follow later during the week. As to how will Russia react to the incoming declaration of independence; Abramowitz says that, "twill test how far we have progressed since the Cold War. Through careful management of Kosovo's independence process, and attentiveness to opportunities to improve relations with Russia, the west might mitigate the worst consequences of this confrontation. Regardless, a new Cold War might just get a little colder".²⁷ With regard to possible Russian influence in the period after the declaration of independence, Holbrooke believes that, "this time Moscow has been no help at all, encouraging Serbia's stubbornness and declining to help work out an arrangement to allow Kosovo a peaceful transition to the independence it has been promised by the international community."²⁸

Since the conditions to approve the Ahtisaari agreement in the UN Security Council were not created, after the failure of the second round of talks between Serbia and Kosovo delegations, after coordinating with Western democracies, Kosovo declared its Independence on 17 February 2008. The U.S. administration²⁹ and most EU countries officially recognized Kosovo as a sovereign and independent state one day after the declaration of independence. Except for the violent protests in Serbia against Western embassies

²⁶ Frank Wisner, „*Russian Opposition to Kosovo Independence 'Unbelievably Regrettable'*“, February 12, 2008, at <http://www.cfr.org/kosovo/wisner-russian-opposition-kosovo-independence-unbelievably-regrettable/p15483>, access 11 August 2012.

²⁷ Morton Abramowitz, *ibid.*

²⁸ Richard C. Holbrooke, *Kosovo Independence Declaration Could Spark Crisis*, interview for *The Council on Foreign Relations*, December 5, 2007, in <http://www.cfr.org/kosovo/holbrooke-kosovo-independence-declaration-could-spark-crisis/p14968>, access 7 January 2012.

²⁹<http://georgewbush-whitehouse.archives.gov/news/releases/2008/02/20080218-3.html>. access 12 September 2012.

and in two border crossings with Kosovo, there were no other violent acts.

Based on information the Director of U.S. National Intelligence provided to the Committee of the Senate, "Washington has good information that the Serbian Government has ordered the police not to intervene against protesters who attacked the embassies"³⁰. Given the Serbian obstructionism, whose parliament annulled the declaration of independence, and support from countries that have unresolved internal ethnic problems and with the purpose of preventing recognition by other states, Serbia, on 15 August 2008, officially asked for the International Court of Justice's (ICJ) opinion on "whether the declaration of independence by the Provisional Institutions of Self-Government in Kosovo violates international law?" This gave two years to diplomacies of countries who were reluctant but also others to recognize Kosovo's statehood. The ICJ's reflection was as boomerang for the presenters of the question and those who supported in this regard. On the occasion of his visit to Kosovo on 21 May 2009, U.S. Vice President Joseph Biden stated that, "the success of an independent Kosovo is a priority for the U.S."³¹

Conclusion

U.S. support for Kosovo should be viewed as support for the globalization of democracy and respect for individual and collective identity and as an effort to stop tyrannies of autocrats in countries with democratic deficit. It had started with revelations of contemptuous behavior by Serbian regime against Albanians in Kosovo, with humanitarian support and expertise, contribution during the military intervention to stop the exodus of the population, while it continued after the war with assistance in building

³⁰ <http://www.voanews.com/english/news/a-13-2008-03-07-voa19-66744437.html> ,access 12 September 2012.

³¹ Bajden speech at: http://www.whitehouse.gov/the_press_office/Remarks-By-The-Vice-President-To-The-Assembly-Of-Kosovo/ access 19 September 2012.

democratic institutions and economic development and in overcoming political stalemates stemming from the fragility of post-conflict Kosovo institutions. U.S. policy toward Kosovo includes support from human rights respects to self-determination for the people of Kosovo.

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