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THESIS

**THE ROLE AND RAMIFICATIONS OF THE KOSOVO
LIBERATION ARMY'S RECLASSIFICATION
IN THE PEACE PROCESS OF KOSOVO**

by

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March 2022

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**THE ROLE AND RAMIFICATIONS OF THE KOSOVO LIBERATION ARMY'S
RECLASSIFICATION IN THE PEACE PROCESS OF KOSOVO**

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ABSTRACT

What were the consequences of the 1998 decision by the dominant powers to reclassify the Kosovo Liberation Army (KLA) and not consider it a terrorist organization anymore? This thesis explores the history, circumstances, and implications of the reclassification of the KLA and the role that it played in the evolution of the Kosovo conflict. On the one hand, such decisions to end conflicts that may be characterized as terrorism or liberation struggles (for example, the Good Friday Agreement in Northern Ireland) can be an important part of a successful reconciliation; the KLA's reclassification proved to be an important step toward achieving and maintaining peace, particularly as it allowed the KLA to partner with North Atlantic Treaty Organization forces to this end. But, on the other hand, this research found that in the short term, this abrupt change in classification gave legitimacy to the KLA and amplified the hopes, possibilities, and activities of the pro-independence movement, and thus may have intensified the armed struggle. Ultimately, the reclassification and its effects contributed to the strategic objectives and the ultimate goal of the KLA, which was to achieve Kosovo's independence.

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LIST OF ACRONYMS AND ABBREVIATIONS

EU	European Union
EULEX	EU Rule of Law Mission in Kosovo
FARK	Armed Forces of the Republic of Kosovo
ICTY	International Criminal Tribunal for the Former Yugoslavia
IRA	Irish Republican Army
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KSC	Kosovo Specialist Chambers
LDK	Democratic League of Kosovo
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
RAF	Red Army Faction
UK	United Kingdom
UN	United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
U.S.	United States

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I. INTRODUCTION

The Kosovo Liberation Army (KLA) is one of the few organizations in the post-Cold War era that has been able to overcome its terrorist classification. What is more important, it is in the exclusive club of armed organizations that have conducted a successful independence movement—a double success. The reclassification of the KLA was a process, though little has been written about the circumstances, details, and implications. Without question, however, this process, through its demonstrable consequences, has significantly changed the course of the conflict and the fate of Kosovo.

A. MAJOR RESEARCH QUESTION

This thesis asks: What were the consequences of the 1998 decision by the dominant powers to reclassify the Kosovo Liberation Army and not consider it a terrorist organization anymore?

On the one hand, such decisions to end conflicts that may be characterized as terrorism or liberation struggles (for example, the Good Friday Agreement in Northern Ireland) can be an important part of a successful reconciliation; the KLA's reclassification proved to be an important step toward achieving and maintaining peace, particularly as it allowed the KLA to partner with North Atlantic Treaty Organization (NATO) forces to this end. But, on the other hand, this research found that in the short term, this abrupt change in classification gave legitimacy to the KLA and amplified the hopes, possibilities, and activities of the pro-independence movement, and thus may have intensified the armed struggle. Ultimately, the reclassification and its effects contributed to the KLA's strategic objectives and the ultimate goal, which was to achieve Kosovo's independence.

B. SIGNIFICANCE OF THE RESEARCH

After all other means and attempts failed, NATO intervened in the Kosovo conflict in 1999. During its air operations (Operation Allied Force), the alliance accepted the KLA as a partner. Following the enforced extraction of Yugoslav troops from Kosovo, the KLA welcomed the international troops (KFOR) on Kosovo soil. As a relatively strong and

guerilla ground force, the KLA has made a significant contribution to the results of NATO's air campaign to end the Kosovo conflict. This KLA contribution and the NATO-KLA cooperation would not have been possible without the prior reclassification process of the KLA.

Subsequently, Kosovo came under international guardianship. As a result, most of the 750,000 Kosovars (based on UN data) who had become refugees—from the original population of approximately 2 million—could return because the province has been free of intense violence since 2000.¹ Other waves of refugees, the risks of large-scale genocides, and the risk of a wider regional conflict have been averted the post-reclassification KLA, as a guerilla force, indirectly played a role in these results.

One of the cohesive and driving forces of the KLA was Albanian nationalism, the extreme version of which desired the formation of a “Greater Albania”; this desire was also voiced from within more radical KLA circles at times. But beyond these more extreme factions, as Henry H. Perritt notes, the KLA's “overarching strategic goal was an independent Kosovo.”² This goal was partially achieved through the Kumanovo Agreement and UNSCR No. 1244, which ended the war in Kosovo in a way favorable to the KLA; thereafter, as a sign of the completion of its objective, the KLA disbanded in September 1999.

Though under international supervision, Kosovo reached a high level of independence and self-determination after the war, and it has been gradually inching toward de-facto statehood. In 2008, the Kosovar government declared independence,

¹ United Nations, “UN High Commissioner for Refugees, The Kosovo Refugee Crisis,” February 2000, 117, <https://www.unhcr.org/3ba0bbeb4.pdf>; Charles Vance and Yongsun Paik, *Managing a Global Workforce: Challenges and Opportunities in International Human Resource Management* (M.E. Sharpe, 2006), 479.

² Henry H. Perritt, *Kosovo Liberation Army: The Inside Story of an Insurgency* (Urbana: University of Illinois Press, 2008), 62; Jelle Janssens, *State-Building in Kosovo. A Plural Policing Perspective* (Maklu, 2015), 53; David L. Phillips, *Liberating Kosovo: Coercive Diplomacy and U. S. Intervention* (MIT Press, 2012), 69; Paul R. Bartrop and Samuel Totten, *Dictionary of Genocide* (ABC-CLIO, 2007), 249; Tony Karon, “Breaking News, Analysis, Politics, Blogs, News Photos, Video, Tech Reviews,” *Time*, March 9, 2001, <http://content.time.com/time/world/article/0,8599,101938,00.html>; P. Koktsidis and C. T. ten Dam, “A Success Story? – Analyzing Albanian Ethno-Nationalist Extremism in the Balkans,” *East European Politics* 42, no. 2 (2008): 165.

which has been recognized by some 100 countries to date.³ While the KLA as an organization has not been active in this process, a significant portion of its fighters have merged into the new police and defense forces, and some KLA leaders have held senior positions in the new Kosovo administration (e.g., Hashim Thaci, Agim Ceku, Ramush Haradinaj, Fatmir Limaj) that promoted the bid for independence.

This case can offer unusual or even unique aspects and experiences connected to organizations' reclassification. Therefore, for scholars and future policymakers interested in similar organizational reclassifications, it is worth studying this remarkable case and drawing the appropriate conclusions.

C. LITERATURE REVIEW

This case study may contribute to the scholarly debates in political science through the insights it can provide for two topics. One topic is the debate around terrorism, and the other is the evaluation of the international settlement of the Kosovo conflict.

1. Debates around Terrorism

With regard to terrorism, there are significant debates about the definitions, the components of terrorism set out in them, and their interpretations and applications to individual cases. There are additional debates about to what extent and how certain regimes can abuse the terrorist classification and about the costs and possible outcomes of the (perceived or real) terrorism. Also, the question of how terrorism can end is a growing area of research in this realm.

a. Terrorism Definitions, Components, Interpretations, and Applications

There are permanent debates about the terrorism-related definitions and components as well as their interpretations and applications. Consensus exists only about the foundations and basic conceptual elements leading to the definition and interpretation

³ Be in Kosovo Com, "Countries That Have Recognized Kosovo As An Independent State," 2019, <https://www.beinkosovo.com/countries-that-have-recognized-kosovo-as-an-independent-state/>; World Population Review, "Countries That Recognize Kosovo 2021," 2021, <https://worldpopulationreview.com/country-rankings/countries-that-recognize-kosovo>.

of terrorism. It is clear that terror means a state/condition of intense or overwhelming fear.⁴ It is also widely accepted that terrorism is the method of consciously causing this overwhelming fear, mainly in civilians or non-combatants, to achieve political goals.⁵ Opinions were already divided, however, with the changes of times and of influential actors on many further details (such as which actor used this method, who qualified as a non-combatant, what qualified as a political goal, etc.).⁶

To date, neither scholars nor politicians or lawyers can agree on a broadly acceptable terrorism definition and evaluation system. Brigitte L. Nacos, for example, collects and highlights common aspects of terrorism definitions, components, interpretations, and classifications. Nacos devotes an entire chapter to definitions of terrorism, including five official U.S. definitions, that reveal the disparity even within the U.S. government itself.⁷ (One example is from the Department of State: “[terrorism] means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents, and is usually intended to influence an audience.” Another comes from the Federal Emergency Management Agency: “[violence] for purposes of intimidation, coercion, or ransom.”⁸)

The situation is no clearer on the international level. Hoffman highlights that neither the United Nation (UN) members nor NATO states can agree on a definition; moreover, various press outlets and non-governmental organizations (NGOs) also developed their own interpretations and definitions that show significant differences.⁹ Ben Saul, in his

⁴ Merriam-Webster, “Definition of Terror,” accessed July 7, 2021, <https://www.merriam-webster.com/dictionary/terror>; Cambridge Dictionary, “Terror,” accessed September 12, 2021, <https://dictionary.cambridge.org/dictionary/english/terror>.

⁵ Dictionary, “Definition of Terrorism,” www.dictionary.com, accessed July 7, 2021, <https://www.dictionary.com/browse/terrorism>; Cambridge Dictionary, “Terrorism,” accessed July 7, 2021, <https://dictionary.cambridge.org/dictionary/english/terrorism>; Lexico Oxford Dictionaries in English, “Terrorism,” accessed July 7, 2021, <https://www.lexico.com/en/definition/terrorism>.

⁶ Brigitte Lebens Nacos, *Terrorism and Counterterrorism*, 5th edition (New York: Routledge, Taylor & Francis Group, 2016), 22–24.

⁷ Nacos, chap. 2.

⁸ Nacos, 24–25.

⁹ Bruce Hoffman, *Inside Terrorism*, Third Edition, Columbia Studies in Terrorism and Irregular Warfare (New York: Columbia University Press, 2017), secs. 930–1100.

book *Defining Terrorism: A Conceptual Minefield*, highlights that “by resolution 1373 (2001), (...) the UN Security Council directed all States to criminalize terrorism in domestic law.”¹⁰ The United Nations and its predecessor, the League of Nations, have been trying in vain to introduce a consensual terrorism definition for more than 80 years.¹¹ Nacos does note that despite the resistance of some countries on this topic, the UN was able to make certain procedures of terrorism subject to consensual condemnation (hijacking, hostage-taking, etc.).¹²

Without a prevailing definition, many scholars prefer to focus on components of terrorism on which there may be broader agreement. Nacos, for one, sums components that are able to describe/define terrorism, and also distinguishing it from other forms of violence: political motivations, targets are civilians or non-combatants, the perpetrators are non-state actors, and the message nature of the acts (so that terrorism is not just about the direct victims, but beyond them intends) to instill fear in a wider community and thereby influence their actions or their policies.¹³ She adds that terrorism is the method of marginalized (and pushed out from normal politics) small groups, and also quotes Martha Crenshaw: “Terrorism is not mass or collective violence but rather the direct activity of small groups.”¹⁴ Similarly, Halibozeck, Jones, and Kovacich highlight that violence, political purpose, and causing fear or terror are present in the most of the definitions examined.

Schmid, Jongman, and Price list ten aspects/components that largely, but not exclusively define terrorism: dual character of terrorism (doctrine and practice), “threefold context” (regime-used, small group, indiscriminate punishment during warfare), “perpetrator as source or agent of violence” (eligible persons), political and violent act,

¹⁰ Ben Saul, “Defining Terrorism: A Conceptual Minefield,” in *The Oxford Handbook of Terrorism* (Oxford University Press, UK, 2015), <https://ssrn.com/abstract=2664402>.

¹¹ Alex P. Schmid, Albert Jongman, and Eric Price, *The Routledge Handbook of Terrorism Research* (London, United Kingdom: Taylor & Francis Group, 2011), 39, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=668613>.

¹² Nacos, *Terrorism and Counterterrorism*, 31–32.

¹³ Nacos, 25–31.

¹⁴ Nacos, 23.

“threat-based communication,” “differentiation between direct civilian victims and the ultimate target audience,” “terror/fear/dread,” intent, and campaign.¹⁵ Even this exhaustive list is supplemented, however, as there are exceptions and controversial aspects/factors as well.¹⁶ Examining the masses of definitions in this way, the most important components can be identified and can sufficiently characterize terrorism.

b. What Is in a Name (or a Classification)?

When governments label separatist groups as terrorists, the question rightly arises as to whether the accusation is true or whether the government only seeks to achieve a condemnatory effect on its enemies. In this connection, Elena Pokalova examines the relationship between ethno-nationalist independence movement and terrorist allegations, and among her examined cases, the KLA is also there.¹⁷ She finds that the terrorist classification of these organizations provides benefits and opportunities for the governments opposed to them, such as overshadowing the legitimate grievances of separatists, showing their whole separatist movement as dangerous and illegitimate, and legitimizing their own tough governmental responses.¹⁸ According to Pokalova, the Serbian government also wanted to reap these benefits during the escalation of the Kosovo conflict, but international attention prevented the Serbs from implementing this goal. Comparing the situation in Kosovo with two other examples (Chechnya and Kurdistan), she finds that this factor (i.e., international and impartial monitoring) is the key to preventing governments from abusing the label terrorism.¹⁹ So Pokalova examines several cases and concludes that in the case of separatism, it is worthwhile for the central authorities, who also can influence most of the news leaked out of the area of operations, to frame the activities of the separatists as terrorism.²⁰ In the case of Kosovo and the KLA,

¹⁵ Schmid, Jongman, and Price, *The Routledge Handbook of Terrorism Research*, 76–83.

¹⁶ Schmid, Jongman, and Price, 83–86.

¹⁷ Elena Pokalova, “Framing Separatism as Terrorism: Lessons from Kosovo,” *Studies in Conflict & Terrorism* 33, no. 5 (April 9, 2010): 429–47, <https://doi.org/10.1080/10576101003691564>.

¹⁸ Pokalova, 442.

¹⁹ Pokalova, 442–43.

²⁰ Pokalova, 429–30 and 442.

the goal was separatism, so based on Pokalova’s research, it is worth treating the Yugoslav government’s tendentious labelling of the KLA as terrorist with extreme caution.

Anna Meier, in her 2020 essay “What Does a ‘Terrorist’ Designation Mean?” found that, in the United States, while in the case of terrorism of individuals a legal background is set to establish terrorism accusations, there is no legal mechanism against domestic groups to classify and prosecute them as terrorists.²¹ She also found that “[f]or both legal and political reasons ... U.S. leaders have not designated purely domestic groups as terrorists;” nevertheless, it happened that a group operating also in the United States was treated as a foreign group and was classified as a terrorist.²² Unlike domestic groups, foreign groups may be classified legally as terrorists by U.S. government decision, specifically on the U.S. Foreign Terrorist Organization (FTO) list. Still, Meier found that “[g]etting listed in the first place is a politicized process.”²³ She argues for the decisions’ flexibility and political nature by presenting two examples: “the Trump administration listed the Islamic Revolutionary Guard Corps,” but “the Taliban remains unlisted, as doing so would mean that negotiations with the organization would violate U.S. policy to not negotiate with terrorists.”²⁴ Regarding the consequences of an FTO listing, she states that this does not necessarily entail violent U.S. actions but at least causes harm for the targeted organization by financial and travel restrictions.²⁵ Finally, she notes that there is no formal U.S. mechanism for the terrorist classification and that such classification actually shows mostly what political behavior the government finds unacceptable (e.g., white supremacy, hostage-taking and slavery, etc.).²⁶

²¹ Anna Meier, “What Does a ‘Terrorist’ Designation Mean?,” Lawfare, July 19, 2020, paras. 2–4, <https://www.lawfareblog.com/what-does-terrorist-designation-mean>.

²² Meier, paras. 0 and 8–9.

²³ Meier, para. 7.

²⁴ Meier, paras. 2 and 7.

²⁵ Meier, paras. 3–4, 6 and 13.

²⁶ Meier, paras. 3, 12 and 14.

c. *The End of Terrorism*

Scholars approach the grouping of possible ends of terrorism differently; for the present case study, it is worth looking for some form of transition of violence in their work. For example, Cronin divides the possible end stages of terrorism into six groups: “Decapitation: Catching or Killing the Leader,” “Negotiations: Transition toward a Legitimate Political Process,” “Success: Achieving the Objective,” “Failure: Imploding, Provoking a Backlash, or Becoming Marginalized,” “Repression: Crushing Terrorism with Force,” and “Reorientation: Transitioning to Another Modus Operandi.”²⁷ Among these, Cronin’s opinion on “reorientation” is worth examining for the present KLA case; she describes this phenomenon as “groups may transition out of a primary reliance on terrorist tactics toward either criminal behavior or more classic types of regular or irregular warfare. This transformation may be good or bad news for the state.”²⁸ Cronin also claims that “transitions in and out insurgency have been common among ethnonationalist separatist [sic] groups, whose connection to a territory and grounding in an ethnic population provide a natural base to maintain or mobilize further support.”²⁹ Furthermore she adds that the boundaries of terrorism-insurgency are generally blurred “insurgencies typically use terrorist tactics alongside irregular guerilla warfare” and “insurgency and terrorism overlap.”³⁰ So insurgencies offer a practical, common, and easy transition for some terrorist movements. Cronin also provides examples of terrorist groups that transitioned to insurgency: the Tamil Tigers (LTTE), Kashmir separatist groups, Khmer Rouge, and the Communist Party of Nepal-Maoists.³¹

Gaga Gvneria identifies eight possible ends to terrorism: “Substantial Success,” “Partial Success,” “Direct State Action, Including Repression,” “Disintegration Through Burnout,” “Loss of Terrorist Leaders,” “Unsuccessful Generational Transition,” “Loss of

²⁷ Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns* (Princeton: Princeton University Press, 2009), Table of Contents and pages 201–6.

²⁸ Cronin, 146.

²⁹ Cronin, 146.

³⁰ Cronin, 147 and 153.

³¹ Cronin, 146.

Popular Support,” and “Emergence of New Alternatives.”³² Gvineria explains the latter in more detail as occurring when “Better options for political change or organizational survival and enhancement [have] emerged, including more traditional forms of warfare and revolution, mass-based protest movement, opportunities for legal political action, and organized criminal activity.”³³ Examples of this group include the Front de Libération du Québec, Provisional IRA, Palestinian Liberation Organization, Revolutionary Armed Forces of Colombia, Khmer Rouge, and Nepalese Maoists.³⁴ This type of end, according to Gvineria, can come about through the government’s intentions (negotiations, reforms, amnesty, etc.) or the relative strengthening of the organization.³⁵ Gvineria also highlights factors as seemingly necessary conditions of this end: solid organizational cohesion and internal control.³⁶

2. Assessing the Kosovo Settlement

The evaluation of the international intervention and the Kosovo settlement are also topics of scholarly debates. Many and from many aspects have already discussed and evaluated the international intervention to Kosovo, and some believe that this case was a considerable step in the evolution of the international community’s interpretation about the joint responsibility and the threshold for intervention.

In some cases, allegations of narrow self-interest also arose in connection to the behavior of international actors who intervened in the conflict one way or another. These accusations as well as the question of whether the settlement has ultimately improved the situation of the people of Kosovo are divisive. Related debates are focused mainly on the non-UN-mandated NATO air operation and the recognitions of the Kosovo state, but these developments have been preceded by years of international political and economic

³² Darcy Noricks et al., “Social Science for Counterterrorism: Putting the Pieces Together” (Santa Monica, CA: RAND Corporation, May 13, 2009), 259, <https://www.rand.org/pubs/monographs/MG849.html>.

³³ Noricks et al., 259.

³⁴ Noricks et al., 260.

³⁵ Noricks et al., 276–77.

³⁶ Noricks et al., 277.

efforts/steps to prevent war. Among these steps, at one point, the KLA was also involved in the peace talks. This case study can contribute to a deeper understanding of the gradually increasing international efforts by examining in detail the reclassification, which can be considered part of the preventive measures in some respects.

Concerning the potential interests of the great powers in conflict-prone regions, it may arise that for the great powers, it does not matter who and how provides the demanded stability there: they just want the results (i.e., stability). About the Western Balkan situation in this sense (including Kosovo), Florian Bieber argues: “Recent years in the Western Balkans have been shaped by stabilitocracies: governments that claim to secure stability, pretend to espouse European Union (EU) integration and rely on informal, clientelist structures, control of the media, and the regular production of crises to undermine democracy and the rule of law.”³⁷ In return for some tolerance/support, such governments promise illusory benefits like “pacifying regional issues (such as bilateral disagreements), or in regard to external challenges (such as the flow of refugees).”³⁸ This approach of Western nations is a factor influencing their Balkan-related decisions (e.g., how strongly they expect the high levels of free press or the independence of the judiciary, what kind of economic cooperation they offer in favor of stability, etc.). Based on Pokalova’s aspects, the quest for stability may crowd out other considerations; so, it is not necessarily the quest for truth that drove the stance towards the KLA among external actors, but other considerations can also play a role (e.g., the stability desire).

In evaluating the framework of the conflict-settlement, the investigative, prosecuting, and judicial organizations responsible for conducting the proceedings have also been the subject of a great deal of criticism. For example, the articles “Justice Gap For Kosovo 20 Years On” by Fred Abrahams and “About The Hague on the East River” by the Nedeljnik Vreme magazine illustrate this dissatisfaction, contrasting the 1150 years of total

³⁷ Florian Bieber, “The Rise (and Fall) of Balkan Stabilitocracies,” *Horizons: Journal of International Relations and Sustainable Development*, no. 10 (2018): 176–85.

³⁸ Bieber, 179.

Serbian sentences with the 55 years of total for other nationalities' sentences.³⁹ Still, some court cases are also suitable to help illustrate the nature and circumstances of the operations and the conflict. Also, by comparing the total number of cases completed with the number of crimes committed during the conflict, a picture can be formed about the judiciary's performance. In particular, according to the list and details of the crimes available in a Human Rights Watch report and the convictions of political and military leaders involved in the Kosovo conflict in ICTY documents, the proportion of crimes in which a culprit has been identified is very low.⁴⁰

Several authors and scholars are skeptical about the impact of the approach of the international community on the ultimate settlement of the Kosovo conflict. On one hand, the reclassification and later the involvement of the KLA in the peace negotiations can be seen as steps in resolving the conflict, which was necessary for the later military (NATO-KLA) cooperation and the open political/diplomatic agreement with it. Furthermore, because of the heroic freedom fighter image (versus the internationally unacceptable terrorist status), the ex-KLA leaders had not only legal possibilities to step into the political life of the new country but had gained explicit support. On the other hand, as long former KLA leaders hold prominent government positions, negotiations with Serbia have proven difficult, leaving Kosovo in a limbo. As result, as Ioannis Armakolas writes: "Almost ten years since independence, Kosovo remains in deep crisis and challenged by a powerful mix of political, economic and social problems. To name but few: the consolidation of Kosovo's international status is slow, with no certain end in sight; corruption is rampant and economic prospects for most Kosovars, and especially the young, remain bleak; the re-integration of the Serbian community and genuine reconciliation are still in need of a real break-through; the once-promising dialogue with Serbia is stalled; political polarization is

³⁹ "Justice Gap For Kosovo 20 Years On," Human Rights Watch, June 13, 2019, <https://www.hrw.org/news/2019/06/13/justice-gap-kosovo-20-years>; "O Hagu Na Ist Riveru," Nedeljnik Vreme, accessed June 13, 2021, <https://www.vreme.com/cms/view.php?id=1109354>.

⁴⁰ Human Rights Watch, *Under Orders: War Crimes in Kosovo* (New York: Human Rights Watch, 2001), https://www.hrw.org/sites/default/files/reports/Under_Orders_En_Combined.pdf; ICTY, "Proceedings, cases, results," accessed July 9, 2021. <https://www.icty.org/en/cases/key-figures-cases>.

on the rise, while citizens' trust in democratic institutions and their political leaders are at an all-time low."⁴¹

To assess the long-term results of the Kosovo settlement, which happened in this form partially because of the KLA's reclassification, its independence struggle, and its cooperation with NATO, it would be necessary to agree what "success" entails. In the Kosovo settlement aspect, the question of success is a divisive issue, but if success is the absence of the armed struggle and other phenomena that go with it (genocide, refugees, etc.), the settlement is undeniably successful for more than two decades. Some have the opinion that measuring success is not so simple because the lack of armed struggles is not the only component of a successful settlement. Florian Bieber argues that the compromises made in the name of achieving cessation of hostilities have not led to lasting peace, stability and democratic development of the region.⁴² In 2018, Bieber concluded that despite the large-scale interventions and the decades-long international presence in the Western Balkans, institutional weakness characterizes the local democracies with dominating executives over weak parliaments and judiciaries (incomplete separation of power).⁴³ He adds that these so-called stabilitocracies create a situation in the region like "dancing on the edge of a volcano" because they operate with nationalism, create crises to legitimize their own steps, and sometimes play balance-politics between the EU and Russia.⁴⁴

⁴¹ Ioannis Armatolas et al., *State-Building in Post-Independence Kosovo: Policy Challenges and Societal Considerations*, 2017, <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-53686-2>.

⁴² Bieber, "The Rise (and Fall) of Balkan Stabilitocracies"; Florian Bieber and Zidas Daskalovski, *Understanding the War in Kosovo* (London, United Kingdom: Taylor & Francis Group, 2003), 2–3 and 7, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=200956>.

⁴³ Bieber, "The Rise (and Fall) of Balkan Stabilitocracies," 185.

⁴⁴ Bieber, 182–84.

D. ARGUMENTS

Three main arguments emerge from the present research:

- (1) International actors that significantly affected the result of the Kosovo conflict, from 1998 began to refer to the KLA as a freedom-fighter, or rebel, or insurgent organization instead of a terrorist organization.
- (2) The KLA was a partner in the reclassification process and took measures to avoid the terrorism label.
- (3) The decoupling/dissociation of the KLA from terrorism had military and political consequences.

E. RESEARCH DESIGN

This thesis analyzes the KLA case, which uniquely can show that the terrorist (re)classification was not only a theoretical question because its result had practical effects on the Kosovo conflict's course. Because most of the available/relevant data on the topic is qualitative and comes from secondary sources/data (books, encyclopedias, news and review articles, academic papers, government documents, databases, and historical records), the methods used in the thesis mostly rely on qualitative comparative analysis and historical process-tracing. There are also some valuable quantitative data, but the details (the context) surrounding them need qualitative explanation. To increase the credibility of this material (especially if something may be disadvantageous or incriminating for some actors), data triangulation was used where possible (to include multiple and different original sources to rule out the biased or incorrect ones).

The grouping of the consequences identified in this thesis, or the selection and evaluation of some phenomena, are the outcomes of debatable analyses and decisions, and as such, are not free from errors and limitations. Much data is still missing for the complete analysis of all possible consequences, and some data missing for the ones examined in the thesis. Although there will be areas where more information will be available over time (Kosovo Special Chambers [KSC] judgments, declassification of documents, a compilation of KLA budgeting, etc.), in most areas, the lack of data will not be resolved, and also subjectivity remains a possible factor.

Due to the politicized nature of the topic, source critique and conscious impartiality are just as justified in examining and evaluating the reclassification's consequences as they are during the examination of the classification itself. The reclassification of the KLA was grossly detrimental to the political interests of Yugoslavia (Serbia) and its allies, so the assessment of the consequences of this move in Yugoslav/Serbian sources is naturally and meaningfully biased toward the negative.

F. THESIS OVERVIEW AND SCOPE

The research objectives, literature review, and structure are followed by a chapter on the key background knowledge (Chapter II). Then, the process, and some decision factors of the KLA's reclassification are presented (Chapter III). This analysis is followed by an inventory of verifiable political and military consequences internal to Kosovo (Chapter IV). Then (in Chapter V), a presentation of the external consequences of the KLA reclassification follows, which includes political, military, and terminological. Finally, a comprehensive assessment/discussion of the case and a conclusion is presented (Chapter VI).

II. BACKGROUND

The reclassification of the KLA and its consequences took place in a social, cultural, political space and on the battlefield of Kosovo (among others); thus, this chapter explores the historical background to the KLA's reclassification.

This chapter first reveals the centuries-long struggle of Albanians and Serbs in Kosovo, which, in the 1980s and 1990s, functioned as a mobilizing force and was used in inciting hostilities by boosting centuries-old grievances. Then the analysis turns to the genesis of the KLA, with its formation, goals, and operations. Also, the KLA's *modus operandi* is introduced, along with the controversial components that made possible its terrorist classification and reclassification. Finally, the chapter addresses the collapse of the Albanian state and the Drenica massacre—two events that played an important role in the evolution of the Kosovo conflict, happened just before the reclassification, and had significant implications on the KLA's development.

A. THE HISTORY OF THE KOSOVO CONFLICT AND THE FORMATION OF THE KLA

By the 1990s, an ethnonationalist conflict had developed/intensified in Kosovo. The violent conflict over Kosovo was a historical experience for the two peoples, but the international community's attention and sensitivity to violence was a novelty. This attention made the parties compete in the field of narratives and in the mimicking of acceptable forms of violence. In this competition, the KLA had to reverse the situation (i.e., “win the hearts and minds”) because the starting situation was unfavorable for the organization – it was linked to terrorism by the international community.⁴⁵

1. Historical Tensions

The Albanian and Serbian peoples have fought with each other several times for the rule of Kosovo. The historical struggles of the two nations for the territory of Kosovo had often been accompanied by violent genocides and other crimes (according to today's

⁴⁵ Perritt, *Kosovo Liberation Army*, 2, 26, and 32.

concepts), and “soft” methods as well. With different intensity and means, the Albanians and Serbs tried to gain stable control over the area for more than a millennium, taking turns in power/opposition and majority/minority roles, alternating the rule and the ethnic composition in the province.⁴⁶ In the narratives, the increasing conflict in the 1990s became another chapter in an ethnic rivalry that had been going on for more than a thousand years. External factors have historically played a major role in their past conflicts, but in the 1990s, the international community’s intervention was more decisive than in previous periods.

a. *Antiquity and the Middle Ages, the Beginnings of the Ethnic Confrontation*

Who was here first? It is an important question for how the conflict was framed among both Serbs and Albanians, as a claim of the right to rule the area. The Albanians claim descent from the Illyrians, and state that they have been present in the territory since the end of the Bronze Age.⁴⁷ After the arrival of the Slavic peoples to the Balkan peninsula, various Slavic tribes ruled the present-day Kosovo for most of the time from the 7th century. In particular, as the Serbs organized themselves into a medieval state, Kosovo was the key part of their kingdom.⁴⁸ The Serbs continued to attack the Albanians further, until they occupied the whole territory of the present-day Albania in the 14th century.⁴⁹ Until the Turkish/Ottoman conquest, the Albanians lived under Serbian administration. But despite the fact of the Serbian state administration in that period, it is disputed who had the ethnic majority in Kosovo. The Albanians claim their constant presence and ethnic majority in their present territories since antiquity;⁵⁰ from the Serbian side, it is disputed that the Albanians have Illyrian ancestors. Hence, the Serbs narrative sought undermine one of the

⁴⁶ Miranda Vickers, *Between Serb and Albanian: A History of Kosovo* (New York: Columbia University Press, 1998); Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 19–20.

⁴⁷ Vickers, *Between Serb and Albanian*; Nicholas G. L. Hammond, *Migrations and Invasions in Greece and Adjacent Areas* (Park Ridge, N.J.: Noyes Press, 1976), 163.

⁴⁸ Dennis P Hupchick and Harold E Cox, *The Balkans: From Constantinople to Communism*. (New York: Palgrave Macmillan, 2004), 93, <http://public.eblib.com/choice/publicfullrecord.aspx?p=308192>.

⁴⁹ John V. A. Fine, *The Late Medieval Balkans: A Critical Survey from the Late Twelfth Century to the Ottoman Conquest*, 2. print (Ann Arbor: University of Michigan Press, 1994), 290–91.

⁵⁰ Vickers, *Between Serb and Albanian*.

cornerstones of Albanian national pride and the basis for the territorial claim based on the territory's first settlers/culture (which is often used as a justification in the present-day disputes over Kosovo).

The era of the Ottoman Empire is the only historical period on the timeline of coexistence when the Albanians had a somewhat better status (in power, administration, military) in Kosovo than the Serbs. In 1455, the area of contemporary Kosovo became part of the Ottoman Empire for almost half a millennium. During this period, the majority of Albanians in Kosovo adopted the Muslim faith (unlike most Serbs) and gained certain advantages within the framework of the Ottoman Empire.⁵¹ As result, ethnic and religious tensions emerged regularly between the Muslim Albanians and Orthodox Christian Serbs.

According to the Serbs, the Ottomans promoted Muslims in several ways and forced many Serbs out from Kosovo, changing the ethnic map in Kosovo slowly again in favor of the Albanians.⁵² In public administration, the economy, the army, the church, and many other important, well-paying key positions, the Ottomans favored Muslims who were considered more loyal. As the Serbs interpret it, they became poorer because of the religion-based discrimination, and through this, they also lagged behind in population growth and often migrated to other areas based on individual choices hoping for a better life. So, the two peoples are fundamentally distrustful of each other, have different historical narratives, believe in different legitimacy/rights over the territory, and experience control over the territory as a competition (taking place in various domains: population, power, economic, etc.) based on historical experience.

b. After Ottoman Rule

After the Ottomans weakened on the Balkan Peninsula, Serbia gained independence, and along with a multinational alliance of other newly independent Balkan nations, attacked the Ottoman Empire to conquer some of its regions. As a result, in 1912,

⁵¹ Vickers.

⁵² Frederick Anscombe, "The Ottoman Empire in Recent International Politics II: The Case of Kosovo," *The International History Review* 28 (2006): 760–61, <https://eprints.bbk.ac.uk/id/eprint/577/1/Binder2.pdf>; Tim Judah, *Kosovo: What Everyone Needs to Know*® (Oxford University Press, 2008), 32–34.

Kosovo became a part of Serbia and Montenegro again. In the next three decades, the Serb dominance was established in the Kosovo province again, partly because of violent measures (e.g., massacres, brutal suppression of uprisings) designed to install Serb rule and suppress Albanian resistance.⁵³ The process of strengthening the Serbs lasted until the beginning of the Cold War, with one momentary exception: For a short period during World War II, with Italian support and control, Kosovo became the part of the Albanian Kingdom, which was allied with the Axis powers.

After 1945, Kosovo became part of Communist Yugoslavia as an autonomous territory within Serbia. As long as the charismatic leader of Yugoslavia, Marshal Tito, lived, he mostly repressed ethnic tensions across the country. As result, the Kosovo Albanians could thrive despite the residual hostility with their Serb neighbors.⁵⁴ Thus, by the 1970s, the Kosovo Albanians were once again in a dominant position demographically and politically in the province. But the decades of pacification did not survive Tito. As Carole Rogel argues: “Shortly after Tito’s death in 1980, disturbances in Kosovo set the Albanians and the Serbs on a collision course and also polarized the country politically. Ironically, however, when Yugoslavia began to disintegrate in 1991, and as it fell into four years of warfare, Kosovo remained relatively calm.”⁵⁵

c. The Yugoslav Wars and the Foundation of the KLA

The first wave of the Yugoslav civil wars of the 1990s still found Kosovar Albanians in a relatively pacifist attitude. The initial push toward violence in Kosovo in this period overwhelmingly came from the Serbian government in Belgrade. In the wake of the power struggle in Yugoslavia after Tito’s death, Slobodan Milosevic took over the leadership in Serbia by relying heavily on Serbian nationalist sentiment and trying to use nationalist tensions to maintain his power, including by exploiting/escalating the latent

⁵³ Judah, *Kosovo*, 42–54.

⁵⁴ “The United Kingdom Parliament,” March 1, 2003, <https://web.archive.org/web/20030301100434/http://www.parliament.the-stationery-office.co.uk/pa/cm199900/cmselect/cmfaff/28/28ap42.htm>; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 20–21; Judah, *Kosovo*, 55–61.

⁵⁵ Carole Rogel, “Kosovo: Where It All Began,” *International Journal of Politics, Culture, and Society* 17, no. 1 (2003): 167–82.

ethnic enmity in Kosovo.⁵⁶ But despite Milosevic's nationalist and increasingly repressive policies, most Kosovar Albanians trusted in the autonomy of the province, their clear ethnic supremacy, the pressures from the international community for peace in Yugoslavia, and some promising international processes (e.g., peaceful independence of the states of the former Socialist-Block and the Soviet Union, peaceful separation of Czechoslovakia, international public attention to events in the Balkans, and the relatively peaceful secession of Macedonia and Slovenia from Yugoslavia). Besides the attitude of the vast majority of Kosovar Albanians, even before the KLA, however, there was a decades-long, but marginal and unsuccessful tradition of armed independence movement in Kosovo.⁵⁷

Several repressive policies of the Serb leadership in Belgrade started to escalate the conflict in the late 1980s and early 1990s. This included the reduction of Kosovo's autonomy through the Yugoslav constitutional amendment and the closure of the Kosovo Assembly.⁵⁸ The response of most of the Kosovo Albanians to the increasingly hostile atmosphere was at first non-violent; with the lead of the pacifist but pro-independence Democratic League of Kosovo (LDK) party. A referendum for independence was held (not accepted by the Yugoslav authorities), a shadow government was established (later government in exile), and a Kosovar-Albanian institutional network was created in parallel with the Yugoslav state institutions (schools, university, hospital, etc.).⁵⁹ The growing tensions in Kosovo were not unnoticed in the international arena, but attention and words did not reverse the process. The leading advocate of Western countries and values, the only superpower of the era, the United States, has repeatedly threatened sanctions (and even the

⁵⁶ Judah, *Kosovo*, 57–59.

⁵⁷ Perritt, *Kosovo Liberation Army*, 6–8; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 98; Judah, *Kosovo*, 42–43.

⁵⁸ Perritt, *Kosovo Liberation Army*, 7–8; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 17.

⁵⁹ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu” (ICTY, November 30, 2005), paras. 38–42 and 47, <https://kosovo.sense-agency.com/assets/judicial-epilogue-2/09-01-EN.pdf>; Perritt, *Kosovo Liberation Army*, 8, 14–16, 33, 53, and 140; Judah, *Kosovo*, 67–69 and 70–74; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 28–30.

use military force) in vain against the Belgrade leadership since 1992 to resolve the Kosovo conflict reassuringly.⁶⁰

In this atmosphere, the KLA was founded in 1993; but the armed independence movement did not enjoy widespread support in the KLA's first two years, and the organization operated in secret initially.⁶¹ The establishment of the KLA was in line with the antecedents: intensifying historical conflict, a growing pro-independence sentiment, predecessor organizations like kacaks or Levizja Popullore e Kosoves (Popular League for Kosovo, LPK).⁶² From its foundation to its first effective attacks and communiqués in 1996, the founders had to take care of organizational development, gain basic skills, and get weapons.⁶³ Despite the growing tensions and the wars in other regions of Yugoslavia (Slovenia, Croatia, and Bosnia), the Kosovar aspirations were still characterized by a peaceful movement for independence united by Ibrahim Rugova.⁶⁴ The supporters of the Kosovar independence directed their resources towards the Kosovar Albanian Government in Exile, which pursued a nonviolent independence movement; the violent independence movement gained ground only after the Dayton Agreement, and after the KLA became a credible representative of the violent independence movement through its first claimed operations.⁶⁵

2. The Rise of the KLA

From its foundation, the goals of the KLA as a violent independence movement were to avoid the terrorist marker and to elicit sympathy/support from the international

⁶⁰ "Crisis in the Balkans; Statements of United States' Policy on Kosovo:," *The New York Times*, April 18, 1999, sec. World, <https://www.nytimes.com/1999/04/18/world/crisis-in-the-balkans-statements-of-united-states-policy-on-kosovo.html>.

⁶¹ Perritt, *Kosovo Liberation Army*, 7–8 and 24.

⁶² Judah, *Kosovo*, 42–43 and 76; Perritt, *Kosovo Liberation Army*, 7–8.

⁶³ Perritt, *Kosovo Liberation Army*, 8 and 24; Peter Radan and Aleksandar Pavkovic, *The Ashgate Research Companion to Secession* (Ashgate Publishing, Ltd., 2013), 177–78.

⁶⁴ Institute of Land Warfare, "Roots of the Insurgency in Kosovo" (Arlington, VA: Institute of Land Warfare, June 1999), <https://www.ausa.org/sites/default/files/BB-82-Roots-of-the-Insurgency-in-Kosovo.pdf>.

⁶⁵ Perritt, *Kosovo Liberation Army*, 32–33; Independent International Commission on Kosovo, ed., *The Kosovo Report: Conflict, International Response, Lessons Learned* (New York: Oxford University Press, 2000), 1 and 50.

community. The KLA's existence can be divided into three distinct operational periods, which are significantly different and separated by substantial events/developments. After reviewing the founding goals and operational periods of the KLA, it is possible to more clearly assess how conscious the organization's strategy was that led to its reclassification.

a. *Periodization of the KLA's Activity*

The KLA's existence can be divided into three parts: the covert activity period, the alleged terrorist period, and the freedom fighter or guerilla period. The operational periods are not framed or sharply separated by dates or events, and these designated periods do not mean that only one type of modus operandi was present on the organization's operational palette at the same period. However, because they are relevant for the vast majority of KLA's operations and simplify understanding, it is worth outlining these periods. The boundaries of the operational periods cannot be marked without doubt (due to lack of data or the transition-nature of the period change), but for the sake of clarity, where it was possible, the period boundaries are illustrated by dates and events:

- First, covert activity period: from the December 1993 foundation to February 1996, the first release of a KLA communiqué.⁶⁶
- Second, the disputed terrorist period: from the first communiqué (February 1996) to the 22 April 1998 –reaching of the internal “armed conflict” qualification in Kosovo under the international law (based on a retrospective assessment by the ICTY).⁶⁷

⁶⁶ Judah, *Kosovo*, 77–79; Koktsidis and Dam, “A Success Story?,” 164; Perritt, *Kosovo Liberation Army*, 8; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 99.

⁶⁷ ICTY, “In Trial Chamber II - Prosecutor v. Ramush Haradinaj et Al.” (International Criminal Tribunal for the former Yugoslavia, November 29, 2012), paras. 400–401 and 410–414, <https://kosovo.sense-agency.com/assets/judicial-epilogue-2/09-05-EN.pdf>; ICTY, “Judgement Summary for Haradinaj et al. 2008” (International Criminal Tribunal for the former Yugoslavia, April 3, 2008), 3, https://www.icty.org/x/cases/haradinaj/tjug/en/080403_Haradinajetal._summary_en.pdf.

- Third, freedom-fighter or guerilla period: from 22 April 1998 (reaching armed conflict status) to the September 1999 disarmament and dissolution.⁶⁸

b. The KLA Makes Its Existence Public after the Dayton Agreement

Despite the Kosovar expectations, the 1995 Dayton Agreement, which ended the war in Bosnia, did not deal with the Kosovo settlement yearned for by the Kosovo Albanians. The resulting frustration with the agreement delegitimized Kosovo's peaceful independence movement and created the conditions for the KLA's favorable reception. The perceived betrayal and insensibility by the international community shocked the Kosovars and undermined their belief in a peaceful secession; the pacifist aspirations of the shadow government (among others) significantly lost their credibility.⁶⁹ In this atmosphere of disappointment caused by the perceived futility of the peaceful pro-independence movement, the KLA went public.⁷⁰ The KLA issued its first communique in early 1996, in which it took responsibility for some of the 1995 attacks on the Yugoslav police.⁷¹ In 1996, the organization's name spread in the public consciousness because of its operations against police property, police officers, and some civilian targets. Through these actions the KLA showed some form of alternative path forward for those who wanted to do something for Kosovar independence.⁷²

⁶⁸ Judah, *Kosovo*, 95; Ramadan Qehaja, Kosum Kosumi, and Florian Qehaja, "The Process of Demobilization and Integration of Former Kosovo Liberation Army Members – Kosovo's Perspective," 1999, <http://qkss.org/web/images/content/Process%20of%20demobilization%20and%20integration%20of%20former%20KLA%20members.pdf>; Landmine Monitor Core Group, *Landmine Monitor Report 2000: Toward a Mine-Free World* (Human Rights Watch, 2000), 876; Peter Duignan, *NATO: Its Past, Present, Future* (Hoover Press, 2000), 102; The Irish Times, "KLA Reported to Have Disarmed," The Irish Times, accessed December 5, 2021, <https://www.irishtimes.com/news/kla-reported-to-have-disarmed-1.227856>.

⁶⁹ Perritt, *Kosovo Liberation Army*, 8; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 31.

⁷⁰ Perritt, *Kosovo Liberation Army*, 82; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 99.

⁷¹ Perritt, *Kosovo Liberation Army*, 82; Independent International Commission on Kosovo, *The Kosovo Report*, 51; Radan and Pavkovic, *The Ashgate Research Companion to Secession*, 178.

⁷² Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 17 and 31; Alan J. Kuperman, "The Moral Hazard of Humanitarian Intervention: Lessons from the Balkans," *International Studies Quarterly* 52, no. 1 (2008): 66. KLA targeting detailed: II.B.2.c.

c. Objectives of the KLA

After the KLA revealed itself, in various communiqués and declarations, it proclaimed its political, strategic, and operational goals, which remained essentially unchanged throughout the conflict.⁷³ Henry Perritt, based on interviews with KLA leaders and KLA communiqués, collected and summarized the KLA's objectives.⁷⁴ According to Perritt, the KLA's seven objectives were:

1. Show that it was possible to resist.
2. Survive efforts by the Milosevic regime to annihilate it.
3. Eliminate key members of Serb police, military, and security apparatus, including ethnic Albanian collaborators and spies.
4. Defend civilians.
5. Keep open the arms-supply routes to Albania.
6. Interdict Serb supply routes through the Llap region.
7. Build international sympathy, by implanting into geopolitical discourse the ideas that the Serb forces in Kosovo represented a foreign occupation and persistently violated human rights, that resistance was building and could not be eliminated, and that KLA fighters were not terrorists.

Contrary to the very essence of terrorist organizations, the goals of the KLA did not include explicit intimidation or indiscriminate killing of civilians. And the organization expressly sought to distance itself from terrorism.

B. THE DEBATE ON WHETHER THE KLA WAS TERRORIST

In this debate about the terrorist classification, the two extremes were represented by the opposing parties, i.e., according to Yugoslavia, the KLA was clearly a terrorist organization, but the KLA was clearly not a terrorist organization in its own judgment. The two adversaries did everything in their power to put the related debate in a framework suitable for them, but the other prominent actors (UN, UNSC, Contact Group, U.S., UK,

⁷³ ICTY, "Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection" (The Hague: International Criminal Tribunal for the Former Yugoslavia, 2021), <https://kosovo.sense-agency.com/assets/prologue/01-07-EN.pdf>; Andy Wilcoxson, "The KLA in Its Own Words," accessed July 9, 2021, http://www.slobodan-milosevic.org/news/kla_communiques.htm; Perritt, *Kosovo Liberation Army*, 62–63.

⁷⁴ Perritt, *Kosovo Liberation Army*, 62.

terrorism databases, ICTY, etc.) usually took a stand between the two extremes, and some also changed their attitude during the conflict.

1. The Changes and Diversity of Terrorist Definitions and Their Role in KLA's Classification

One of the major drivers of the changes in the definitions, the applications, and the limits of terrorism has been that the term has always had a strongly pejorative meaning, which from the beginning some have sought to exploit to stigmatize counter-interested movements or individuals.⁷⁵ The insights that the term's use is often politicized and that some have tried to distort its interpretation in order to exploit its negative power are not new.⁷⁶ In the Kosovo conflict, the term terrorism created significant opportunities for the Yugoslav government to frame the KLA as an unacceptable actor. Ben Saul highlights that instead of a single common definition, the United Nations legal framework accepted the domestic definitions of its member states, "resulting in the decentralized and haphazard national implementation. Many states utilized the authority of the resolution to define terrorism to suit their own political purposes or to camouflage assaults on fundamental civil and political rights."⁷⁷

Recognizing this confusing framework, the Yugoslav leadership had taken advantage of this opportunity against the Kosovo Albanians and the KLA much earlier; Gagnon writes that the Serbs adjusted the legal order, their narrative, and their hard actions against the Albanian minority, claiming/mimicking counter-terrorist steps long before the KLA was founded (promoted widespread Kosovo rape claims and a narrative of

⁷⁵ Encyclopedia Britannica, "Reign of Terror - History, Significance, & Facts," accessed July 7, 2021, <https://www.britannica.com/event/Reign-of-Terror>; Marisa Linton, "Wayback Machine," January 17, 2012, <https://web.archive.org/web/20120117152123/http://www.port.ac.uk/special/france1815to2003/chapter1/interviews/filetodownload%2C20545%2Cen.pdf>; Schmid, Jongman, and Price, *The Routledge Handbook of Terrorism Research*, 40; Nacos, *Terrorism and Counterterrorism*, 21.

⁷⁶ Schmid, Jongman, and Price, *The Routledge Handbook of Terrorism Research*, 40.

⁷⁷ Saul, "Defining Terrorism: A Conceptual Minefield," 9.

endangered Serb minorities in Kosovo, labelled opponents of the hardline Kosovo politics as traitors of Serbdom, etc.).⁷⁸

Still, while the abuse of the “terrorism” label by the Yugoslav government has largely delegitimized many of these claims, some of the accounts of KLA atrocities and terrorist behavior have also been raised by other non-Serb sources, and need to be taken seriously given the graveness of the allegations and their potential strategic implications on the conflict and subsequent peace process in Kosovo.⁷⁹

2. The KLA’s Operations in Focus

Examining the KLA and its operations carried out until its reclassification, it is possible to assess which components of terrorism were present in its activity and to what extent. Among the components, it is also possible to identify which ones were clearly manufactured by Serb propaganda, and along which ones the alleged terrorist of the KLA could be more in dispute – particularly the targets of KLA attacks and threats that are clearly civilian/noncombatant in nature, and the messages of intimidation directed on these targets.

a. Non-state Actor with Marginal Membership

The KLA was a non-state actor, and it had probably a few hundred members in the peak of its second operational period (from February 1996 to 22 April 1998) examined in terms of terrorism. Although the necessity of this aspect is disputed, meeting it should not

⁷⁸ V. P. Gagnon, *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (Ithaca, United States: Cornell University Press, 2006), 63–68, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=3138491>; David Martin Jones and Michael Smith, “The Perils of Hyper-Vigilance: The War on Terrorism and the Surveillance State in South-East Asia,” *Intelligence and National Security* 17, no. 4 (December 2002): 48–49, <https://doi.org/10.1080/02684520412331306630>; Beth Elise Whitaker, “Compliance among Weak States: Africa and the Counter-Terrorism Regime,” *Review of International Studies* 36, no. 3 (July 2010): 640 and 661, <https://doi.org/10.1017/S0260210510000641>.

⁷⁹ Council of Europe, “Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo” (Council of Europe, Committee on Legal Affairs and Human Rights, January 7, 2011), paras. 37 and 112, <https://www.scp-ks.org/sites/default/files/public/coe.pdf>; Sean Patrick Kelley, “Kosovo: The Balkan Time Bomb?” (Monterey, CA: Naval Postgraduate School, 1998), 48–54, <https://apps.dtic.mil/sti/pdfs/ADA340982.pdf>; Eliot L. Engel, “H.R.2203 - 114th Congress (2015-2016): To Remove the Kosovo Liberation Army from Treatment as a Terrorist Organization, and for Other Purposes.,” legislation, June 1, 2015, 2015/2016, <https://www.congress.gov/bill/114th-congress/house-bill/2203>.

be an obstacle to being involved in terrorism. Kosovo had no statehood at the time of the KLA's activity, it was only a Serbian province, and although the Kosovo Albanians, led by Ibrahim Rugova, established a government in exile, the KLA was not even recognized by them for a long time; and when the KLA's activity was undeniable, the Rugova-led government presented it as a Serbian puppet that aimed for the division of the Kosovars (and a competing army Armed Forces of the Republic of Kosovo – FARK also was formed).⁸⁰

Therefore, the KLA definitely was a non-state actor because even the internationally unrecognized Kosovar government in exile distanced itself from it. The representation of KLA's membership is shown in Figure 1 (data based on Table 1); however, in the second operational period of the KLA, there is wide speculation of the actual membership of the organization, ranging from dozens to thousands, depending on the source. This uncertainty around the headcount, along with the vagueness of the definition of “marginal membership” to designate a group as a terrorist, makes it hard to come to a clear conclusion on this criterion/component.

b. Political Goals

The KLA deliberately, consciously, and systematically used violence to achieve its ultimate political goal: to end the Serbian “occupation” and gain self-determination for Kosovo.⁸¹ As Perritt says, “Each KLA communiqué contained language emphasizing that its activities were aimed at expelling occupiers.”⁸² The political nature of the KLA's goals is also proven (afterwards) by the voluntary dissolution that followed the successful independence movement (political goal achieved). Still, that the KLA used the violence for political purposes is a necessary but not sufficient condition for a finding of terrorism.

⁸⁰ Perritt, *Kosovo Liberation Army*, 14–15.

⁸¹ Judah, *Kosovo*, 79; Koktsidis and Dam, ““A Success Story?,” 164–66 and 169; Phillips, *Liberating Kosovo*, 68–70; Perritt, *Kosovo Liberation Army*, 62–63.

⁸² Perritt, *Kosovo Liberation Army*, 146.

c. Targeting

The key component of the currently used definitions of terrorism—deliberately targeting civilians or noncombatants—has been the most hotly contested aspect of the KLA case. On one hand, the Yugoslav government and other sources have cited specific instances of targeting these groups. According to Serb sources, by February 1998, the organization had conducted 152 attacks; and in addition to material damage, the deaths of 10 Serbian police officers and 24 civilians were caused by the KLA fighters.⁸³ The contemporary press and subsequent court hearings also confirm these attacks, but the main and most credible sources to prove the intended nature also of the killings of civilians are the spokespersons' interview and the communiqués issued by the KLA.⁸⁴

The KLA, however, has countered claims of terrorism here by recognizing the murdered police officers as fighters, state officials as representatives of the repressive regime, and civilians as collaborators—in other words, as legitimate targets in an insurgency.⁸⁵ There are no sources to suggest that after the war, any of the KLA ex-leaders publicly declares these statements false. The alleged KLA's attacks that particularly provoked outrage involved attacks on refugee camps, a forestry worker, and a university rector.⁸⁶ Even if we accept that the civilians were officials or informants of the state power, judging by their position and the circumstances of the attacks, they did not pose a direct armed threat to KLA members that would have justified the use of deadly force. This method of targeting, but especially the use of lethal force, is in tension with the internationally accepted rules of warfare.⁸⁷ But these cases neither justify the charge of

⁸³ Radan and Pavkovic, *The Ashgate Research Companion to Secession*, 178.

⁸⁴ MILS News, "MILS News 29/04/96," accessed July 9, 2021, <http://www.hri.org/news/balkans/mils/1996/96-04-29.mils.html#06>; "Prosecutors in Kosovo Guerrillas' Trial Attempting 'Ambush': Lawyers," *Balkan Insight* (blog), December 17, 2020, <https://balkaninsight.com/2020/12/17/prosecutors-in-kosovo-guerrillas-trial-attempting-ambush-lawyers/>; Perritt, *Kosovo Liberation Army*, 176; ICTY, "Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection."

⁸⁵ ICTY, "Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection."

⁸⁶ ICTY; Perritt, *Kosovo Liberation Army*, 73; Judah, *Kosovo*, 79 and 144.

⁸⁷ Perritt, *Kosovo Liberation Army*, 117; Gary D Solis, *The Law of Armed Conflict: International Humanitarian Law in War* (Cambridge; New York: Cambridge University Press, 2010), 232 and 504, <https://doi.org/10.1017/CBO9780511757839>.

terrorism (they could be war crimes or plain crimes). And it is also true that in those times, the advantage of the Serbs in the information domain was overwhelming, so it is not inconceivable that taking advantage of this domain, Serbs deliberately presented details of KLA operations from a morally objectionable direction.

For example, the forester allegedly killed by KLA members may have been really an informant/spy and resisted arrest, but only the Serbian narrative is known to the public because the KLA communiqués are not published. So, it is difficult to arbitrate between these positions (terrorist or freedom fighter/guerilla) given the ambiguity of the situation and the efforts by the Serb side to frame everything KLA did as terrorism.

d. Threats and the Exploitation of Attention Gained through Violence

The KLA utilized the attention generated by violence and threats of violence to convey its messages. Its organizational communiqués almost always mentioned “collaborators” and often included threats: “All envoys of the enemy and those who perform covert operations, whoever they may be, will be treated under the laws of wartime” or “Death to enemies and traitors!”⁸⁸ However, in most cases, the nature of “collaboration” was not explained.⁸⁹ Based on these presented sources, the KLA’s communication could be classified both as guerilla or terrorist communication, so this is another area where the line between what might be construed as terrorist and insurgent is blurry, and a clear terrorist designation cannot be given.

e. Status before the Reclassification

For almost three years after its formation, the KLA did not disclose its existence; it was operationally inactive, so the organization was not categorized either as a terrorist or an insurgent or anything else by the international public. The Yugoslav/Serbian authorities

⁸⁸ ICTY, “ICTY: The Kosovo Case, 1998–1999 - How the Crimes in Kosovo Were Investigated, Reconstructed and Prosecuted,” pt. Koha Ditore 22 September 1998, accessed July 9, 2021, <https://kosovo.sense-agency.com/>; Wilcoxson, “The KLA in Its Own Words,” pt. Communique No 43.

⁸⁹ ICTY, “Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection,” pts. 0038552, 0038556, and 0038560; Perritt, *Kosovo Liberation Army*, 73–74.

have consequently classified the organization as a terrorist from the outset and treated the organization accordingly.⁹⁰

This terrorist categorization allowed the Yugoslav authorities to act harder through the police/authorities, but also promised other advantages, e.g., narrowing the KLA's international options (personal movements, finances, etc.), shaping unfavorable general judgment, keeping the jurisdiction right from the ICTY, etc. As Nacos and Pokalova explain in their works, terrorism has an extremely negative content and putting a terrorist label on an organization already records its pejorative image and thereby legitimizes broad action against it.⁹¹ It was in the interest of the Serbs to exploit this effect, while it was in the interest of the KLA and its allies to avoid it. In 1996, the political leadership of the KLA was still disorganized, and only a few dozen men could be equipped.⁹² Despite this weak development, the KLA declared itself as an army (sometimes insurgent/guerilla/freedom fighter organization), and of course, never referred to itself as a terrorist organization, or simply as an organization (or other neutral wording).⁹³ As has already been shown, one of the organization's goals was to overcome the terrorist label.⁹⁴

In the second phase of the KLA's history, the actors who were not directly involved in the conflict mostly avoided the task of classification/judgment, but when they did, they strengthened the categorization of the terrorist organization. The language use of Western/international NGOs, that were present in Kosovo at that time, was often neutral concerning the KLA, e.g.: "clandestine organization," "group," "unknown

⁹⁰ Global Security, "Kosovo Liberation Army [KLA / UCK]," accessed July 17, 2021, <https://www.globalsecurity.org/military/world/para/kla.htm>; Republic of Serbia, "Statement - Republic of Serbia" (Ministry of Information Serbia, March 11, 1998), <http://kosovo.sense-agency.com/assets/prologue/01-08-EN.pdf>.

⁹¹ Nacos, *Terrorism and Counterterrorism*, 21; Pokalova, "Framing Separatism as Terrorism: Lessons from Kosovo," 1–2.

⁹² Independent International Commission on Kosovo, *The Kosovo Report*, 52; Perritt, *Kosovo Liberation Army*, 33 and 110.

⁹³ ICTY, "Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection."

⁹⁴ See thesis: II.A.2.c

organization.”⁹⁵ However, in an ICTY judgement’s “Political context in Kosovo and emergence of the KLA” chapter, it is stated that some of the observers in Kosovo considered the KLA to be a terrorist organization.⁹⁶ In addition to NGOs, representatives of the scholarly community were also restrained in categorization, and those who took a stand among them were divided about the “terrorist narrative.” After its emergence, the KLA was registered as a terrorist organization by the researchers of the major Western, politically independent scholarly terrorism-databases.⁹⁷ Scholarly articles from the period also can be found to support the opposite positions, however.⁹⁸ Subsequent works are divided again about this debated terrorist period of the KLA.⁹⁹

The press in the countries that later proved significant shaper of the fate of Kosovo and Yugoslavia also mostly avoided the use of qualifier adjectives/markers in connection with the KLA. However, it is also true that in the KLA’s second operational period, the word “terror” (without specifying the responsible side, so the term can be connected to the

⁹⁵ Human Rights Watch, “Kosovo Fair Trial for Albanians,” Human Rights Watch, May 19, 1997, <https://www.hrw.org/news/1997/05/19/kosovo-fair-trial-albanians>; Human Rights Watch, “HRW Report 1996 Serbia” (Human Rights Watch, 1996), <https://www.hrw.org/reports/1996/Serbia.htm>.

⁹⁶ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 45.

⁹⁷ MIPT, “MIPT Terrorism Knowledge Base,” accessed July 18, 2021, <https://web.archive.org/web/20070402053051/http://www.tkb.org/Group.jsp?groupID=3517>; GTD, “Global Terrorism Database - Incidents of the Kosovo Liberation Army as Perpetrator” (Global Terrorism Database, 2021), https://www.start.umd.edu/gtd/search/Results.aspx?expanded=no&casualties_type=&casualties_max=&success=yes&perpetrator=720&ob=GTDID&od=desc&page=1&count=100#results-table; TRAC, “TRAC Database, KLA,” Group profile (Terrorism Research & Analysis Consortium, 2021), <https://www.trackingterrorism.org/group/kosovo-liberation-army-kla>.

⁹⁸ Ben Lombardi, “Kosovo, Introduction to Yet Another Balkan Problem,” *European Security* 5, no. 2 (June 1, 1996): 264, <https://doi.org/10.1080/09662839608407267>; Janusz Bugajski, “The Balkans: On the Brink Again,” *The Washington Quarterly* 20, no. 4 (December 1, 1997): 225, <https://doi.org/10.1080/01636609709550287>; Alan McGregor, “Brundtland Reflects on 100 Days at WHO,” *The Lancet* 352, no. 9141 (November 21, 1998): 1686, [https://doi.org/10.1016/S0140-6736\(05\)61464-X](https://doi.org/10.1016/S0140-6736(05)61464-X); Kelley, “Kosovo: The Balkan Time Bomb?,” v. and 2.

⁹⁹ Alpaslan Özerdem, “From a ‘Terrorist’ Group to a ‘Civil Defence’ Corps: The ‘Transformation’ of the Kosovo Liberation Army,” *International Peacekeeping* 10, no. 3 (August 2003): 80 and 89, <https://doi.org/10.1080/13533310308559337>; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 37; Nathalie Duclos, “Joining the Kosovo Liberation Army: A Continuist, Process-Based Analysis,” *Violence: An International Journal* 1, no. 1 (April 2020): 21–39, <https://doi.org/10.1177/2633002420904263>; Klejda Mulaj, “Resisting an Oppressive Regime: The Case of Kosovo Liberation Army,” *Studies in Conflict & Terrorism* 31, no. 12 (December 9, 2008): 1103–19, <https://doi.org/10.1080/10576100802510660>.

Yugoslav forces too) is associated with Kosovo in every examined type of sources (in the Appendix B) more often than the words “insurgency” or “freedom fighter.”¹⁰⁰ Pressures on media and press outlets to take a position were not so strong to exceed the risks of a wrong categorization. Viewer/consumer needs also can be met by referring to KLA as a group, organization, separatist (or similar neutral words). But markers that carry a rating/classification can provoke outrage. In addition to the low proportion of non-neutral wording (the neutral “group” is the most common of the terms examined), it can also be seen in the Appendix B that qualifier markers were used divided (similar rates in using the terms terror, civil war, and resistance).¹⁰¹

Unlike scholars or the press, the politicians and official bodies of some great powers and major international organizations have often been forced (pushed by the public) to take open positions on the KLA, and when they have manifested themselves, the KLA was generally condemned and branded a terrorist during this second period. The terrorist stigma is evidenced by many recorded individual statements; among the most memorable ones are Robin Cook’s (UK Foreign Secretary, in March 1998) and Robert Gelbard’s (U.S. special envoy to the Balkans, in February 1998) declarations: “We strongly condemn the use of violence for political objectives, including the terrorism of the self-styled Kosovo Liberation Army” and “[the KLA is] without any question a terrorist group.”¹⁰²

C. THE COLLAPSE OF THE ALBANIAN STATE AND THE DRENICA MASSACRE

Two significant events can be identified that were decisive in the evolution of the Kosovo conflict—and the reclassification of the KLA. Both also contributed to the strengthening of the position and capabilities of the KLA. The deteriorating situation in Albania, which borders Kosovo, made possible increasing weapon supply for the KLA

¹⁰⁰ See: Appendix B -rate differences

¹⁰¹ See: Appendix B -the rates (terrorism, guerilla, etc.) are negligible in most study groups

¹⁰² Grey Carter, “Britain’s Collaboration with pro-Jihadist Forces in Kosovo,” *Big “N” Mighty Nose* (blog), July 17, 2017, <https://mightynose.wordpress.com/2017/07/17/britains-collaboration-with-pro-jihadist-forces-in-kosovo/>; Larry E. Craig, “The Kosovo Liberation Army: Does Clinton Policy Support Group with Terror, Drug Ties?” (U.S. Senate, Republican Policy Committee, March 31, 1999), <https://fas.org/irp/world/para/docs/fr033199.htm>.

since early 1997, and the Serbian authorities' massacre in Drenica resulted in increasing sympathy and popular support from March 1998.

1. The Collapse of the Albanian State and its Impact on the Kosovo Conflict

Albania's role in the Kosovo conflict, despite the ethnic connection, was largely passive or insignificant until the first half of 1997, when events in Albania assumed a significant impact on the KLA and Kosovo. After the escalation of Kosovo tensions in the 1980s, the Kosovo's independence organizations have rarely received Albanian support, and if so, only from individuals and some organizations. This restrained attitude was taken because the Albanian government did not want to participate in the Kosovo conflict in order to maintain its good relations with the Yugoslav government.¹⁰³ In the early 1990s, different Kosovar armed groups tried to set up armed training camps in Albania, but without Albanian state protection, the Yugoslav secret service was able to thwart their attempts to develop an effective force.¹⁰⁴

The conditions in Albania changed in 1997, when central authorities collapsed entirely in the wake of a financial crisis in January. The country plunged into a state of civil war, the weapons of the armed organizations started to flow to the black market, and the territories and people became uncontrolled by the state.¹⁰⁵ The crisis was resolved in August 1997 by an international intervention (7,000 peacekeepers in Operation Alba), but by then, a significant number of weapons disappeared from the armories (hundreds of thousands, mostly AK assault rifles).¹⁰⁶ But even after the order was restored, the KLA's development gained ground: training camps could be set up in Albania and arms smuggling

¹⁰³ Perritt, *Kosovo Liberation Army*, 6, 92, 94–95, and 132–34; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 30.

¹⁰⁴ Perritt, *Kosovo Liberation Army*, 8 and 63.

¹⁰⁵ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 36; Judah, *Kosovo*, 80–81; Siobhan Darrow, "Albania Deteriorates into Chaos," *CNN*, March 13, 1997, <http://edition.cnn.com/WORLD/9703/13/albania.late/index.html?iref=allsearch>; International Monetary Fund, "Finance and Development," accessed November 26, 2021, <https://www.imf.org/external/pubs/ft/fandd/2000/03/jarvis.htm>.

¹⁰⁶ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 36; Global Security, "Albanian Civil War (1997)," *Global Security*, 2021, <https://www.globalsecurity.org/military/world/war/albania.htm>; International Monetary Fund, "Finance and Development"; Judah, *Kosovo*, 80.

was significantly easier.¹⁰⁷ By providing these opportunities, the collapse of Albania was considered by many to have contributed significantly to the strengthening of the KLA.¹⁰⁸

2. The Drenica Massacre and Its Impact on the Kosovo Conflict

The last significant event in Kosovo before the reclassification was a large-scale Yugoslav operation against the KLA in the Drenica region. From 28 February to 5 March, several settlements of the Drenica region, a KLA stronghold, were raided in several separate operations by the state police, supported by military forces using armored and heavy weapons.¹⁰⁹ By surrounding residential buildings, the Yugoslav forces created siege situations (according to the Yugoslav sources, hostage-takings occurred), resulting in the deaths of 83 people, including 24 women or children; Adem Jashari, the then-commander of the KLA, also lost his life in the fight, but even the armed resistance of the KLA leadership was no justification for the disproportionate use of force of the Yugoslav forces, and neither domestic nor foreign audiences accepted the Yugoslav government's explanations/excuses.¹¹⁰ Nor could the alleged/presumptive Serbian control of the news/information prevent the spread of the details of these events. Several statements of protest and condemnation were made by leading Western politicians in the wake of the case.¹¹¹ This series of Yugoslav police actions later became known as the Drenica Massacre and proved to be a turning point in the history of the KLA.

However, Yugoslavia was still protected from the international intervention by the principle of national sovereignty and the international respect for this principle. UNSC Resolution 1160, the last major international document from the pre-reclassification

¹⁰⁷ Perritt, *Kosovo Liberation Army*, 103–6, 115, 119, and 120–21.

¹⁰⁸ Judah, *Kosovo*, 75; Perritt, *Kosovo Liberation Army*, 118, 126, and 132–34.

¹⁰⁹ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” paras. 49–50; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 38 and 155.

¹¹⁰ Perritt, *Kosovo Liberation Army*, 83; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 38–39 and 99.

¹¹¹ Parliament UK, “Tony Blair about Kosovo” (1998), <https://publications.parliament.uk/pa/cm199899/cmhansrd/vo990323/debtext/90323-06.htm>; Steven Erlanger, “Yugoslavs Try to Outwit Albright Over Sanctions,” *The New York Times*, March 23, 1998, sec. World, <https://www.nytimes.com/1998/03/23/world/yugoslavs-try-to-outwit-albright-over-sanctions.html>; Parliament UK, “UK Committee on Foreign Affairs -Minutes of Evidence” (parliament.uk, April 2000), <https://publications.parliament.uk/pa/cm199900/cmselect/cmfaff/28/9111805.htm>.

period, merely asked permission for international monitoring/relief organizations to gain access into Kosovo, expected the withdrawal of the Yugoslav special police forces which are held primarily responsible for human rights violations/abuses, and asked for the restoration of provincial autonomy.¹¹² These expectations did not violate the unity and sovereignty of Yugoslavia, and the respect towards these aspects was emphasized in both the above-mentioned UNSC document and also the post-massacre statements of the Contact Group on Kosovo issued in the same month (9 and 25 of March 1998).¹¹³

It may arise that this event was so significant that this is what triggered the reclassification process. This idea, however, contradicts that a state misuse of force has nothing in principle to do with judging such an organization (because it is up to the goals, tactics, communication, etc.), and nearly a month after the Drenica Massacre, the UNSC issued its abovementioned Resolution No. 1160, which still clearly linked terrorist acts to the KLA.¹¹⁴ And while Serb-controlled news/information flow may explain the delay time, there are indications that the great powers knew about the events almost in real-time.¹¹⁵ So it was not the events in Drenica that exclusively/directly/immediately triggered the reclassification process.

Ultimately, the Drenica massacre brought significant attention to Kosovo and also granted legitimacy to the violent representative of the Kosovar Albanian struggle for independence (KLA).¹¹⁶ Through this, the KLA has received significant impetus in several respects. The KLA's reclassification process from April 1998 examined in this thesis is a result of several factors, and in some of these factors, the Drenica massacre, which

¹¹² United Nations, "Security Council Resolution 1160 - UNSCR," accessed June 13, 2021, <http://unscr.com/en/resolutions/1160>.

¹¹³ U.S. Department of State, "Contact Group Statement on Kosovo (9MAR98)," March 9, 1998, https://1997-2001.state.gov/travels/980309_kosovo.html; U.S. Department of State, "Contact Group Statement on Kosovo – Bonn, 25 March 1998," March 25, 1998, https://1997-2001.state.gov/regions/eur/stm_980325_kosovo.html.

¹¹⁴ United Nations, "Security Council Resolution 1160 - UNSCR."

¹¹⁵ Steven Erlanger, "Albright Warns Serbs on Kosovo Violence," *The New York Times*, March 8, 1998, sec. World, <https://www.nytimes.com/1998/03/08/world/albright-warns-serbs-on-kosovo-violence.html>; Erlanger, "Yugoslavs Try to Outwit Albright Over Sanctions."

¹¹⁶ ICTY, "ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu," para. 50; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 39.

represented the conflict's escalation, could play a conducive role (e.g., international attention, political support, military force, conflict's intensity, etc.). Thus, the Drenica events played a role not directly but indirectly, and it is for sure, a defining event for the conflict and the KLA.

D. CHAPTER CONCLUSION

The opposing parties framed the conflict in Kosovo as another chapter of a millennium-old ethno-nationalist conflict. The foundation of the KLA, its methods, and its Yugoslav reception were not surprising. In the 1990s, however, Kosovo received historically exceptional international attention and concerns, which both sides sought to manipulate for their own benefit—and the debate over alleged terrorism of the KLA became a central element of this competition.

The definitions of terrorism and their interpretations allowed enough flexibility to decide whether to evaluate certain components of the KLA's operations in one way or another. This flexibility allowed all parties (including the international community and the NATO allies) opportunities to present actions in their own interests, e.g., a legitimate uprising or a legitimate counter-terrorism operation. Until the spring of 1998, Serbs were more successful in the “narrative” or “framing” competition since the KLA was considered by a large part of the international community to be a terrorist organization. The period of the KLA's reclassification brought a change in this position.

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III. THE RECLASSIFICATION PROCESS

The reclassification of the KLA from terrorist status to a guerilla freedom fighting force was not an event but rather a process—a sequence of decisions and statements. Many players/powers in and around the Kosovo conflict formed different opinions about terrorism classification in general and the activity of the KLA in particular. But none was influential enough to change the KLA’s classification alone or in one fateful act. Not even the only superpower of the era, the United States, enjoyed such influence over the events in Kosovo—including the reclassification of the KLA. Thus, the process unfolded over several months in 1998 and 1999. This chapter traces this process. It also presents the changing attitudes/opinions of the prominent international actors regarding the methods of the KLA or the Kosovo conflict. The chapter also provides a selection of the key stated and inferred decision factors/considerations that advocated for or opposed the KLA’s reclassification.

A. THE EARLY CLASSIFICATIONS AND THE RECLASSIFICATION OF THE KLA

During its existence, the KLA earned various classifications and markers. For the most part, the opinion-formers were consistent in their views on the organization, but during the reclassification, many of the most prominent actors significantly changed their previous attitude and wording about the KLA.

There was no special ceremony for the KLA’s reclassification. Rather, the process can be evidenced by statements and gestures made before, during, and after it. The events/actions that determined the classification of the KLA took place mainly on the battlefield in Kosovo, but decisions on the organization’s classification/reclassification were made far from Kosovo in several political communities around the world. The reclassification related decisions took place behind closed doors, in suits, via phone calls and at tables, in several countries in parallel. By their nature, the preparation of decisions is not possible to reveal, but the results of parallel processes in many countries are clear:

public statements, documents, and steps show how the international community gradually reclassified the KLA.

In the most influential circles, the earnest reconsideration of the KLA's classification probably started around 1 April 1998, but the commanders and soldiers in Kosovo could not know that the process had begun. The indicators of the change of KLA's classification became perceptible only slowly for the wider public:

February 22, 1998: U.S. special envoy to Balkan declaration, "I consider that the UCK is a terrorist group by its actions."¹¹⁷

February 25, 1998: Contact Group Statement on Kosovo (United States, United Kingdom, France, Germany, Italy, and Russia) said "The Contact Group reaffirmed its commitment to uphold human rights values, and their condemnation of both violent repression of non-violent expressions of political views, including peaceful demonstrations, as well as terrorist actions, including those of the so-called Kosovo Liberation Army."¹¹⁸

From February 29 to March 5, 1998: The Yugoslav authorities' massacre in Drenica (receiving worldwide public attention).¹¹⁹

March 2, 1998: U.S. Department of State's statement announced that the U.S. is aware of the events in Drenica and deeply condemns the "the excessive use of force by the Yugoslav police."¹²⁰ At the same time, it also announced that "We have also called on Kosovo's Albanian leaders to condemn terrorist action by the so-called Kosovo Liberation Army (UCK)."¹²¹

March 9, 1998: Contact Group Statement on Kosovo (United States, United Kingdom, France, Germany, Italy, and Russia) said "We wholly condemn

¹¹⁷ U.S. Department of State, "Press Conference U.S. Envoy Gelbard," February 22, 1998, https://1997-2001.state.gov/policy_remarks/1998/980222_gelbard_pristina.html; Craig, "From 'Terrorists' to 'Partners.'"

¹¹⁸ Contact Group Balkans, "Statement by the Contact Group on Kosovo, February 25, 1998," February 25, 1998, https://1997-2001.state.gov/regions/eur/stm_980225_kosovo.html.

¹¹⁹ See: II.C

¹²⁰ U.S. Department of State, "Violence in Kosovo, Press Statement by James P. Rubin U.S. Department of State Spokesman," March 2, 1998, <https://1997-2001.state.gov/briefings/statements/1998/ps980302b.html>.

¹²¹ U.S. Department of State.

terrorist actions by the Kosovo Liberation Army or any other group or individual.”¹²²

- March 10, 1998: ICTY press release regarding the Tribunal’s jurisdiction over Kosovo. It was disclosed that an investigation was underway, “the Prosecutor is currently gathering information and evidence in relation to the Kosovo incidents and will continue to monitor any subsequent developments.”¹²³ A week later (March 17, 1998), the ICTY prosecutor wrote to the Yugoslav authorities regarding data on the violence in Kosovo.¹²⁴
- March 13, 1998: U.S. envoy to Balkan still connected KLA with terrorism, he said that the KLA did commit “terrorist acts,” but it had “not been classified legally by the U.S. Government as a terrorist organization.”¹²⁵
- March 25, 1998: A Contact Group Statement on Kosovo, without mentioning the KLA and/or terror.¹²⁶
- March 31, 1998: UNSCR No. 1160 in addition to the clear condemnation of Serbian deeds, it is also written that “Condemning (...) all acts of terrorism by the Kosovo Liberation Army.”¹²⁷
- April 1, 1998: The beginning of the reclassification period. As of that date, not any major international political document did link the KLA to terrorism.
- April 22, 1998: KLA’s operational period border. The fights intensified in Kosovo. Retrospectively, in 2008, the ICTY announced that the conflict was from this day under the international law and that the ICTY exercised jurisdictional rights over certain crimes; “Considering the evidence and the Trial Chamber’s findings on both prongs of the Tadić test, the

¹²² U.S. Department of State, “Contact Group Statement on Kosovo (9MAR98)”; Office of the High Representative, “Statement of Kosovo, London, 09/03/1998,” Office of the High Representative, accessed July 25, 2021, http://www.ohr.int/ohr_archive/statement-of-kosovo-moscow-09031998/.

¹²³ ICTY, “Press Release -ICTY Prosecutor’s Statement” (International Criminal Tribunal for the Former Yugoslavia, March 10, 1998), <https://www.icty.org/en/press/prosecutors-statement-regarding-tribunals-jurisdiction-over-kosovo>.

¹²⁴ ICTY, “Information on Investigation -ICTY,” March 1998, <https://kosovo.sense-agency.com/assets/investigation/02-02-EN.pdf>.

¹²⁵ Shenon Philip, “U.S. Says It Might Consider Attacking Serbs,” *The New York Times*, March 13, 1998, <https://www-proquest-com.libproxy.nps.edu/docview/430940565/83BEFDD8FDA54578PQ/2?accountid=12702>.

¹²⁶ U.S. Department of State, “Contact Group Statement on Kosovo – Bonn, 25 March 1998.”

¹²⁷ United Nations, “Security Council Resolution 1160 - UNSCR.”

Trial Chamber is convinced that an armed conflict existed in Kosovo/Kosova from and including 22 April 1998 onwards.”¹²⁸

- April 29, 1998: Contact Group Statement does not link terrorism to KLA¹²⁹
- June 12, 1998: Statement on Kosovo issued following a meeting of the Foreign Ministers of the Contact Group and the Foreign Ministers of Canada and Japan condemned the terrorist acts in Kosovo, but did not mention the KLA in this regard or anything else.¹³⁰
- June 24, 1998: U.S. special envoy to Balkan in person meeting with the KLA leadership.¹³¹ This high-level diplomatic meeting marked the end of the KLA’s political isolation, and the organization was elevated into the diplomatic domain.
- July 5, 1998: U.S.-Rugova-KLA meeting in Kosovo.¹³² KLA became without question accepted negotiating partner in the Kosovo peace talks. The ICTY concluded in one of its judgments that by “July 1998 the KLA had gained acceptance as a necessary and valid participant in negotiations with international governments and bodies to determine a solution for the Kosovo’s crisis.”¹³³
- July 8, 1998: Contact Group Statement does not link terrorism to KLA.¹³⁴

¹²⁸ ICTY, “In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY” (International Criminal Tribunal for the former Yugoslavia, April 3, 2008), para. 100, <https://www.icty.org/x/cases/haradinaj/tjug/en/080403.pdf>; ICTY, “In Trial Chamber II - Prosecutor v. Ramush Haradinaj et Al.,” para. 400.

¹²⁹ Contact Group Balkans, “Contact Group Statement – Rome, 29 April 1998,” Office of the High Representative, April 29, 1998, http://www.ohr.int/ohr_archive/contact-group-statement-rome-29-april-1998/.

¹³⁰ U.S. Department of State, “Statement on Kosovo, Contact Group with Canada and Japan,” June 12, 1998, https://1997-2001.state.gov/regions/eur/stm_980612_kosovo.html.

¹³¹ Chris Hedges, “U.S. Envoy Meets Kosovo Rebels, Who Reject Truce Call,” *The New York Times*, June 25, 1998, sec. World, <https://www.nytimes.com/1998/06/25/world/us-envoy-meets-kosovo-rebels-who-reject-truce-call.html>; Adam Brown, “Holbrooke Meets With Kosovo Rebels,” AP News, June 24, 1998, <https://apnews.com/article/a171a35c427106ed8f6900aa183fb978>; BBC, “BBC News Europe: The KLA - Terrorists or Freedom Fighters?,” June 28, 1998, <http://news.bbc.co.uk/2/hi/europe/121818.stm>; Douglas Waller, “Mission Impossible - An Inside Look at How Richard Holbrooke Tries to Halt the Ethnic Bloodshed in Kosovo,” *All Politics - CNN*, July 6, 1998, <https://www.cnn.com/ALLPOLITICS/1998/06/29/time/holbrooke.html>.

¹³² CNN, “U.S. Envoy Tries Shuttle Diplomacy in Kosovo Crisis,” *CNN News*, July 4, 1998, <http://www.cnn.com/WORLD/europe/9807/04/kosovo/index.html>; Tim Youngs and Tom Dodd, “Kosovo Research Paper” (House of Commons, July 7, 1998), 29, <https://researchbriefings.files.parliament.uk/documents/RP98-73/RP98-73.pdf>.

¹³³ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 171.

¹³⁴ Contact Group Balkans, “Contact Group Statement – Bonn, 8 July 1998,” Office of the High Representative, July 8, 1998, http://www.ohr.int/ohr_archive/contact-group-statement-bonn-8-july-1998/.

- July 15, 1998: U.S. Department of State Press Statement “concerned about attacks against Serbian civilians in Kosovo by Albanian extremist groups, including the Kosovo Liberation Army (UCK).”¹³⁵ Since the press statement was about kidnappings in Kosovo, it would be obvious to mention terrorism, but it was not seen as such from the side of the reclassified KLA.
- July 15, 1998: End of the reclassification period. As the ICTY worded, “by July 1998 the KLA had gained acceptance as a necessary and valid participant in negotiations with international governments and bodies to determine a solution for the Kosovo’s crisis.”¹³⁶
- Sept. 23, 1998: UNSCR No. 1199 does not link terrorism to KLA.¹³⁷ Only the condemnation of terrorist acts remained in this newer version of the previous UNSCR (No. 1160).
- December 23, 1998: In the U.S. Department of State’s press statement the KLA is mentioned without any marker and without any link to terrorism.¹³⁸
- January 19, 1999: The UNSC’s Presidential Statement names the KLA without any marker in a warning.¹³⁹
- January 26, 1999: U.S. Secretary of State Madeleine Albright and Russian Foreign Minister Ivanov in a Joint Statement on Kosovo names the KLA without any marker.¹⁴⁰
- From February 6 to March 18, 1999: A representative of the KLA led the Kosovo Albanian delegation to the Rambouillet Peace Talks organized by the Contact Group, so the KLA also sat at a negotiating table with the great powers and the

¹³⁵ U.S. Department of State, “US DoS Press Statement about Kidnappings in Kosovo,” July 15, 1998, <https://1997-2001.state.gov/briefings/statements/1998/ps980715b.html>.

¹³⁶ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 171.

¹³⁷ United Nations, “Security Council Resolution 1199 - UNSCR,” accessed June 13, 2021, <http://unscr.com/en/resolutions/1199>.

¹³⁸ U.S. Department of State, “US Department of State Press Statement about the Situation in Kosovo, December 23, 1998,” December 23, 1998, <https://1997-2001.state.gov/briefings/statements/1998/ps981223a.html>.

¹³⁹ United Nations, “UNSC Presidential Statement about Kosovo,” January 19, 1999, https://1997-2001.state.gov/regions/eur/op_990119_un_racak.html.

¹⁴⁰ U.S. Department of State, “US Secretary of State and Russian Foreign Minister Joint Statement on Kosovo,” January 26, 1999, <https://1997-2001.state.gov/statements/1999/990126.html>.

Yugoslav delegation.¹⁴¹ The Rambouillet agreement was ultimately not signed by Yugoslavia and Russia, but not because of the presence of the KLA, so at this time, also they accepted the KLA as a negotiating partner (even if reluctantly).

- From March 24 to June 10, 1999: The negotiations failed, the NATO started war against Yugoslavia to enforce the Kosovo settlement. The KLA conducted coordinated operations with NATO forces against the Yugoslav forces.¹⁴²
- June 9–10, 1999: The NATO and Yugoslavia signed the Kumanovo Agreement to end the war, and one day later, (June 10, 1999) the UNSC adopted Resolution No. 1244, which continued to refer to the KLA in its own name (as an army), without any other marker; furthermore, neither the KLA's actions nor the organization itself had any negative perception in the document.¹⁴³ UNSCR 1244 called for the demilitarization of the KLA and provided the mandate for the international administration and military guardianship of the province of Kosovo.
- September 1999: The KLA was disarmed as a guerrilla army.¹⁴⁴

Before the reclassification period, the great powers (the Contact Group Balkans and the UNSC) issued documents that were signed with agreement and linked terrorism to the

¹⁴¹ Hashim Thaqi, "Letter of KLA Representative Hashim Thaqi to Secretary of State Madeleine K. Albright," March 15, 1999, <https://1997-2001.state.gov/briefings/statements/1999/ps990315.html>; History Commons, "Profile: Hashim Thaci a.k.a. The Snake," in *History Commons*, 2021, http://historycommons.org/entity.jsp?entity=hashim_thaci; Tobias Wille, "Representation and Agency in Diplomacy: How Kosovo Came to Agree to the Rambouillet Accords," *Journal of International Relations and Development* 22, no. 4 (December 2019): 2 and 12, <https://doi.org/10.1057/s41268-017-0120-2>; Perritt, *Kosovo Liberation Army*, 9 and 16.

¹⁴² Armando J. Ramirez, "From Bosnia to Baghdad: The Evolution of U.S. Army Special Forces from 1995–2004" (Naval Postgraduate School, 2004), 15–16, https://calhoun.nps.edu/bitstream/handle/10945/1356/04Sep_Ramirez.pdf?sequence=1&isAllowed=y; Dana Priest and Peter Finn, "NATO Gives Air Support to KLA Forces," *Washington Post*, June 2, 1999, sec. Page A1, <https://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/military060299.htm>; Benjamin S. Lambeth, "Operation Allied Force: Lessons for the Future" (RAND Corporation, January 1, 2001), https://www.rand.org/pubs/research_briefs/RB75.html; NATO, "Kosovo Air Campaign (Archived)," NATO, April 7, 2016, http://www.nato.int/cps/en/natohq/topics_49602.htm.

¹⁴³ United Nations, "Kumanovo Agreement," June 9, 1999, <https://peacemaker.un.org/kosovoserbia-militarytechnicalagreement99>; CNN, "NATO, Yugoslavia Sign Agreement on Withdrawal from Kosovo," June 9, 1999, <http://edition.cnn.com/WORLD/europe/9906/09/kosovo.04/index.html>; United Nations, "Security Council Resolution 1244 - UNSCR," accessed June 13, 2021, <http://unscr.com/en/resolutions/1244>.

¹⁴⁴ Qehaja, Kosumi, and Qehaja, "The Process of Demobilization and Integration of Former Kosovo Liberation Army Members – Kosovo's Perspective"; The Irish Times, "KLA Reported to Have Disarmed."

KLA.¹⁴⁵ The United States also seemed quite sure about the classification of the KLA before April 1, 1998.¹⁴⁶ After the events in Drenica, the U.S. envoy to the Balkans already diminished his own statement from a few weeks before but still connected KLA with terrorism, and also the Contact Group (from the end of March) no longer insisted linking the KLA and terrorism as before (but the shortfall could have other reasons too).¹⁴⁷ Thus, it appears that until 31 March 1998, the political leadership of the leading powers were in agreement (from beliefs, interests, or coercion) about the terrorist activities/classification of the KLA.

From 1 April 1998, the beginning of the reclassification process, the pace of KLA-related statements/documents that characterized March stalled. An increasing number of signs showed the change in the terrorist classification of the KLA. As a first real-time indicator of the oncoming change, the conviction/condemnation of terrorism remained, but the link of terrorism to the KLA disappeared from the Contact Group's Statement on Kosovo of 29 April 1998.¹⁴⁸ In this statement, all forms of violence were condemned by the signatories (U.S., UK, France, Germany, Italy, and Russia), and expectations were expressed for several actors in connection to the conflict, but the KLA was not mentioned. The same attitude was present in the 12 June 1998 Contact Group Statement.¹⁴⁹ After these passive indicators with a distance or neutral attitude toward the KLA, the first active step in accepting KLA as a legitimate force was U.S. Envoy Holbrooke's in person meeting with the representatives of the KLA on June 24, 1998.¹⁵⁰ This high-level diplomatic meeting marked the end of the KLA's political isolation, and the organization was elevated into the diplomatic domain.

¹⁴⁵ Office of the High Representative, "Statement of Kosovo, London, 09/03/1998"; United Nations, "Security Council Resolution 1160 - UNSCR."

¹⁴⁶ U.S. Department of State, "Press Conference U.S. Envoy Gelbard."

¹⁴⁷ Shenon, "U.S. Says It Might Consider Attacking Serbs"; U.S. Department of State, "Contact Group Statement on Kosovo – Bonn, 25 March 1998."

¹⁴⁸ Contact Group Balkans, "Contact Group Statement – Rome, 29 April 1998."

¹⁴⁹ U.S. Department of State, "Statement on Kosovo, Contact Group with Canada and Japan."

¹⁵⁰ BBC, "BBC News Europe: The KLA - Terrorists or Freedom Fighters?"; Hedges, "U.S. Envoy Meets Kosovo Rebels, Who Reject Truce Call"; Brown, "Holbrooke Meets With Kosovo Rebels"; Waller, "Mission Impossible - An Inside Look at How Richard Holbrooke Tries to Halt the Ethnic Bloodshed in Kosovo."

Despite Russia's and China's objections to the West elevating the KLA to a partner, the developments in Kosovo (e.g., that Serbs were committing atrocities visibly on a much bigger scale and the massive flow of migrants from Kosovo) and their impact on international public opinion put pressure even on the skeptics to accept, if not applaud, the development.¹⁵¹ The international public also remembered well the massacres in Bosnia and the role of the Yugoslav forces; in this light, and given the accounts of Yugoslav military excesses of force in Kosovo (e.g., Drenica events), the KLA may have seemed the lesser evil.

On July 5, 1998, Holbrooke went to Pristine, Kosovo and indicated again that from Kosovar Albanian side not only Rugova but the KLA and its political allies (Adem Demaci) were accepted negotiating partners.¹⁵² On July 8, 1998, another Contact Group Statement showed neutral attitude towards the KLA, and after the diplomatic meetings of the KLA, this also showed that the Russians present in the Contact Group did not resist the new situation/classification (they could not or did not want to resist).¹⁵³ The last event/result of the reclassification period was that when the KLA had to be convicted by name for some crime, even then the terrorism was not mentioned.¹⁵⁴ This 15 July 1998 event (the press report about the Kosovo kidnappings) and the ICTY's retrospective assessment will

¹⁵¹ Tufts, "The Kosovo Conflict and Forced Migration: The Strategic Use of Displacement and the Obstacles to International Protection," *The Journal of Humanitarian Assistance*, March 1, 1999, 64, <https://sites.tufts.edu/jha/archives/133>; BBC, "BBC News Europe: The KLA - Terrorists or Freedom Fighters?"; Adam Brown, "U.S. Envoy Supports Albanian Leader," AP News, July 5, 1998, <https://apnews.com/article/5a5acbb20ece5a4e87ad49261a607de3>.

¹⁵² CNN, "U.S. Envoy Tries Shuttle Diplomacy in Kosovo Crisis"; Brown, "U.S. Envoy Supports Albanian Leader."

¹⁵³ Contact Group Balkans, "Contact Group Statement – Bonn, 8 July 1998."

¹⁵⁴ U.S. Department of State, "US DoS Press Statement about Kidnappings in Kosovo."

conclude the reclassification process: “by July 1998 the KLA had gained acceptance.”¹⁵⁵ After July 15, 1998, the KLA was treated as a warring party from all international political aspects.

B. THE KLA’S ACCEPTANCE AFTER THE RECLASSIFICATION

Following its reclassification, the KLA has become an indispensable player in the Kosovo peace process. The KLA’s involvement in the conflict-settlement talks had already taken place during its reclassification process in June-July 1998, after which the KLA was never linked to terrorism again in wide-ranging political statements. Later, in September 1998, all members of the UNSC signed Resolution No. 1199, which overwrote or overrode in many areas the March UNSCR No. 1160.¹⁵⁶ The UNSCR 1199 did not include the KLA by name; only the condemnation of terrorist acts remained in this newer version of this Kosovo-related, UNSC’s collective attitude representer high-profile document. The condemnation of the KLA for terrorism would be in this document if UNCSR members had assessed the highlight of the link as appropriate/proper—they still saw the KLA-terrorism link as appropriate/proper in March but not in September. After the reclassification process, the KLA was mentioned mostly by its name in the international community’s documents and statements, but there was no terrorism linked to the organization, although it was condemned sometimes because of its violent actions.¹⁵⁷ In

¹⁵⁵ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 171. Additional information: The earliest date of recognition of the KLA as an organized, responsible, and hierarchical fighting organization was 22 April 1998. In a KLA-related case, the list of crimes of some KLA commanders dated back to March 1998, and the last crime investigated but not judged in the absence of the ICTY’s jurisdiction right was April 18, 1998 (Indictment against Haradinaj et al., March 2005, In Trial Chamber II, paras. 183–194, 400–401, 410–414, and 656.). In this case’s judgment, the ICTY recognized its own jurisdiction right connected to the KLA the earliest: from 22 April 1998 (para. 656., strengthened later in 2010 and 2012). For the jurisdiction right of the ICTY (also in this case, Haradinaj et al.), the conditions necessary were the procession of an armed conflict, i.e., the proper organization on both sides (this was not in question on the part of Yugoslavia) and a certain intensity of the fighting (the Tadić conditions, paras. 392–397 and 399–411). This had nothing to do with any terrorist methods used, i.e., it did not preclude the (partial) application of terrorism. However, this alone already made easily rebuttable one of the terrorism-components examined in the previous chapter (non-state actor with marginal membership).

¹⁵⁶ United Nations, “Security Council Resolution 1199 - UNSCR.”

¹⁵⁷ U.S. Department of State, “US Department of State Press Statement about the Situation in Kosovo, December 23, 1998”; United Nations, “UNSC Presidential Statement about Kosovo”; U.S. Department of State, “US Secretary of State and Russian Foreign Minister Joint Statement on Kosovo.”

addition to becoming an internationally acceptable group, in 1998, the KLA took several important steps towards its strategic goals, including provoking significant international attention and gaining domestic popular support.¹⁵⁸ Financial, logistical, and military strengthening, as well as the disadvantageous Serbian decisions (e.g., full engagement of the available armed forces, banning of foreign observers and journalists from Kosovo, disregard of international sanctions and warnings, etc.), were all necessary for the KLA to move forward on the path of international recognition. The Kosovo conflict has also changed category; several indications warned the Serbs that their domestic law is no longer in effect, but the international law on armed conflicts.¹⁵⁹

The next major indicator of the KLA's wide acceptance and status as legitimate belligerent came during the Rambouillet Peace Talks organized by the Balkan Contact Group (the United States, the UK, France, Germany, Italy, and Russia), when the KLA delegate Hashim Tachi was the chairman representing Kosovo Albanians, rather than Ibrahim Rugova, the more experienced Kosovar politician.¹⁶⁰ The possible, post-conflict future of the KLA was also partly discussed at this event; Madeleine Albright, then U.S. Secretary of State, offered: "Officers in the Kosovo Liberation Army would also be sent to the United States for training in transforming themselves from a guerrilla group into a police force or a political entity."¹⁶¹ The KLA became the most accepted representative of

¹⁵⁸ Perritt, *Kosovo Liberation Army*, 33–34;

See: Appendix B -increased media interest after the reclassification.

¹⁵⁹ ICTY, "ICTY to UNSC," November 1998, <https://kosovo.sense-agency.com/assets/investigation/02-06-EN.pdf>; ICTY, "Information on Investigation -ICTY," March 1998; ICTY, "Information on Investigation -ICTY," October 1998, <https://kosovo.sense-agency.com/assets/investigation/02-04-EN.pdf>; Louise Arbour, "Letter from ICTY to President Milosevic," March 26, 1999, <https://kosovo.sense-agency.com/assets/investigation/02-07-EN.pdf>; ICTY, "Letter from Office of Prosecutor (ICTY) to President Milosevic," October 15, 1998, <https://kosovo.sense-agency.com/assets/investigation/02-04-EN.pdf>; ICTY, "Notification and Request for Information -ICTY Prosecutor to Yugoslavia," March 17, 1998, <https://kosovo.sense-agency.com/assets/investigation/02-02-EN.pdf>; ICTY, "Press Release -ICTY Prosecutor's Statement"; ICTY, "Press Release -ICTY Prosecutor Statement (Yugoslav Refusal)" (International Criminal Tribunal for the Former Yugoslavia, March 31, 1998), <https://kosovo.sense-agency.com/assets/investigation/02-08-EN.pdf>.

¹⁶⁰ Thaqi, "Letter of KLA Representative Hashim Thaqi to Secretary of State Madeleine K. Albright," March 15, 1999; History Commons, "Profile: Hashim Thaci a.k.a. The Snake."

¹⁶¹ Jane Perlez, "Kosovo Albanians, in Reversal, Say They Will Sign Peace Pact," *The New York Times*, February 24, 1999, <https://www-proquest-com.libproxy.nps.edu/docview/431115669/abstract/A8BBFA592F054168PQ/1?accountid=12702>.

the Kosovo Albanians in international diplomatic space, and its prospects following the settlement were also favorable.

Beyond the “diplomatic partner” status, the KLA also became a military partner/ally of the NATO in the spring of 1999.¹⁶² The initially non-violent international intervention in the Kosovo conflict turned into war in March 1999. After the abovementioned Rambouillet Peace Talks failed, a NATO air campaign started to force the withdrawal of Yugoslav forces out from Kosovo (among other goals).¹⁶³ The KLA joint forces with the NATO forces in Kosovo.¹⁶⁴ The NATO operation Allied Force lasted 78 days (from 24 March to 10 June 1999); the alliance carried out predominantly air operations to achieve the aimed goal, but in the meantime, the struggle between the KLA and the Yugoslav forces also took place on the land of Kosovo.¹⁶⁵

Eventually, the Milosevic government was forced to surrender and signed the Kumanovo Agreement on June 9, 1999, which detailed the end to NATO operations, the withdrawal of Yugoslav forces and authorities from Kosovo, and the entry of an international peacekeeping force to Kosovo.¹⁶⁶ One day later, on June 10, 1999, the UNSC adopted Resolution 1244, which continued to refer to the KLA in its own name (as an army), without any other marker: neither the KLA’s actions nor the organization itself had any negative perception in the document.¹⁶⁷ The UNSCR No. 1244 legitimized the occupation of Kosovo by international forces and its subordination to UN administration

¹⁶² Ramirez, “From Bosnia to Baghdad: The Evolution of U.S. Army Special Forces from 1995–2004,” 15–16; Priest and Finn, “NATO Gives Air Support to KLA Forces.”

¹⁶³ Eric Suy, “NATO’s Intervention in the Federal Republic of Yugoslavia,” *Leiden Journal of International Law* 13, no. 1 (March 2000): 193–205, <https://doi.org/10.1017/S092215650000133>; History.com, “NATO Bombs Yugoslavia,” History, March 2020, <https://www.history.com/this-day-in-history/nato-bombs-yugoslavia>; Andrew Glass, “NATO Begins Bombing Serbia, March 24, 1999,” Politico, March 2019, <https://politi.co/2FvyXIO>.

¹⁶⁴ Ramirez, “From Bosnia to Baghdad: The Evolution of U.S. Army Special Forces from 1995–2004,” 15–16; Priest and Finn, “NATO Gives Air Support to KLA Forces.”

¹⁶⁵ Lambeth, “Operation Allied Force”; NATO, “Kosovo Air Campaign (Archived).”

¹⁶⁶ United Nations, “Kumanovo Agreement”; CNN, “NATO, Yugoslavia Sign Agreement on Withdrawal from Kosovo.”

¹⁶⁷ United Nations, “Security Council Resolution 1244 - UNSCR.”

in accordance with the Kumanovo Agreement, and from the KLA it demanded the halt of offensive operations and the post-conflict disarmament.

The Kumanovo Agreement and the UNSCR No. 1244 regulated the settlement of Kosovo with the consent of the UNSC members and Yugoslavia, including the withdrawal of the Yugoslav authorities and forces, the transfer of the province to the UNMIK, and the mandate of the Kosovo Forces (KFOR). Following the establishment of the new order of Kosovo, the KLA was disarmed in September 1999 as a guerrilla army, and the process was not monitored by the Yugoslav authorities but the Kosovo Force (KFOR) and the new UN administration of Kosovo.¹⁶⁸ With this, the KLA was disbanded in a situation that almost completely met its goals.

The reclassification-related, decisive events/indicators that have been textually presented in the chapter are also presented graphically in the Appendix A.

C. THE DECISION FACTORS

Due to the chaotic nature of the events surrounding the Kosovo conflict, the still classified status of key primary documents, and differences in opinion across different sources, it is very hard to fully reconstruct all the drivers of the KLA reclassification. However, significant factors can be identified, or inferred indirectly, that were most likely present and had different impacts on the countries, organizations, and individuals that played a key role in the reclassification. Below, a brief summary of the factors and arguments is listed in favor of and against the KLA reclassification.

1. For Reclassification

- (1) The KLA was the most suitable organization to represent Kosovo Albanian masses disillusioned with pacifism after the Dayton Agreement. Before its reclassification, the KLA's (policy) popularity was increasing, and of Rugova's non-violent resistance movement was decreasing.¹⁶⁹ This process of changing support reflected not only in passive (agreement with the activities of the organization) but also in active (to assist the organization

¹⁶⁸ Qehaja, Kosumi, and Qehaja, "The Process of Demobilization and Integration of Former Kosovo Liberation Army Members – Kosovo's Perspective."

¹⁶⁹ Perritt, *Kosovo Liberation Army*, 30–33.

with activities or other resources) public support of the KLA, so the organization was ascendant also without foreign government support.¹⁷⁰

- (2) Some scholars exclude from the scope of terrorism the groups that are supported by a large part of their wider society.¹⁷¹ And the KLA grew, so it lost its marginal nature usually attached to terror groups.
- (3) A constructive agreement with such an organization/movement that enjoys the support and trust of the population is a cheaper and less risky solution of the conflict than confrontation. Based on Bieber's theory, several voices of the decision-making powers (Balkan Contact Group, UNSC permanent members) and organizations (EU, UN, NATO) were most interested in a "stabilocracy," and as the power in Kosovo changed in favor of the KLA, they preferred to accept the KLA, who maybe could provide them what they needed (Milosevic's activities triggered waves of refugees).¹⁷²
- (4) Typically, a large and politically active Albanian diaspora lived in the western, influential states of the era, who tried in various ways to promote Kosovo's independence.¹⁷³
- (5) In contrast, the unacceptability of the other, the Serbian side, had become increasingly widespread in the international arena because of the widespread atrocities it committed (the Drenica being the key trigger). The Yugoslav leadership had already discredited itself in Croatia and Bosnia and did not understand how to win "hearts and mind" internationally and how to portray itself as the lesser evil than the KLA.¹⁷⁴
- (6) Despite their image, in the beginning, of course, no one wanted to exclude the Serbs from the settlement of the conflict, but they were extremely inflexible during the negotiations. Against their fixed positions, presenting an alternative option could move out the bargaining from the deadlock.¹⁷⁵ So the reclassification of the KLA could also be a useful step from a

¹⁷⁰ Perritt, 90–91, 111–112, and 132.

¹⁷¹ Nacos, *Terrorism and Counterterrorism*, 23 and 29.

¹⁷² Bieber, "The Rise (and Fall) of Balkan Stabilitocracies."

¹⁷³ Judah, *Kosovo*, 2–3; Perritt, *Kosovo Liberation Army*, 88–89.

¹⁷⁴ Study.Com, "Were the Serbs Responsible for Both the Bosnian War and the Bosnian Genocide?," Study.com, accessed July 26, 2021, <https://study.com/academy/answer/were-the-serbs-responsible-for-both-the-bosnian-war-and-the-bosnian-genocide.html>; History Collection, "The Brutality of the Bosnian War Reflected in These Heartbreaking Photographs," *HistoryCollection.Com* (blog), August 8, 2018, <https://historycollection.com/the-brutality-of-the-bosnian-war-reflected-in-these-heartbreaking-photographs/>; Perritt, *Kosovo Liberation Army*, 1 and 134–37.

¹⁷⁵ J Oncol Pract, "Principles and Tactics of Negotiation," *Journal of Oncology Practice* 3, no. 2 (March 2007): 102–5, <https://doi.org/10.1200/JOP.0726501>.

negotiation strategic point of view: a compliance mechanism to force the Serbs to negotiate by threatening to support their foes.

2. Against Reclassification

- (1) The reclassification created a rift in the international community, with Russia, China and some others who had concerns about their own separatist movements, or supported the Serbian side taking an opposing position. This later complicated efforts for Kosovo's stabilization, as many of these countries later opposed its independence and membership in international organizations.
- (2) The reclassification made it harder to achieve reconciliation between the Kosovar Albanians and the Serbs.
- (3) Even if the KLA was the lesser evil among the sides, to lift up an evil is still not a perfect solution, and it can set a harmful precedent: it relativizes sins/crimes (as long as one side seems less evil than the other, it can count on benevolence, regardless of the absolute weight of the crimes committed).

D. CHAPTER CONCLUSION

The reclassification of the KLA began subtly when the great powers and some other actors first stopped stigmatizing the KLA and then quietly involved the organization as legitimate freedom fighters in settlement of the Kosovo conflict in 1998. This reclassification process also required the passive consent of Yugoslavia's international allies and the great powers concerned about separatism within their own borders. The reclassification of the KLA required a high degree of consensus in the international arena (even with passive participation) and was a major achievement that brought about a significant turnaround in the position of the KLA.

Argument No. 1 of the thesis is therefore partially confirmed: international actors that significantly affected the result of the Kosovo conflict (UNSC, Contact Group, etc.), from 1998 onward gave up referring to the KLA as a terrorist organization.

IV. INTERNAL CONSEQUENCES OF THE RECLASSIFICATION

The reclassification of the KLA had a significant impact within Kosovo. The reclassification contributed to the strengthening of the organization in several ways and the change in its methods and communication. The reclassification also increased the organization's popular support and its leadership's political capital, which some prominent figures could use after the war to embark on a career as a public official or politician and to be a dominant figure in Kosovo's public life.

The chapter first shows the growth of popular support of the KLA and then how this acclaim was later used by KLA leaders to launch their political careers. Then the chapter traces the increase in the number of fighters, the changed organizational communication, the KLA's new operating methods and land acquisitions, all as indices of the impact of reclassification.

A. INCREASING POPULAR SUPPORT FOR THE KLA AND LEGITIMIZATION OF KLA LEADERS

The reclassification increased the political support for the KLA and its methods among Kosovo Albanians and later allowed the quasi-transformation of the political wing of the KLA into a political party.

Kosovo's independence aspirations gained ground/attention in international public and politics even before the KLA showed up, but the dominant peaceful independence movement (represented by Ibrahim Rugova) did not achieve significant results.¹⁷⁶ Rather the KLA gradually gained more and domestic popular support.¹⁷⁷ As Mulaj wrote, "the

¹⁷⁶ Perritt, *Kosovo Liberation Army*, 8 and 15; John Pomfret, "'Greater Serbia' Flops in Kosovo: Few Flocking to Settle in Poor, Predominantly Albanian Province," *The Washington Post*, December 9, 1993, sec. A38, <https://www-proquest-com.libproxy.nps.edu/docview/140863222?pq-origsite=primo>; Sabrina P. Ramet, Albert Simkus, and Ola Listhaug, *Civic and Uncivic Values in Kosovo: History, Politics, and Value Transformation* (Budapest, Hungary: Central European University Press, 2015), 96, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=4443147>; David L Phillips, "Comprehensive Peace in the Balkans: The Kosovo Question," *Human Rights Quarterly* 18, no. 4 (1996): 821–32, <https://doi.org/10.1353/hrq.1996.0048>.

¹⁷⁷ Perritt, *Kosovo Liberation Army*, 8; Michael Waller, Kyril Drezov, and Bülent Gökay, eds., *Kosovo: The Politics of Delusion* (London; Portland, OR: Frank Cass, 2001), sec. loc. 689–696. And see: II.A.2

summer of 1998 saw a phenomenal increase of the KLA ranks as well as local support thereto.”¹⁷⁸

The reclassification and/or other signs of international recognition of the KLA in the mid-1998 had a particularly invigorating effect (along with other factors) on the popular support of the KLA. As Perritt formulates: “U.S. Ambassador Richard Holbrooke’s meeting with KLA soldiers at Junik in the late summer of 1998 cemented KLA respectability because it suggested endorsement by the United States.”¹⁷⁹ Its newly achieved international acceptance elevated the KLA to be a legitimate representative of Kosovo Albanians; this acceptance, together with the credible independence aspirations and the violence as a seemingly effective means to this end and promised the chance of success, increased the organization’s attractiveness to Kosovo Albanians (independence, even by force). So, the international recognition made the KLA more “viable” as a rebel group—it created an expectation that it can actually succeed, and this made it more rational for people to support it (potentially risking their lives in the process) as the KLA-represented way to the independence could work. It also helped overcome KLA’s image and notoriety as an illegitimate or criminal group).¹⁸⁰ Of course, other factors could also be present in 1998, and they may have contributed to this boom too (e.g., nationalistic feelings intensified by hard Serbian actions, optimism because of the more intense pace of operations made possible by the Albanian weapons acquired from the black market, etc.).

The political credibility and capital of the KLA and its leaders persisted after the war. In the first free elections after the war in 2001, the successor party (PDK) of the political wing of the KLA became the second-most important political force with 26 percent of the votes (behind Rugova’s LPK party), despite having no established political infrastructure prior to the war.¹⁸¹ The KLA and its leaders became political actors only in 1996, so their political support started from zero and achieved the results presented in two

¹⁷⁸ Mulaj, “Resisting an Oppressive Regime.”

¹⁷⁹ Perritt, *Kosovo Liberation Army*, 34; Duclos, “Joining the Kosovo Liberation Army,” 27.

¹⁸⁰ Waller, Drezov, and Gökay, *Kosovo*, sec. loc. 712; Mulaj, “Resisting an Oppressive Regime,” 1110–12.

¹⁸¹ Perritt, *Kosovo Liberation Army*, 35; OSCE, “Kosovo Assembly Elections 2001 - Certified Results,” accessed August 8, 2021, <https://www.osce.org/kosovo/20466>.

or three years. In this demonstrated growth, the reclassification appeared to be a key supporting factor based on the international endorsement's positive effect. And also, the PDK party itself could not have formed in this way either because their charismatic leaders, such as Hashim Thaçi and Fatmir Limaj, could not have taken on a civil servant's office in the UN-controlled area as (suspected) terrorists (the UNMIK veto would have been detrimental to any political group).

B. THE NUMBER OF KLA FIGHTERS

The reclassification process contributed to the expansion in the number of KLA fighters in several ways. The sense of a viable chance of victory, the eliminated illegitimacy, and other reasons caused by the reclassification increasingly mobilized Kosovars fit for guerilla warfare. In the event: the KLA had approximately 200 fighters at the end of 1997, which swelled to 15,000-24,000 by the end of 1998, along with the “mushrooming” of financial support for the KLA.¹⁸² The significant increase in headcount and incomes means that the general political support of the organization increased and/or its ability to mobilize its political supporters improved significantly (assuming that only the mobilized political supporters became fighters or financiers).

¹⁸² Waller, Drezov, and Gökay, *Kosovo*, 20; Perritt, *Kosovo Liberation Army*, 62 and 91.

Table 1. Available data about the KLA's fighters/strength

Source	Location	Date	Strength	Comment (quotation marks mean literal citations)
Henry Perritt: The Inside Story of an Insurgency ¹⁸³	Page 62	November 1998	15000	“end of 1998”
		December 1998	15000	
	Page 110	1996	48	“few dozen”
	Page 111	November 1998	12000	“end of 1998 and beginning of 1999” “12–20,000”
		February 1999	12000	
		November 1998	20000	
February 1999	20000			
Page 137	November 1997	100		
Michael Waller et al.: The Politics of Delusion ¹⁸⁴	Loc. 559	November 1997	200	
ICTY judgment: Haradinaj et al. Trial II. ¹⁸⁵	Para. 23– 24	January 1998	3000	“3000 organized fighters, 6-8 thousand with arms”
		March 1998	3000	
		January 1998	10000	
		March 1998	10000	
		May 1998	5000	“5000 terrorists and 15000 with arms”
		May 1998	20000	400-500 KLA and 3500-4500 in loose alliance or under training
		April 1998	450	
		April 1998	5000	
ICTY judgment: Haradinaj et al. Trial I. ¹⁸⁶	Para. 84	March 1998	1000	“400-500” “March-May”
		March 1998	450	
		May 1998	450	

¹⁸³ Perritt, *Kosovo Liberation Army*.

¹⁸⁴ Waller, Drezov, and Gökay, *Kosovo*.

¹⁸⁵ ICTY, “In Trial Chamber II - Prosecutor v. Ramush Haradinaj et al.”

¹⁸⁶ ICTY, “In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY.”

Source	Location	Date	Strength	Comment (quotation marks mean literal citations)
ICTY judgment: Fatmir Limaj Trial II. ¹⁸⁷	Para. 118	June 1998	4000	“3500-4500”
Human Rights Watch: Under Orders ¹⁸⁸	Page 102	March 2000	25723	AID for ex-combatants!
Global Security ¹⁸⁹		January 1998	500	“Beginning of 1998”
		February 1998	500	
		May 1999	9000	8000-10000
		May 1999	29000	With supporters
Stephen Hosmer: The Conflict over Kosovo ¹⁹⁰		April 1999	24000	
Koksidis and Dam: A Success Story? ¹⁹¹	Page 167	1996	400	“few hundred”
		November 1998	17000	“end of 1998”
		December 1998	17000	

The KLA’s growing political strength also has had social and military implications, as broader political/popular support is likely to bring more support in all other areas too: louder messages and wider disseminated narratives, more offered material and in-kind assistance, the people sabotage the state authorities’ work more courageously, etc.

¹⁸⁷ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu.”

¹⁸⁸ Human Rights Watch, *Under Orders: War Crimes in Kosovo*.

¹⁸⁹ Global Security, “Kosovo Liberation Army - Global Security Article,” in *Global Security - Military*, 2021, <https://www.globalsecurity.org/military/world/para/kla.htm>.

¹⁹⁰ Stephen T. Hosmer, *The Conflict Over Kosovo: Why Milosevic Decided to Settle When He Did* (Rand Corporation, 2001).

¹⁹¹ Koksidis and Dam, “A Success Story?”

The growing number of fighters during and after the reclassification process probably originated not only from the KLA's new, politically committed sympathizers. Before and after the reclassification, the Rugova-connected LDK and its military branch, the FARK were mainly competitors of the KLA (they cooperated in some areas).¹⁹²

Although the LDK kept its stronger political position versus the KLA.¹⁹³ But despite the greater political support, the LDK created and supported FARK (KLA's rival armed group) could not be as successful militarily as the KLA and could also not mobilize so high availability of various necessities for the combat and so high number of fighters.¹⁹⁴ So the number of fighters and the political support are not necessarily in direct proportion to each other, but they certainly affect each other, so an increase on one side can appear in the other area as well. Instead of the rate of political support, the most significant influencing factor on the number of fighters was that the KLA represented the cause of armed advocacy more credibly and, after a while, indisputably more successfully.¹⁹⁵

With the reclassification, the KLA caught up with and eliminated its disadvantage compared to LDK and FARK in a significant area, namely in the field of international recognition. Getting rid of the stamp of terrorism and becoming an internationally recognized freedom fighter organization have a positive effect on the attractiveness, i.e., in Koktsidis', Dam's, and Perritt's words: "[the June 1998 Richard Holbrooke meeting] was a spectacular public relations coup for the rebel army," and "cemented KLA respectability because it suggested endorsement by the United States."¹⁹⁶ The international recognition gained as a result of the reclassification, the acquired legitimate status, and the substantive possibility of ultimate success (the independence and its international recognition) obviously had a supportive effect on the recruitment. However, the reclassification was also not independent from other factors, so before evaluating the increase in numbers of

¹⁹³ Perritt, *Kosovo Liberation Army*, 35; Dick Leurdijk and Dick Zandee, *Kosovo: From Crisis to Crisis*, Repr (Aldershot: Ashgate, 2002), 23; OSCE, "Kosovo Assembly Elections 2001 - Certified Results."

¹⁹⁴ Koktsidis and Dam, "A Success Story?," 167–71.

¹⁹⁵ Perritt, *Kosovo Liberation Army*, 32–33.

¹⁹⁶ BBC, "BBC News Europe: The KLA - Terrorists or Freedom Fighters?"; Koktsidis and Dam, "A Success Story?," 170; Perritt, *Kosovo Liberation Army*, 34.

the KLA fighters and linking it to the reclassification, another significant impact should be considered, notably the consequences of the Drenica Massacre.¹⁹⁷ Much of the literature on the Kosovo conflict considers the Drenica event as a turning point.¹⁹⁸ Moreover, some experts also attribute the increase in the number of KLA fighters to the Serb massacres.¹⁹⁹ The words of Henry Perritt are expressive: “the number of volunteers mushroomed following the Jashari Massacre.”²⁰⁰ However, there are also those who are more restrained and merely acknowledge the fact of the increase in armed KLA members in the spring-summer period of 1998.²⁰¹ It is no longer possible to measure exactly to what extent the emotions felt as a result of the events in Drenica (fear, despair, anger, etc.) and the promising consequences of the reclassification contributed to the increase in the fighters’ numbers. While these numbers are rough estimates that diverge significantly from source to source, there is a clear increasing trend when they are averaged out.

¹⁹⁷ See, thesis part II.C

¹⁹⁸ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” paras. 52 and 118; Perritt, *Kosovo Liberation Army*, 137–38; Koktsidis and Dam, ““A Success Story?,”” 165.

¹⁹⁹ Perritt, *Kosovo Liberation Army*, 38–40 and 100; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 39; ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 118; Waller, Drezov, and Gökay, *Kosovo*, pt. loc. 629; Duclos, “Joining the Kosovo Liberation Army,” 27.

²⁰⁰ Perritt, *Kosovo Liberation Army*, 100.

²⁰¹ ICTY, “In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY,” para. 85; ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” para. 118.

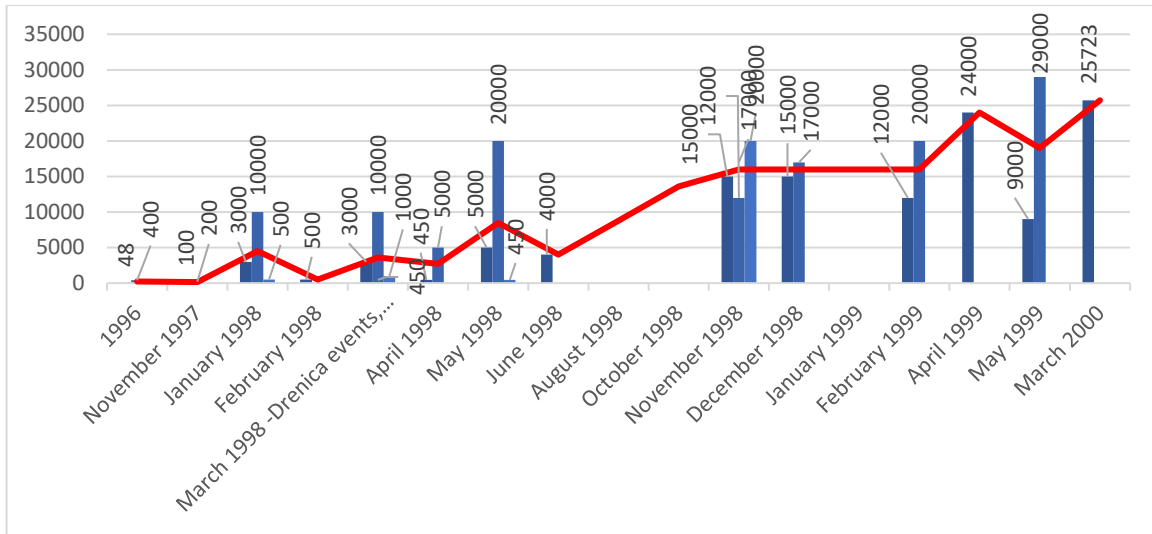


Figure 1. Reports on the development of the number of KLA fighters²⁰²

Figure 1 provides a summary of the available data, showing how different the numbers are available from the various sources, even for the same months. Blue columns and numerical values show the particular reports on the number of fighters for a given period; red line shows the average trend in the number of fighters.²⁰³ Besides definitional issues (who is a KLA fighter), the sources sometimes show quite a variance in numbers not only relative to each other but even to themselves, and so, it can be concluded that there is not enough accurate data to properly distinguish the effects of the Drenica events and the reclassification.²⁰⁴ But an increasing trend in the number of KLA fighters (based on available sources' averages) is still clearly detectable after the reclassification period also with or without the biased sources.

General organizational strengthening and the higher level of managing organizational efforts/responsibilities were also important steps in getting under new classification.²⁰⁵ As well as the number of KLA fighters, the constant increase of the

²⁰² For detailed sources, see: Table 1

²⁰³ For detailed sources, see: Table 1

²⁰⁴ Perritt, *Kosovo Liberation Army*, 111; ICTY, "In Trial Chamber II - Prosecutor v. Ramush Haradinaj et al.," paras. 23–24.

²⁰⁵ ICTY, "ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu," paras. 63–64; ICTY, "In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY," paras. 51–52.

armament and military capabilities: the growing number of small arms, sufficient amounts of ammunition, and the appearance of mortars and armor-piercing weaponry.²⁰⁶ The fusion of the FARK and KLA forces (more or less) took place also by the summer of 1998.²⁰⁷ So the KLA became more organized and militarily more potent, and the international community indicated that it is an increasingly accepted partner in the conflict-resolution process.

C. CONTROLLING TERRITORIES AND THE CHANGE OF *MODUS OPERANDI*

The possession of certain areas of Kosovo (for whatever interval) and the increasing use of conventional military tactics are also important details for changing the KLA's and the conflict's qualifying markers. After the events in Drenica, the operations of the Yugoslav forces also changed, becoming more military in nature (not police actions); the clashes became significantly more intense and geographically more extensive.²⁰⁸ In the summer of 1998, the KLA already had contiguous areas under its control, and the Yugoslav forces had to launch a comprehensive operations to reclaim these areas.²⁰⁹ Although the KLA's general staff did not meet regularly, it can be said that the KLA was organized into a formalized military-type structure by the second half of 1998.²¹⁰ By the spring of 1998, symbols to distinguish KLA fighters from civilians and Yugoslav forces (badge and camouflage uniforms) had spread within the KLA.²¹¹ Training for the KLA fighters also jumped levels in 1998, becoming organized and mass-scale.²¹²

²⁰⁶ ICTY, "In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY," paras. 33–35 and 46.

²⁰⁷ ICTY, paras. 85–91; Mikael Eriksson and Roland Kostić, *Mediation and Liberal Peacebuilding: Peace from the Ashes of War?* (Routledge, 2013), 43.

²⁰⁸ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 101–3; ICTY, "ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu," para. 52.

²⁰⁹ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 42, 46, and 100–102; ICTY, "ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu," paras. 62 and 65; ICTY, "In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY," para. 20.

²¹⁰ ICTY, "ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu," para. 46.

²¹¹ ICTY, "In Trial Chamber I, Prosecutor v. Haradinaj et al. - ICTY," paras. 30–32.

²¹² ICTY, paras. 37–38.

However, the degree of the leadership's control over the organization was far from perfect.²¹³ And although there were still debated elements of methods in the KLA repertoire that would amount to war crimes, their post-reclassification achievements and territorial gains could no longer be explained by terrorist methods.²¹⁴ The ratio of KLA methods shifted towards guerrilla operations, and this was confirmed not only by the acquisition of territory but also by the nature of the Yugoslav armed response.

D. COMMUNICATION ABOUT THE VIOLENCE

The KLA changed its communication in 1998 spring, focusing mainly on military news and politics, rather than focusing on threats that could support further terrorist allegations. It has been described how the KLA (before reclassification) killed and threatened also people who did not directly pose an armed/lethal threat to its fighters, but these methods changed, and the KLA communiqués from the summer of 1998 contained mainly military reports.²¹⁵ KLA Policy Statements also become increasingly common, which were mainly about conflict resolution issues, not about threats or military plans.²¹⁶ So based on these developments, the KLA started communicating as an increasingly organized army. The KLA has also repeatedly emphasized its adherence to international warfare rules/norms.²¹⁷ After the reclassification, with the change of methods of violence (mainly by primarily targeting Yugoslav armed personnel), the voicing adherence to rules of warfare became more credible. On the other hand, however, the alleged violence occurred against minorities in Kosovo partially discredited these messages (in 1998, the KLA forced ethnic Serbs from their homes, several times Serbs were captured by the KLA and some of them have been missing ever since, etc.).²¹⁸ In any case, the changes in

²¹³ ICTY, paras. 39–41 and 123; Perritt, *Kosovo Liberation Army*, 83.

²¹⁴ Independent International Commission on Kosovo, *The Kosovo Report*, 78–79.

²¹⁵ ICTY, “Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection,” pts. 0038561, 0038564, 0038566, 0038573, 0038577, 0038601, 0038607, and 0038653.

And see/compare: II.B.2.d

²¹⁶ ICTY, pt. 0038575 (No. 3-June 1998), 0038682 (No. 29-February 1999).

²¹⁷ ICTY, pts. 0038587, 0038589, and 0038615; Perritt, *Kosovo Liberation Army*, 107–8.

²¹⁸ Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 13–15.

communication, i.e., military reports-style communiques and political declarations, provided the image of an organized and norm-following armed organization.

E. CHAPTER CONCLUSION

Based on the data and correlations revealed in this chapter, significant conclusions can be drawn in connection with the arguments of the thesis. The KLA's ability to control territories and the change of its *modus operandi*, and more sophisticated mass communication about its actions in 1998 support the argument No. 2 of this thesis that the KLA was a partner in the reclassification process and took measures to avoid the terrorism label. The KLA's increasing popular support presented the possibility of the political careers for KLA leaders, and the reclassifications contribution to the increase in the numbers of fighters support the thesis's argument No. 3 that the decoupling/dissociation of the KLA from terrorism had military and political consequences.

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V. EXTERNAL CONSEQUENCES OF THE RECLASSIFICATION

The reclassification of the KLA had external political and military consequences and ultimately, also affected the war that ended the armed struggle in 78 days—and so, through these effects, the reclassification changed the course of the Kosovo conflict. This chapter explores the external political and military results of the reclassification. The entry of the KLA into the diplomatic domain, the degradation of the international negotiating strength of the Yugoslav leadership, and the multifaceted development in the KLA's military potential will be presented as processes influenced by the reclassification. It also introduces how the actors of the international community took into account the changes of certain circumstances, and after this, how they also changed the markers of the KLA and the Kosovo conflict. Finally, the impact of the reclassification on the war that ended the armed conflict and the peace treaties will be explored.

A. POLITICAL CONSEQUENCES

During the spring of 1998 and thereafter, several of the developments in the realm of the international politics of the Kosovo conflict that relate to the reclassification of the KLA. Without the reclassification, it would not have been possible to involve the KLA in high-level peace talks, despite its significant (and growing) power and influence in the province. Just as it would have been unthinkable without a reclassification, to dismantle Yugoslavia's seemingly legitimate counter-terrorist framing, and that the KLA would become a legal alternative to control Kosovo.

1. International Diplomatic Acceptance, Negotiation Possibility

One of the most significant consequences/effects of the reclassification was that negotiations with the KLA at the diplomatic level became accepted. The “we do not negotiate with terrorists” principle and the rejection of compromises (or concessions) toward terrorists also appear among the policies announced by the United States, other

Western states, and other states.²¹⁹ This attitude across administrations, countries, and ideologies is based on the idea that without this principle, terrorist violence/tactics would be legitimized and encouraged.²²⁰ The principle of excluding terrorists from bargaining/negotiating is reflected in some scholarly works (arguments) and in some details (such as funding and ransoms) in the legal systems of some states and in some resolutions of international organizations.²²¹ In addition to politics and law, the public opinion of influential countries that were significant in reclassification also mostly condemned this kind of solution efforts or even simple gestures like handshake with the representatives of terrorists (e.g., UK Prime Minister Tony Blair was later tossed with tomatoes for a handshake with an IRA representative).²²² Without the terrorist stamp, the KLA could participate in international, regional, and local policy discussions.

²¹⁹ Harmonie Toros, “‘We Don’t Negotiate with Terrorists!’: Legitimacy and Complexity in Terrorist Conflicts,” *Security Dialogue* 39, no. 4 (August 2008): 407–8; Mike Pearl, “Where Exactly Is the Rule That Says Governments Can’t Negotiate with Terrorists?,” accessed August 6, 2021, <https://www.vice.com/en/article/9bzb5v/where-exactly-is-the-rule-that-says-you-cant-negotiate-with-terrorists-998>; Maarten Visser, “‘We Don’t Negotiate with Terrorists’ From Catchphrase to Policy,” *The Security Distillery*, accessed August 6, 2021, <https://thesecuritydistillery.org/all-articles/we-dont-negotiate-with-terrorists-from-catchphrase-to-policy>.

²²⁰ Guy Olivier Faure and I. William Zartman, *Negotiating with Terrorists: Strategy, Tactics, and Politics* (London, United Kingdom: Taylor & Francis Group, 2010), 197, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=481058>; Peter R. Neumann, “Negotiating With Terrorists,” September 15, 2015, <https://www.foreignaffairs.com/articles/2007-01-01/negotiating-terrorists>; Dean Pruitt, “Negotiation with Terrorists,” *International Negotiation* 11, no. 2 (January 1, 2006): 381, <https://doi.org/10.1163/157180606778968290>.

²²¹ Toros, “‘We Don’t Negotiate with Terrorists!’: Legitimacy and Complexity in Terrorist Conflicts,” 408; Legal Information Institute, “18 U.S. Code § 2339B - Providing Material Support or Resources to Designated Foreign Terrorist Organizations,” accessed August 6, 2021, <https://www.law.cornell.edu/uscode/text/18/2339B>; Josh Meyer, “Why the G8 Pact to Stop Paying Terrorist Ransoms Probably Won’t Work—and Isn’t Even Such a Great Idea,” *Quartz*, accessed August 7, 2021, <https://qz.com/95618/why-the-g8-pact-to-stop-paying-terrorist-ransoms-probably-wont-work-and-isnt-even-such-a-great-idea/>.

²²² Guy Olivier Faure, “Negotiating with Terrorists: A Discrete Form of Diplomacy,” *The Hague Journal of Diplomacy* 3 (2008): 195–96; Theodore Downes-Le Guin and Bruce Hoffman, “The Impact of Terrorism on Public Opinion - 1988 to 1989,” January 1, 1993, 20–22, https://www.rand.org/pubs/monograph_reports/MR225.html; Ronald H. Hinckley, “American Opinion toward Terrorism: The Reagan Years,” *Terrorism* 12, no. 6 (January 1, 1989): 389–90, <https://doi.org/10.1080/10576108908435797>; Salon, “We Must Negotiate with Terrorists: The Dirty Secret Our Government Does Not Want to Admit,” *Salon*, July 12, 2015, https://www.salon.com/2015/07/12/we_must_negotiate_with_terrorists_the_dirty_secret_our_government_does_not_want_to_admit/.

In this way, the great powers seeking to resolve the Kosovo conflict could take a step towards a solution, i.e., they could fully and openly set to the negotiation table with the most important actors involved in the conflict: the Yugoslav government, the Kosovo shadow government, and the KLA (e.g., Rambouillet Talks). Moreover, without the terrorist label, the KLA could join or form a government or political party, like the LDK and the Government of Kosovo, which (together with their military wing) operated openly and undisturbed, and it even legally raised money in Western Europe.²²³

2. Reducing the Yugoslavian Leverage in International Negotiations

The reclassification put the Yugoslav government in a difficult political situation. Before the reclassification, in connection with the Kosovo conflict, the international organizations have never requested/demanded or signaled any action that violated or restricted Yugoslavia's sovereignty.²²⁴ After June 1998, in parallel with the gradual international acceptance of the reclassification of the KLA, more and more conditions that were difficult for Serbs to accept emerged. In September 1998, UNSCR No. 1199 already projected the situation in Kosovo under the mandate of the ICTY, which was confirmed by UNSCR No. 1203 the following month.²²⁵ The Kosovo issues became more and more international and the prospects to lose the territorial jurisdiction threatened some aspects of the Yugoslav statehood and sovereignty.

The indirect consequences of the reclassification include the political legitimacy of further Western demands on Serbs. The process outlined above has continued: in February 1999, during the NATO-led Rambouillet Talks, such demands were presented that would seriously undermine Yugoslav territorial integrity and sovereignty. The most criticized items (from the Yugoslav party in the conflict) of the document were: Kosovo would become an autonomous and international-administered province for a time (initially for three years), a NATO-led force (KFOR) would maintain the province's order with the right

²²³ Perritt, *Kosovo Liberation Army*, 14–16; Encyclopedia Britannica, “Democratic League of Kosovo” 2021, <https://www.britannica.com/topic/Democratic-League-of-Kosovo>.

²²⁴ See: I.C

²²⁵ United Nations, “Security Council Resolution 1199 - UNSCR,” para. 13; United Nations, “UNSC Resolution 1203” (United Nations, October 24, 1998), para. 14, <http://unscr.com/en/resolutions/doc/1203>.

of free passage thru Yugoslav territory (not only Kosovo) and with immunity for all NATO personnel to Yugoslav law.²²⁶ These developments no longer belonged to the direct consequences of the reclassification, as more important factors have also contributed to them (increasing violence in Kosovo, increasing media focus on the Kosovar refugees, still inflexible Belgrade leadership, etc.), but without the support of the international public (also shaped by the reclassification), this list could not have been formulated in this way.

In some sense, this international support was more or less inevitable in context. On the one hand, the KLA and the Kosovo Albanians were at that time already considered freedom fighters in the international arena, with a good sense of public relations — they knew how to and why they have to “win hearts and minds”.²²⁷ On the other hand, the awful Serbian image on the opposite side (especially shaped by the war crimes in Bosnia and Croatia, as well as the known/suspected in Kosovo) meant that the Western powers only had to reckon with marginal domestic disapproval. And perhaps it is also true that the Western powers wanted to prove their potential because of Bosnia’s failed measures (against genocide).²²⁸ In addition to the hard-to-accept compromises, during the Rambouillet Talks, Yugoslavia’s resentment was also compounded by the person of the main representative of Kosovo Albanians, KLA Commander Hashim Thaçi, who was classified as a terrorist by the Yugoslav authorities at that time.²²⁹ The peace treaty prepared during the Rambouillet Talks was not signed by the Yugoslavs and Russians, which led directly to the NATO bombing.

²²⁶ Kosova Crisis Center, “Interim Agreement,” August 16, 2000, pt. Framework: Article I: 4 and Final Clauses: Article I: 3, Article II: The Assembly: Powers of the Assembly, Appendix B: 3 and 6–7, <https://web.archive.org/web/20000816032139/http://www.alb-net.com/kcc/interim.htm>.

²²⁷ Perritt, *Kosovo Liberation Army*, 2, 13–14, and 145–46.

²²⁸ Perritt, 137.

²²⁹ Carlotta Gall, “Ethnic Albanian Guerrillas Will Attend Talks on Kosovo,” *The New York Times*, February 3, 1999, sec. World, (translated by Cservolgyi), <https://www.nytimes.com/1999/02/03/world/ethnic-albanian-guerrillas-will-attend-talks-on-kosovo.html>; “BG odgovorio Tačiju: Bićeš uhapšen,” B92 News, (translated by Cservolgyi), accessed August 9, 2021, https://www.b92.net/info/vesti/index.php?yyyy=2015&mm=04&dd=20&nav_category=640&nav_id=982736; Judah, *Kosovo*, 84–85.

B. MILITARY RESULTS AND CONSEQUENCES

The reclassification contributed to the expansion of arms procurement and financial resources, and perhaps even the foreign military training for the KLA after the 1998 summer. However, among the military implications, the co-operation with NATO stands out, for which reclassification was clearly a necessary condition.

1. Greater International Support or Tolerance for the KLA's Weapons Procurements and Operations

The availability of weapons, other equipment, and certain military capabilities is largely a matter of money and human resources, but these are not always locally available. On the one hand, to combat effectively requires expertise in addition to all this, and on the other hand, not everything is available even on the Balkan's black market: NATO air support, for example. The latter has conditions independent of money, and it does help if it is not considered a terrorist organization that needs it. But the international attitude also matters in insurgency-related topics of lesser importance than air support; it is documented, for example, that despite even the UN arms embargo, weapons went from West to the KLA, and some said that this could not have happened without the support/tolerance of great powers.²³⁰ And as Perritt notes, "the KLA could not have achieved its objectives without money, training, weapons, and other supplies, all of which crossed national borders."²³¹

a. Weapons

The main weapons source for the KLA were the Albanian state arms stockpiles, but German, American, and Swiss weapons were also important components of its arsenal. As stated in an INTERPOL report, the following weapons were lost in Albania during the 1997 collapse and civil war: 38,000 handguns, 226,000 Kalashnikovs, 25,000 machine guns,

²³⁰ Perritt, *Kosovo Liberation Army*, 118 and 125–26; United Nations, "Security Council Resolution 1160 - UNSCR"; Human Rights Watch, *Under Orders: War Crimes in Kosovo*, 54; Richard H. Immerman, *The Central Intelligence Agency: Security Under Scrutiny* (Greenwood Publishing Group, 2006), 65; James Bissett, "We Created a Monster - Toronto Star," July 31, 2001, <https://web.archive.org/web/20080510052014/http://www.deltax.net/bissett/a-monster.htm>; Mark Bromley, "United Nations Arms Embargoes Their Impact on Arms Flows and Target Behaviour, Case Study: Federal Republic of Yugoslavia, 1998–2001" (Stockholm International Peace Research Institute, 2007), 5–9, <https://www.sipri.org/sites/default/files/files/misc/UNAE/SIPRI07UNAEFRY.pdf>.

²³¹ Perritt, *Kosovo Liberation Army*, 11.

2,400 anti-tank rocket launchers, 3,500,000 hand grenades, and 3,600 tons of explosives.²³² Most of these had been available for purchase on the Albanian black market since 1997, so it is difficult to understand why, if the KLA had plenty of money, it was still a problem to equip recruits with weapons.²³³

On the one hand, the events around the KLA accelerated only in the spring of 1998, and demand and supply need time to meet each other. And on the other hand, it is not necessarily easy to exploit the black market through the border guarded by the Yugoslav authorities. The easiest would have been for the KLA to have bought weapons from state suppliers directly, but no foreign state was ready to sell these initially.²³⁴ Before the reclassification, the KLA had no possibility of approaching state suppliers; after the reclassification, there was an arms embargo against the FRY. The Contact Group countries decided not to sell arms for the FRY from early March, and on 31 March 1998, the UNSC Resolution 1160 enacted the arms embargo also globally.²³⁵ Still, many weapons (including sniper rifles and sophisticated weapons against armored combat vehicles) came from the United States, Germany, Switzerland, Israel, Bosnia, Ukraine; however, it would have been much harder to get these weapons into the hand of the KLA members if Western governments actively resisted this.²³⁶

Also, it would have been more difficult for the individuals to smuggle weapons if Albania would have also been under a UN embargo (as a heritage-measured from its 1997 civil war, or its role in the escalation in the Kosovo crisis). The Albanian authorities initially treated it as illegal and obstructed the flow of weapons, but after the reclassification, in 1998, the U.S. and British governments allegedly told the Albanians to

²³² Interpol, “12/13/00 Committee on the Judiciary - Mutschke Testimony,” February 26, 2005, <https://web.archive.org/web/20050226123208/http://judiciary.house.gov/legacy/muts1213.htm>; Koktsidis and Dam, “‘A Success Story?,” 168.

²³³ Perritt, *Kosovo Liberation Army*, 110, 115, and 121.

²³⁴ Perritt, 117.

²³⁵ United Nations, “Security Council Resolution 1160 - UNSCR,” 1–2.

²³⁶ Perritt, *Kosovo Liberation Army*, 118 and 125–26; Bromley, “United Nations Arms Embargoes Their Impact on Arms Flows and Target Behaviour, Case Study: Federal Republic of Yugoslavia, 1998–2001,” 5–9; United Nations, “UN Reports on Yugoslav Arms Embargo,” August 5, 1998, <https://www.armscontrol.org/act/1998-08/un-reports-yugoslav-arms-embargo>.

let the smuggling running, so eventually, the Albanian army's logistics and intelligence services helped, rather than hindered, the KLA weapons smuggling.²³⁷ Within NATO, the United States formally raised a plan to arm the KLA with heavy weapons, but it was rejected, and in the end, no one openly did so (against the UN embargo).²³⁸ So there was no open support, but there was tolerance. According to Daalder and O'Hanlon "if European states and the United States had tried seriously to interdict KLA arms flows, it would have been a much less effective fighting force."²³⁹

b. Training and Expertise

Some sources also mention that the KLA received Western assistance in the form of military training and other direct support, although these have not been officially confirmed. The guerilla method of warfare does not need too much training or expert trainers, or expertise; rather, self-discipline and local knowledge is crucial. Furthermore, some KLA members had already gone through other battles of the Yugoslav Wars, and thus had enough experience to train new recruits themselves.²⁴⁰ So, there was no decisive need for foreign assistance, and there is no hard evidence of this. However, there are some unverified reports about the alleged support, for example James Bissett, former Canadian Ambassador to Yugoslavia, claimed that the KLA became some support also of the British Army Special Air Service and U.S. Special Forces.²⁴¹

Despite the credibility question, it can be stated, also in the statements of alleged support, the year 1998 shows up often as a turning point in the support's intensity or in the decision on the subsidy, which suggests the importance also of reclassification. If such covert actions are pondered, it is obviously a factor during the decision process, what kind of group is the possible supported organization: freedom fighters accepted by the

²³⁷ Perritt, *Kosovo Liberation Army*, 120–21.

²³⁸ Ivo H. Daalder and Michael E. O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, DC, United States: Brookings Institution Press, 2000), 135, <http://ebookcentral.proquest.com/lib/ebook-nps/detail.action?docID=3004301>.

²³⁹ Perritt, *Kosovo Liberation Army*, 129.

²⁴⁰ Perritt, 100.

²⁴¹ Bissett, "We Created a Monster - Toronto Star."

international community are likely to be supported by any government and intelligence service much more than stigmatized terrorists.

2. Finances

The reclassification may have played a facilitating/contributing role in several respects in expanding the KLA's financial resources in 1998. In this chapter, the military consequences also include the finance. To supplement the data sets available about the KLA's weaponry, the increasing military strength can also be deduced/indicated from the increase in the collected money because it is known that the KLA spent its money in high proportion on military equipment and weapons. As Perritt writes, "Fifty percent or more of the funds raised for the KLA was used to buy weapons," said the fundraisers.²⁴² If the costs of military equipment other than weapons are added, and it is considered that these sums have always been able to be spent relatively flexibly, the money itself becomes a quite good expressive unit of measurement of the military equipment available.²⁴³

Like all organizations, also the KLA constantly needed money to maintain its operations, mainly to acquire weapons and other military equipment.²⁴⁴ A global, well-established Kosovo donation system had been in place since the early 1990s, but it was created and operated by the KLA antagonist shadow government (in its best interests) and it was mainly used to finance the LDK-loyal parallel institutions in Kosovo -the KLA received money from them only after the reclassification (even then only little).²⁴⁵ Many people, in many ways, helped the cause of Kosovar Albanian armed struggle, but financially mainly the populous Albanian diaspora was able to contribute from rich

²⁴² Perritt, *Kosovo Liberation Army*, 117.

²⁴³ Perritt, 117.

²⁴⁴ Perritt, 110–11.

²⁴⁵ Perritt, 11, 33 and 89; Christian Science Monitor, "Kosovo's Albanians Set Up Parallel Government Services," *Christian Science Monitor*, June 29, 1992, <https://www.csmonitor.com/1992/0629/29022.html>.

countries, especially from Switzerland, from the U.S., and from Germany (LDK and KLA raised money in parallel).²⁴⁶

KLA's total budget for six years of operation was estimated at between \$ 75 million and \$ 100 million (1990 values).²⁴⁷ Collecting, moving this much money, and partly spending it on weapons (especially those with a high degree of control, e.g., Switzerland) could already be a striking phenomenon for many authorities.²⁴⁸ Until the reclassification, the KLA directly could not openly raise money, although it could expect that its weakly covert or covered activities would not reach the stimulus threshold of Western authorities.

There were some inconveniences around money from U.S. territories, especially at the airports or with FBI agents, but the superficial cover/concealment of the real destination was enough, and also all of these inconveniences disappeared as a result of the reclassification.²⁴⁹ As Luigj Gjokaj, the KLA's Detroit fund raising leader said, "after Gelbard later said the KLA was not a terrorist organization, the FBI mostly left us alone."²⁵⁰

Furthermore, in addition to written laws and the deterrent force they cause, the terrorist label also has a psychological effect, so it was important from the aspect of increasing mass support and also revenue that the KLA showed an image of an internationally/diplomatically accepted and militarily successful freedom fighter organization. As result, contributions from the broader Albanian diaspora "began to accelerate only in 1996 and 1997, and mushroomed in 1998 and 1999."²⁵¹ In addition to the reclassification, this increasing financial income may have been triggered by several factors, such as the psychological effects of the Drenica Massacre, as in the case of recruitment. However, the reclassification appears to have had positive effects on KLA

²⁴⁶ Perritt, *Kosovo Liberation Army*, 91; Interpol, "12/13/00 Committee on the Judiciary - Mutschke Testimony"; Claire Doole, "The Albanian Fund-Raising Machine," May 28, 2001, <http://news.bbc.co.uk/2/hi/europe/1356196.stm>; Mulaj, "Resisting an Oppressive Regime," 1112.

²⁴⁷ Perritt, *Kosovo Liberation Army*, 88.

²⁴⁸ Perritt, 118.

²⁴⁹ Perritt, 99.

²⁵⁰ Perritt, 99.

²⁵¹ Perritt, 91.

finances in several ways: increasing the financial base through popularity, a real and credible promise of independence, achieving greater legitimacy of foreign cash flows, and partial access to the shadow government's funds.

3. KLA-NATO Cooperation

Without the reclassification of the KLA, the cooperation between NATO and the KLA would have been unthinkable during the preparation and implementation of Operation Allied Force. The humanitarian crisis had to be stopped, but cooperation with a suspicious/unreliable/terrorist organization would have been unacceptable, and coordinated operations could certainly not have been conducted. But after the reclassification, the NATO-KLA cooperation could take place the way as Ramirez describes it: "U.S. personnel contacted the KLA ... the UCK guerrillas fighting in Kosovo acquired targets, such as Yugoslav tanks, armored vehicles or large troop formations, they radioed the target locations back to the basecamps ... The CAOC then tasked close-air support missions to NATO aircraft, which attacked the targets accordingly. Following the engagements, the UCK guerillas on the ground observing the effects of the close air support reported the battle damage assessment, which the Special Forces soldiers relayed back to TF Hawk. Carstens estimated that the combined U.S./UCK targeting effort engaged over 1,000 targets during Operation Allied Force, including the destruction of 75 armored vehicles and the annihilation of a Serb infantry battalion on Mount Pastrick in Kosovo with a B-52 strike."²⁵²

This type of fire support presupposes a high degree of trust which would not have been possible without the reclassification. And after the Kumanovo Agreement, it was easier for the KFOR to enter an area controlled by the allied and organized KLA than to an area dominated by an unpredictable behaving population and armed groups, Yugoslav armed forces and paramilitaries, or hostile terrorists. Thus, the reclassification also appears to have provided significant benefits not only to the KLA, but also to NATO as well.

²⁵² Ramirez, "From Bosnia to Baghdad: The Evolution of U.S. Army Special Forces from 1995–2004," 15–16; Council of Europe, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," 3, 6 and 7.

C. THE NEW CLASSIFICATIONS OF THE KLA AND THE KOSOVO CONFLICT

This section explores the broad (but not complete) consensus on the situation in Kosovo appeared in the use of terms related to the KLA and conflict.

1. The KLA in the International Arena

The KLA presented itself and its struggle with a variety of positive frames to international audiences. They mostly referred to themselves as an army fighting for liberation against the occupying forces, but sometimes they also used more detailed wording, e.g., guerilla, liberalization organization. Also, the term resistance appeared in May 1998.²⁵³ The KLA called itself an army in August 1997 and advertised in its communiqué that “our guerilla units carried out three armed operations against the occupiers and their collaborators,” and that the KLA is “a liberation organization that has set itself the task of fighting mercilessly against the invader.”²⁵⁴ Later, in May 1998, they wrote that “our Army has broken the enemy’s attacks and is continuing successfully to fight to defend and extend the liberated areas (...) our military operations against the invader have been intensified.”²⁵⁵ The communiqués referred to the organization as “army” from the beginning to the end, and the term “war” and “freedom” and/or “independence” also appeared several times in the KLA’s communications.²⁵⁶

2. Yugoslav Narrative

The Serbs, of course, consistently adhered to the classification and wording of terrorism and domestic affairs. About the Albanians, the expression “terrorists” was widespread in Yugoslavia for decades; but in the case of the KLA and in the case of the conflict, on some occasions, in addition to the term terrorist, the Yugoslavs also used the

²⁵³ ICTY, “Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection,” pt. 0038573.

²⁵⁴ ICTY, pt. 0038554.

²⁵⁵ ICTY, 0038573.

²⁵⁶ ICTY, pts. 0038575, 0038586, 0038606, 0038613, and 0038624.

wording criminals and criminal acts.²⁵⁷ Belgrade sometimes described its own actions as a counter-insurgency effort.²⁵⁸ The reasons for its persistent/tenacious position did not change compared to the period before the reclassification. So, the Yugoslavs still did not consider the KLA a legitimate warring party.

3. International Narrative

In general, for politicians, the use of debatable adjectives is risky, either about the KLA or about the conflict (they must take responsibility for their words later), so political statements without political intent or coercion are subdued in using clear qualifier markers. As it was presented, during the reclassification process the KLA's markers included the army, guerilla, guerilla group, group, etc. After the reclassification, in 1999, the U.S. Senate Republican Policy Committee compiled a collection of various newspaper articles and the terminology used by Clinton-administration officials in which the markers of the KLA were: army, group, partner, guerilla group.²⁵⁹ And President Clinton himself called them an "army" in June 1999.²⁶⁰ U.S. Secretary of State Madeline Albright repeatedly named the KLA as a guerilla group in the currently examined period (KLA's third operational period, from approx.. May 1998 to September 1999), and sometimes merely mentioned the organization on its own name, i.e., an army.²⁶¹

²⁵⁷ Yugoslavian Government, "Domestic Affairs, Response FR Yugoslavia," November 1998, <https://kosovo.sense-agency.com/assets/investigation/02-05-EN.pdf>; Yugoslav Army, "Order - Joint Command for KiM /Kosovo and Metohija" (Yugoslav Army, March 23, 1999), <https://kosovo.sense-agency.com/assets/pattern-of-crimes/03-04-EN.pdf>; Council of Europe, "Inhuman Treatment of People and Illicit Trafficking in Human Organs in Kosovo," para. 39; Gagnon, *The Myth of Ethnic War*, 66–67.

²⁵⁸ Independent International Commission on Kosovo, *The Kosovo Report*, 79.

²⁵⁹ Craig, "From 'Terrorists' to 'Partners.'"

²⁶⁰ Clinton Presidential Library, "Memorandum of Telephone Conversation - Clinton and Thaci" (U.S. White House, June 25, 1999), <https://clinton.presidentiallibraries.us/items/show/16196>.

²⁶¹ Craig, "From 'Terrorists' to 'Partners'"; U.S. Department of State, "Press Conference - Madeleine Albright" (U.S. Department of State Archive, February 23, 1999), <https://1997-2001.state.gov/statements/1999/990223.html>; U.S. Department of State, "Remarks on Kosovo - Albright" (U.S. Department of State Archive, October 27, 1998), <https://1997-2001.state.gov/statements/1998/981027.html>.

Some Western politicians, for example, Tony Blair in April 1999, focused on the humanitarian aspect of the conflict (crisis, ethnic cleansing, etc.).²⁶² The Rambouillet Agreement, intended as a peace-building document, used the term freedom fighters in February 1999, but not in the context with the KLA but the conflict.²⁶³ The UN Secretary-General (not for the KLA directly) used the words “Kosovo Albanian paramilitary units.”²⁶⁴ In December 1998, NATO referred to the Kosovar fighters (including the KLA) as “armed Kosovar elements.”²⁶⁵ Similarly, while, UNSC Resolution 1160 of March 1998 linked the KLA with terrorist acts,²⁶⁶ Resolution No. 1199 in September 1998, did not label the KLA or the conflict were with the terrorism marker.²⁶⁷ Similarly, Resolution 1203 was published with neutral wording in October 1998, and the next UNSCR dealing with the Kosovo conflict (No. 1239, was issued during the NATO bombing) did not mention KLA by name.²⁶⁸ Thus, it can be seen that terrorist wording can no longer be found around KLA in serious international political sources after the reclassification period, but there are markers that sound positive for the KLA and also several neutral expressions.

4. Media/Press Outlets

The reputable and credible-considered media outlets tended to avoid qualifier-markers about the KLA or the Kosovo conflict after the reclassification. Paris AFP has repeatedly, following the reclassification, used the marker “rebel” for the KLA (July,

²⁶² Tony Blair, “Doctrine of the International Community- Tony Blair,” 1999, <http://www.britishpoliticalspeech.org/speech-archive.htm?speech=279>; The Guardian, “Blair: ‘We Must Act - to Save Thousands of Innocent Men, Women and Children,’” *The Guardian*, March 23, 1999, sec. World News, <https://www.theguardian.com/world/1999/mar/23/balkans.tonyblair>; The White House at Work Archives, “President Clinton: Working to Bring Peace in Kosovo,” April 13, 1999, <https://clintonwhitehouse3.archives.gov/WH/Work/041399.html>.

²⁶³ Kosova Crisis Center, “Interim Agreement,” para. Article V, para 6.

²⁶⁴ Independent International Commission on Kosovo, *The Kosovo Report*, 78.

²⁶⁵ Independent International Commission on Kosovo, 78.

²⁶⁶ United Nations, “Security Council Resolution 1160 - UNSCR.”

²⁶⁷ United Nations, “Security Council Resolution 1199 - UNSCR.”

²⁶⁸ United Nations, “UNSC Resolution 1203.”

September, November 1998).²⁶⁹ The BBC has also done so several times (June 1998, March 1999, December 2004).²⁷⁰ Later, during and after the war, the New York Times also referred to the KLA as rebel and guerilla (April-May 1999, April 2008).²⁷¹ Also the Washington Post, in April 1999, used the term rebel.²⁷² CNN used the same term in June 1998, and a year later, it named the KLA under its own name.²⁷³ *Time* magazine referred to Kosovo Albanians as insurgents.²⁷⁴ The rates of use of the side-taking qualifiers (e.g., terror, guerilla, freedom fighter) are significantly lower than those of more neutral-sounding ones (e.g., the KLA's own name, rebel, group).

Appendix B also shows that before and after the reclassification, there was no uniform and significant (5 percent) change in any of the sources or terms examined, i.e., the studied representatives of the press/media products (all columns except google scholar) used very similar rates of words/markers related to the Kosovo conflict or the KLA independently the KLA's reclassification process.²⁷⁵ Perhaps among the words examined, the incidence of the term "rebel" increases noticeably after reclassification, but not uniformly (in *The Guardian*, it has decreased).²⁷⁶ From these facts, it can be concluded

²⁶⁹ ICTY, "Press Reports on Kosovo Liberation Army, 1997–1998, ICTY Collection," pts. 0038579, 0038605, and 0038675.

²⁷⁰ BBC, "Kosovo Rebels Play for Time," *BBC News*, March 9, 1999, <http://news.bbc.co.uk/2/hi/europe/293280.stm>; BBC, "Rebel Leader Talks to the BBC," *BBC News*, June 11, 1998, http://news.bbc.co.uk/2/hi/special_report/1998/kosovo/110695.stm; BBC, "Ex-Rebel Leader Elected Kosovo PM," December 3, 2004, <http://news.bbc.co.uk/1/hi/world/europe/4066181.stm>; Wilcoxson, "The KLA in Its Own Words."

²⁷¹ Raymond Bonner, "NATO Is Wary of Proposals to Help Arm Kosovo Rebels," *New York Times*, April 4, 1999, <https://archive.nytimes.com/www.nytimes.com/library/world/europe/040499kosovo-kla.html>; John Kifner, "Crisis in the Balkans: Horror by Design, The Ravaging of Kosovo, A Special Report, How Serb Forces Purged One Million Albanians," *The New York Times*, May 29, 1999, sec. World, <https://www.nytimes.com/1999/05/29/world/crisis-balkans-horror-design-ravaging-kosovo-special-report-serb-forces-purged.html>; Marlise Simons, "Former Leader in Kosovo Acquitted of War Crimes," *The New York Times*, April 4, 2008, sec. World, <https://www.nytimes.com/2008/04/04/world/europe/04kosovo.html>.

²⁷² Thomas Lippman, "State Dept. Miscalculated on Kosovo," *Washington Post*, April 7, 1999, <https://www.washingtonpost.com/wp-srv/inatl/longterm/balkans/stories/albright040799.htm>.

²⁷³ CNN, "Contact Group: Serbia Must End Crackdown in Kosovo," *CNN*, June 12, 1998, <http://www.cnn.com/WORLD/europe/9806/12/contact.group.kosovo/>; Nic Robertson, "Blair Receives Hero's Welcome in Kosovo," *CNN*, July 31, 1999, <http://www.cnn.com/WORLD/europe/9907/31/kosovo.01/>.

²⁷⁴ Karon, "Breaking News, Analysis, Politics, Blogs, News Photos, Video, Tech Reviews."

²⁷⁵ See: Appendix B

²⁷⁶ See: Appendix B

that the reclassification did not really influence the writers' or editorial vocabulary of media/press products related to Kosovo.

5. Organizations Conducting Legal Proceedings in Connection with the Kosovo Conflict

Processable, credible, and relevant legal material and resolutions about the Kosovo conflict have so far been provided exclusively by the ICTY. Judgments were provided by Yugoslav (later Serbian) courts for terrorism and other crimes related to the Kosovo conflict and the KLA, but international arrest warrants issued based on these convictions were not recognized by the international community and were repeatedly refused to execute by several countries. Doubts about the credibility and effectiveness of post-war courts in Kosovo also arise, such as the recurring problem of both the ICTY and United Nations Interim Administration Mission in Kosovo (UNMIK): the silencing and the perceived or real influencing of the witnesses.²⁷⁷ Thus, neither the Yugoslav nor the Kosovo documents can be considered authoritative.

The ICTY did not consider it necessary for its work to classify the KLA or the conflict into the categories/markers examined. The ICTY used only the term non-international (or internal) armed conflict for the events, which is a neutral and non-qualifier term for the actors and their tactics used. The ICTY used the term “guerilla” from the period of the KLA’s reclassification process to describe KLA’s tactics.²⁷⁸ The ICTY also referred to the international recognition of the KLA as already presented. On the basis of these ICTY documents, and in the absence of a charge of terrorism, an image of an internationally recognized guerrilla army emerges for the post-reclassification period, who, from the second half of 1998, waged a legitimate freedom struggle after the reclassification (albeit

²⁷⁷ Balkan Insight, “New Court Faces Old Problems in Protecting Kosovo Witnesses,” *Balkan Insight* (blog), March 8, 2021, <https://balkaninsight.com/2021/03/08/new-court-faces-old-problems-in-protecting-kosovo-witnesses/>; “Kosovo: If They Are Not Guilty, Who Committed the War Crimes,” Amnesty International, November 29, 2012, <https://www.amnesty.org/en/latest/press-release/2012/11/kosovo-if-they-are-not-guilty-who-committed-war-crimes/>.

²⁷⁸ ICTY, “ICTY IT-03-66-T; In Trial Chamber II - Prosecutor v. Fatmir Limaj, Haradin Bala, Isak Musliu,” paras. 168–174.

sometimes interspersed with crimes), which could have later intensified into civil war (even before NATO intervention).

6. Post-reclassification Scholarly Sources

Examining the relevant and highly referenced scholarly works individually and *en masse* reveals divisions around the nature of the conflict and around the KLA's judgment. It has previously been shown that even before the reclassification, the scholarly literature did not reach a consensus about the KLA (to be classified as a terrorist or something else).²⁷⁹ Based on google scholar's "kosovo liberation army" results, the most cited works until October 2021: Perritt calls the conflict insurgency (ref. 166); Judah, Mulaj, and Heinemann-Grüder refer to the KLA as a guerilla movement or guerilla troops (refs. 24, 36 and 63); Özerdem mentioned them as terrorists (in quotation marks) or defense corps, and elsewhere he called the KLA members combatants (34 + 20 references); Ströhle calls the former KLA members veterans or elsewhere he uses the "army" term for the organization (references 19 + 13); Duclos and Heath call the organization and its members army and combatant (12 references together).²⁸⁰ Only one of the so-far published and openly researchable NPS's theses have the term "kosovo liberation army" in its abstract, and in that one thesis, the emphasis is placed on terrorist methods (June 1998).²⁸¹ The Google Scholar search engine results triggered by different terms (Appendix B) do not show a consensus on the examined markers, either about the conflict or about the tactics used during the conflict (in works published between 1996 and 1998). It is also noticeable that the reclassification period did not change the rate of any of the markers in real-time (parallel with the events of the conflict) and by more than 5 percent in Google Scholar searches representing scholarly writings. Thus, in addition to the lack of consensus, it can also be stated that the reclassification period did not cause a fast and drastic change in the scholarly domain in terms of terminology around the conflict or around the KLA's tactics.

²⁷⁹ See: II.B and Appendix B

²⁸⁰ See: Appendix C

²⁸¹ Kelley, "Kosovo: The Balkan Time Bomb?," 48–54.

D. CHAPTER CONCLUSION

Without reclassification, it would have been impossible for the KLA to step into the diplomatic domain. In an UN-administered province, the well-known KLA members' subsequent political/public involvement without the reclassification (terrorist-leaders) was also unthinkable. Thus, it can be stated that the reclassification was a necessary condition for these consequences. The reclassification also contributed to the deterioration of the international negotiating position of the Yugoslav leadership. Thus, the thesis argument No. 3 received further support, as the reclassification, in addition to the domestic political consequences presented in the previous chapter, also had effects and consequences in the international political domain.

Ultimately, the reclassification had a contributing role in the development of the KLA's military potential, through the increasing number of fighters and the development of the KLA's financial income in several ways. Military developments after reclassification are complex events/processes and have never been influenced solely by the reclassification, making it difficult to pinpoint the limits of its effects. The attractiveness of a legitimate fight instead of the deterrent power of terrorism, the possibility of open recruitment and fundraising abroad instead of the illegality, and the promise of a real chance of victory were important factors in the development of the KLA's military power. Arms procurement and military knowledge have also become more accessible after the reclassification for the KLA, which again would have been harder to achieve without the reclassification. And military cooperation during NATO intervention would have been inconceivable without the reclassification, i.e., it was a necessary factor in this respect. All in all, it can be stated that from a military point of view, the reclassification significantly contributed to the development of the KLA's capabilities and opportunities, thus, the thesis argument No. 3 became further supported.

The assessment/classification of the KLA and the conflict changed during and/or as a result of the reclassification period. One of the obstacles to an accurate assessment of the consequences of the KLA's reclassification is that there were several effects that took place at the same time, which are difficult to separate. In parallel with and shortly after the reclassification process, various changes took place on the ground, of which are

examined/presented: the KLA's growing military capabilities, international acceptance, changed tactics, significant territories under control, and altered communication. Some influential political, legal, academic, and media/press actors representing the international community began to use in varying degrees but significantly different markers concerning the KLA and the conflict. In this chapter, these changes in classifications have been presented, and their relationship to reclassification has been partially confirmed, so the thesis No. 1 argument became also supported.

VI. DISCUSSION AND CONCLUSION

This thesis aimed to reveal the history, circumstances, and implications of the reclassification of the KLA and to contribute to the understanding of the role that this reclassification played in the evolution of the Kosovo conflict. Through collecting the hard-to-find sources and filtering the biased ones, this thesis presented and analyzed the sources that are widely considered to be the most reliable, mainly qualitative, sometimes quantitative data to answer the related questions. The results of this thesis contribute to a more profound understanding of the Kosovo conflict, and it was shown that the reclassification of the KLA was not only a theoretical issue.

The reclassification had demonstrable political and military consequences. For some of the consequences explored, the reclassification was an indisputably necessary condition, for another part of the consequences, it was a supportive/facilitating factor. Most of the consequences somehow contributed to the already regardless ongoing strengthening of the KLA, e.g., increased fighting spirit through international legitimacy and recognition, easier financial support, smoother flow of military equipment, etc.

In parallel with its reclassification, the KLA engaged in guerrilla warfare with the Yugoslav armed forces, which lasted with varying intensity until the Kumanovo Agreement. Following the events in Drenica, the international community intensified its efforts to find a solution to the situation in Kosovo. The initially unarmed international intervention in the Kosovo conflict became a 78-day international war in 1999, with the NATO operation Allied Force. The NATO was determined, even without UN approval, and wanted to force Yugoslavia to withdraw their army and authorities from Kosovo.²⁸² About the legitimacy and the necessity of this war, the international community was divided, but the Kosovo conflict was ended by the NATO operation, the Kumanovo

²⁸² United Nations, “UNSC Rejects Use of Force against FRY (26 Mar 1999) SC/6659,” March 1, 2009, <https://web.archive.org/web/20090301043917/http://www.un.org/News/Press/docs/1999/19990326.sc6659.html>; NATO, “Kosovo Air Campaign (Archived)”; Andrew Glass, “NATO Begins Bombing Serbia, March 24, 1999”; History.com, “NATO Bombs Yugoslavia”; Suy, “NATO’s Intervention in the Federal Republic of Yugoslavia.”

Agreement, and the UNSCR 1244.²⁸³ After the withdrawal of the Yugoslav authorities and the change of power, Kosovo has become a relatively peaceful place, widespread violence like between 1997–1999 did not occur. The role of the reclassification in ending the conflict was too indirect to conclude that it was a necessary step. But it is indisputable that reclassification was an essential step towards the role played by the KLA during the war, as no one allies with terrorists, especially not NATO.²⁸⁴

So, through promoted strengthening, on the one hand, since the KLA represented violent independence efforts, the reclassification contributed to the increasing violence in the short term; on the other hand, through the recognition of the results of a movement with real and significant support, the reclassification has contributed in the long term to a reassuring end (for most of the affected locals) to the decades-long conflict.

A. ARGUMENTS

In order to answer the main research question and to have a thorough understanding of the circumstances of the reclassification, this case study focused on building three arguments. These arguments can be supported through data and contexts explored and presented through the thesis.

1. The Reclassification Explored

International actors that significantly affected the result of the Kosovo conflict, from 1998 began to refer to the KLA as a freedom-fighter, or rebel, or insurgent organization instead of a terrorist organization.

The major players in international politics used different markers and treated the KLA differently before and after the reclassification process.²⁸⁵ Among the relevant indicators, the most significant before the reclassification were the Contact Group's statements and the UNSCR No.1160, while during and after the reclassification process

²⁸³ Judah, *Kosovo*, 91; United Nations, "Security Council Resolution 1244 - UNSCR"; United Nations, "[26 Mar 1999] SC/6659"; United Nations, "Kumanovo Agreement."

²⁸⁴ See: V.A.1 and V.B.3

²⁸⁵ See: III and V.C

among the indicators, the U.S. Envoy to Balkans and the UNSC changed wordings were the most important.²⁸⁶ These were not only empty signals; they meant and resulted in significant and sharp differences in the organization's international political image, acceptance, and possibilities.²⁸⁷

Neither scholarly nor legal nor press sources followed such a sudden and extreme change in statements related to the KLA. Rather, these domains mainly used neutral-tone markers throughout, or the proportions of markers carrying some form of qualification did not change significantly, or they responded to politics-initiated reclassification only years after the events (not in real-time). So, it can be said that the reclassification of the KLA was a political process –initiated by politicians, implemented by politicians, and accepted by politicians.

2. The KLA Was Able to Take Advantage of the Opportunity

The KLA was a partner in the reclassification process and took measures to avoid the terrorism label. The objectives of the KLA included the clearance of the organization from the stamp of terrorism; to this end, it gave up or downsized certain of its previous operational practices after the reclassification.²⁸⁸ Before the reclassification, the KLA actions corresponded with some accepted/consensual conditions of terrorism: the absence of distinctive signs of its fighters, significant rate of lethal targeting people under the protection of the international law of warfare (non-combatants), the intended use of the press to obtain attention to their case, and the lethal threats to individuals (including non-combatants) cooperating with the Yugoslav authorities.²⁸⁹ After the reclassification, the KLA took control over significant areas in Kosovo, its fighters used distinctive signs, operated guerilla methods against Yugoslav armed organizations, and the threat towards non-combatants was significantly relegated to the background in their communications. Terrorism would have offered the organization benefits in some respects even after the

²⁸⁶ See: III and Appendix A

²⁸⁷ See: IV and V

²⁸⁸ See: II.A.2.c and IV.C

²⁸⁹ See: I.C.1 and II.B.2

reclassification (e.g., deterrence from public cooperation with the Yugoslav authorities), but after the reclassification, the KLA did not take advantage of these benefits, or to a negligible extent.

3. The Reclassification Had Demonstrable Implications

The dissociation of the KLA from terrorism had substantial military and political consequences. The political consequences included: the KLA's international diplomatic acceptance and negotiation possibility; the increasing political legitimacy and support for the organization; the post-settlement political possibilities of the KLA leaders; the end of the Serbian "monopoly" in the conflict resolution (the KLA appearing as an alternative partner/option in the international effort). The military consequences, in turn, included: the increase in the number of KLA fighters, the increase in financial resources and weaponry, and the Western military cooperation.

B. EVALUATION AND LIMITATIONS

As this study was predominantly based on partially incomplete qualitative data of unrepeatable events, its results are somewhat uncertain. Some factors can be identified and listed that affect the certainty of thesis results. The degree of reliability is examined below.

1. How Important Factor Was the Reclassification, and to What Extent it Influenced the Course of the Conflict?

The reclassification of the KLA has affected the political and the military domains of the Kosovo conflict, and through these effects, the reclassification also influenced the development of the events in Kosovo. UN reports stated that the conflict reached the intensity of a civil war by August 1998.²⁹⁰ Among the consequences examined, the KLA's increasing political support, the increase in the number of KLA fighters and weapons, and the acquired international legitimacy certainly contributed to this development, at least through the acceleration of reaching the civil war threshold.

²⁹⁰ See: V.C.3

All the significant post-reclassification consequences are complex events/processes, and their shaping has never been influenced solely by reclassification, so the degree (or possible exclusivity) of the role or influence of reclassification as a triggering effect can be determined only approximately. The seemingly clear consequences, such as a handshake with the KLA leaders instead of their exclusion during the international diplomatic negotiations about the Kosovo settlement, are also not merely the result of the reclassification, though its role in this example is quite prominent.

Consequences can be identified for which reclassification was an indisputably necessary condition: such as international diplomatic recognition/negotiations, the post-conflict political engagement of KLA leaders, the provision of an alternative instead of Serbs in conflict resolution, open foreign fundraising, and high-level cooperation with NATO. The consequences, in which the reclassification was not necessary, rather only a supportive/facilitating factor: the number of the fighters and the amount of KLA's weapons. No full exclusivity has been incurred in case of these complex developments (consequences) under consideration.

The consequences can also be examined according to exclusivity or other factors' presence, i.e., what other factors played a role in the implications' occurrences in addition to the reclassification. For example, the biggest "competitor" to the reclassification among other explanations of the trajectory of the Kosovo war is the Drenica massacre.²⁹¹ This significant event was not only crucial contributor for the reclassification, but it can be argued that it also drove many of the consequences of reclassification, confounding its impact. In particular, the Drenica massacre was indisputably present as a supporting factor in the increase of the political support of the KLA and in the expansion in the number of KLA members and financial resources.

2. How Important Was the Reclassification for the KLA's Ultimate Success?

Despite the methodological issues and confounding influences listed above, the reclassification away from the terrorist label is directly formulated as the part of the

²⁹¹ See: II.C

objectives of KLA, and was an important factor for other objectives indirectly, through the diplomatic acceptance, or the change in the status of the conflict, or the increase in the military strength of the organization.²⁹² Thus, the reclassification and its effects contributed to the strategic objectives and the ultimate goal of the KLA, which was to achieve Kosovo's independence. Both during and after the conflict, the move away from the terrorist classification has had an important impact and has supported the KLA to become a stronger and legitimate organization, to achieve its goals, and ultimately, also the independence of Kosovo.

C. IMPORTANCE AND EXPLANATION

The case of the KLA is a rarity because it was reclassified from its widely accepted terrorist status to an organization that used legitimate violence to achieve its goal of independence. As James Pettifer puts it, "The Kosova Liberation Army (KLA) was the first successful insurgent movement in Europe since the Second World War."²⁹³

1. Influential Case

With this rare double success, the KLA stands out as an important case among many unsuccessful independence movements and groups classified as terrorist. The KLA case may therefore be used as the "successful" case in the future comparative analyses, contrasting it with many cases of "failed" organizations and insurgencies. With such comparative analyzes, the circumstances-dependent costs of similar terrorism can be estimated. Also, the experiences of this influential case can be a useful example for those who are planning armed struggle but hesitating about the methods to fight - and those decision-makers who want to deter them from using terrorist methods.

2. Terrorism Is Not an Empty Word

The consequences revealed prove that the terrorist classification entailed a serious loss (and/or had alternative costs) for the KLA. Separatist politics and independence

²⁹² See: II.A.2.c, IV, and V

²⁹³ James Pettifer, "The Kosova Liberation Army - Hurst Publishers," Hurst, accessed October 12, 2021, <https://www.hurstpublishers.com/book/the-kosova-liberation-army-2/>.

movements will likely exist as long as human communities will interact on Earth, and the groups/communities with the independence goal will choose the method of choice leading to the achievement of their political goals based on consideration of advantages-disadvantages, opportunities-risks, and benefits-costs –which can also be estimated and influenced. So, the significance of the thesis findings is also that a similar conflict development is imaginable also today, and although the international environment has changed, the experiences of this KLA-case may help deal with those.

D. FURTHER TOPICS TO RESEARCH

Terrorism, as a way to achieve political goals in certain situations, has “costs” and consequences, which vary with the changing circumstances and prevailing norms in the world across time. In this sense, it may be possible to use the case of the re-labelling of the KLA to assess how changing the costs and benefits of being labelled as terrorist have shaped the behavior of violent resistance movements, particularly in Europe. Comparing the KLA case to other European violent organizations such as the IRA (Irish Republican Army), ETA (Euskadi ta Askatasuna), FLNC (National Liberation Front of Corsica), RAZ (Revolutionäre Aktionszellen), NSU (Nationalsozialistischer Untergrund), 17 November Group could help identify ways to incentivize groups to refrain from terrorist tactics.

In the case of the KLA, during the ICTY trials, the degree of the leadership’s established control over the organization and individuals loosely connected to it was only partially discovered. The expected work and results of the KSC, as well as the expiry of the classification period for the documents of the major powers involved in the conflict, may provide a significant amount of additional information that may lead to more details and results, or even to new aspects about the Kosovo conflict. New layers of responsibilities, further correlations, and leadership discussions/considerations can be explored; analyzing these, the future decision-makers can become more prepared for flexible and creative solutions in political violence. Because the KLA is remarkable for its double success, it may be worth exploring even more precisely what made it successful, unlike other similar organizations.

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APPENDICES

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APPENDIX A: TIMELINES

This appendix compiles two timelines that help visualize the key dates, decisions, and periods of the KLA's reclassification.

The first timeline shows a decade of the Kosovo conflict, from the restriction of the Kosovars' political independence in 1989 to the 1999 war and the KLA's disband. The conflict's determining events and the KLA's operational periods were depicted.

The second timeline focuses on the reclassification process. It displays orientation events, but the focus is on presenting the key indicators that determine the reclassification itself. Third, freedom-fighter or guerilla period: from 22 April 1998 (reaching armed conflict status) to the September 1999 disarmament and dissolution.

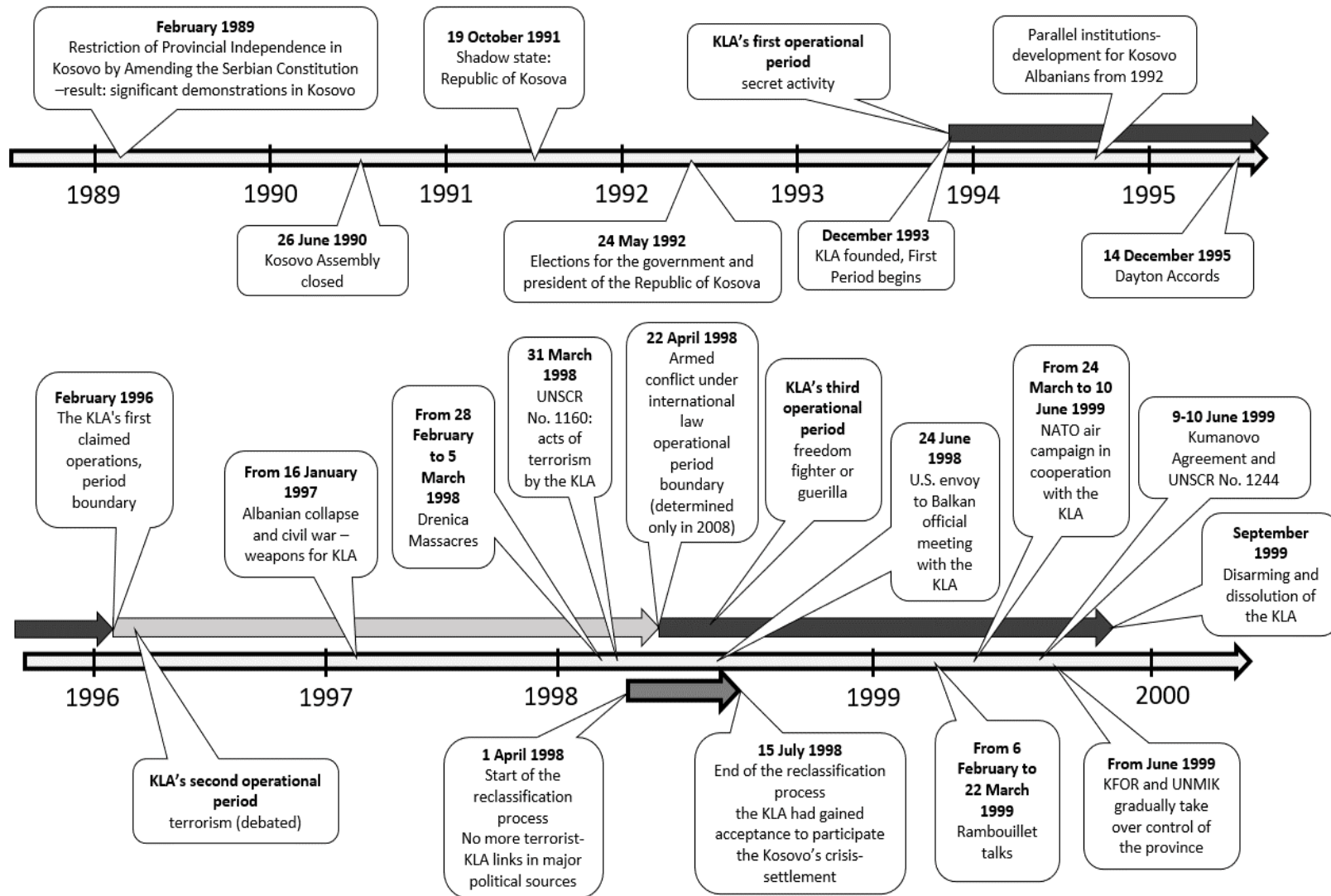


Figure 2. The Kosovo conflict

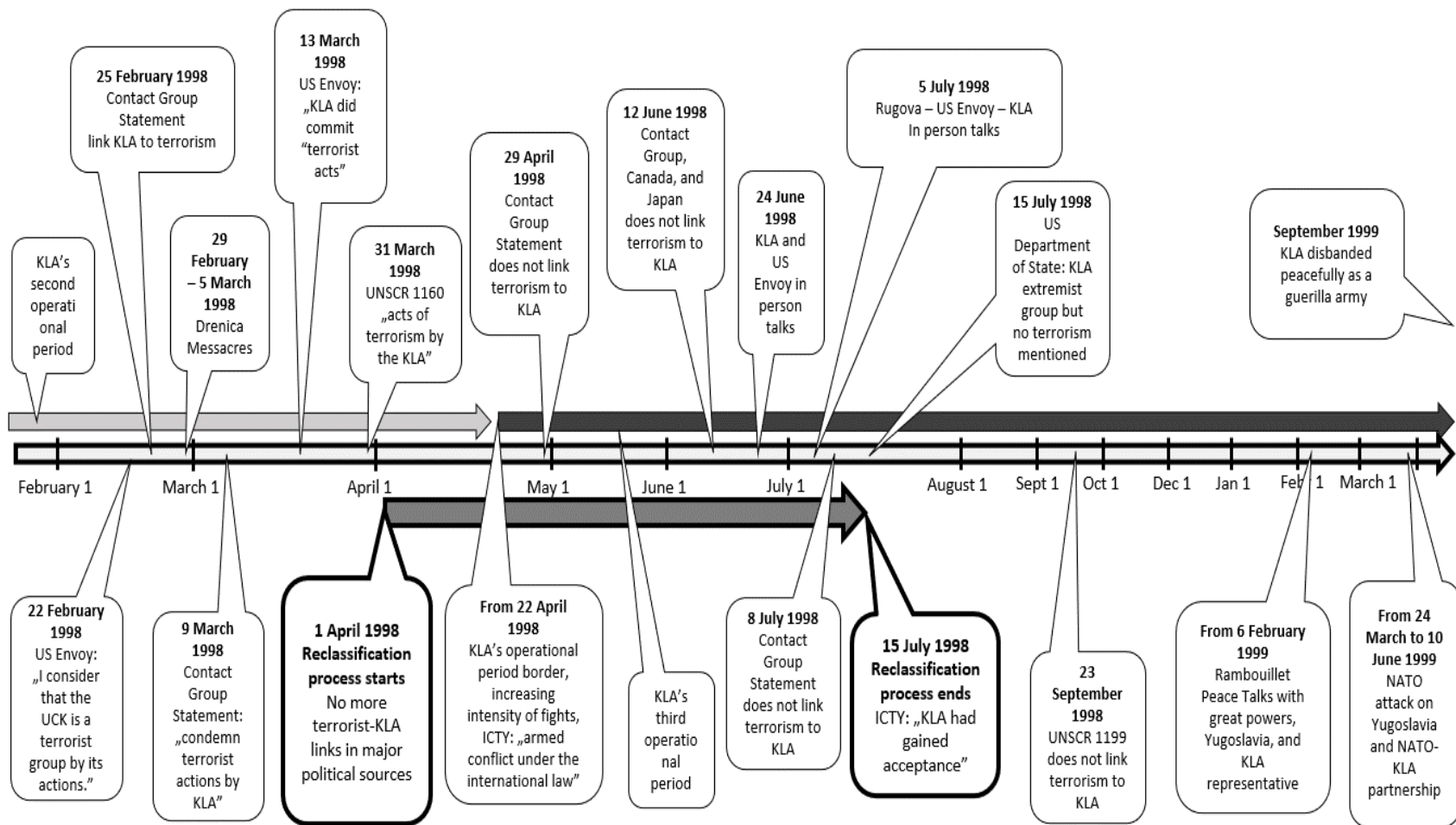


Figure 3. The KLA's reclassification process

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APPENDIX B: WORD COMPOSITION RATE ANALYSIS

Various sources about KLA's and the Kosovo conflict's status (03 OCT 2021)

Search	<i>The Wall Street Journal</i> ²⁹⁴	<i>The New York Times</i> ²⁹⁵	<i>The Washington Post</i> ²⁹⁶	<i>The Guardian (UK)</i> ²⁹⁷	Newspapers – Dudley Knox Library ²⁹⁸	Google Scholar ²⁹⁹	Google ³⁰⁰
Search period before reclassification	01 JAN 1996 – 28 FEB 1998	01 JAN 1996 – 28 FEB 1998	01 JAN 1996 – 28 FEB 1998	01 JAN 1996 – 28 FEB 1998	1996 - 1997	1996 - 1997	01 JAN 1996 – 28 FEB 1998
Period after reclassification	01 APR 1998 – 31 JAN 1999	01 APR 1998 – 31 JAN 1999	01 APR 1998 – 31 JAN 1999	01 APR 1998 – 31 JAN 1999	1998	1998	01 APR 1998 – 31 JAN 1999
Kosovo	21	62	57	73	3288	3000	37300
	221	641	577	548	62174	2830	19200
Kosovo Liberation Army	0	5 (8,1%)	2 (3,5%)	10 (13,7%)	239 (7,3%)	278 (9,3%)	496 (1,3%)
	19 (8,6%)	185 (28,9%)	200 (34,7%)	189 (34,5%)	16229 (26,1%)	314 (11,1%)	816 (4,3%)
Kosovo freedom fighter	0	0	0	3 (4,1%)	24 (0,7%)	50 (1,7%)	161 (0,4%)
	0	5 (0,8%)	2 (0,3%)	21 (3,2%)	503 (0,8%)	47 (1,7%)	256 (1,3%)

²⁹⁴ Representing influential U.S. newspapers, The Wall Street Journal: ProQuest -proxy: DKL, “Complex search - The Wall Street Journal,” accessed October 3, 2021, <https://www-proquest-com.libproxy.nps.edu/hnpwallstreetjournal/advanced/C31F9FE6C0D54B12PQ?accountid=12702>.

²⁹⁵ Representing influential U.S. newspapers, The New York Times: ProQuest -proxy: DKL, “Complex search - The New York Times,” accessed October 3, 2021, <https://www-proquest-com.libproxy.nps.edu/hnpnewyorktimes/advanced?accountid=12702>.

²⁹⁶ Representing influential U.S. newspapers, The Washington Post: ProQuest -proxy: DKL, “Complex search - The Washington Post,” accessed October 3, 2021, <https://www-proquest-com.libproxy.nps.edu/hnpwashingtonpost/advanced?accountid=12702>.

²⁹⁷ Representing influential UK newspapers, The Guardian: The Guardian, “Search - The Guardian UK Archive,” Newspapers.com, accessed October 3, 2021, <https://theguardian.newspapers.com/search/>.

²⁹⁸ Representing all English language newspapers: Dudley Knox Library, “Library Search,” accessed October 3, 2021, <https://nps.primo.exlibrisgroup.com>.

²⁹⁹ Representing all English language scholarly work .

³⁰⁰ Representing all kinds of sources mixed.

Kosovo terror	0	2 (3,2%)	2 (3,5%)	7 (9,6%)	86 (2,6%)	291 (9,7%)	640 (1,7%)
	7 (3,2%)	37 (5,8%)	31 (5,4%)	49 (8,9%)	1944 (3,1%)	282 (10%)	801 (4,2%)
Kosovo guerilla	0	0	0	0	138 (4,2%)	37 (1,2%)	159 (0,4%)
	0	0	1 (0,2%)	1 (0,2%)	9480 (15,2%)	43 (1,5%)	311 (1,6%)
Kosovo insurgency	2 (9,5%)	1 (1,6%)	1 (1,8%)	1 (1,4%)	67 (2%)	58 (1,9%)	143 (0,4%)
	2 (0,9%)	17 (2,7%)	16 (2,8%)	13 (2,4%)	823 (1,3%)	79 (2,8%)	173 (0,9%)
Kosovo “civil war”	4 (19%)	1 (1,6%)	5 (8,8%)	10 (13,6%)	218 (6,6%)	538 (17,9%)	624 (1,7%)
	27 (12,2%)	24 (3,7%)	40 (6,9%)	53 (9,7%)	2830 (4,6%)	412 (14,6%)	513 (2,7%)
Kosovo rebel	7 (33,3%)	5 (8,1%)	4 (7%)	17 (23,3%)	346 (10,5%)	147 (4,9%)	342 (0,9%)
	104 (47,1%)	238 (37,1%)	231 (40%)	114 (20,8%)	13215 (21,3%)	136 (4,8%)	338 (1,8%)
Kosovo rebellion	1 (4,8%)	5 (8,1%)	3 (5,3%)	5 (6,8%)	271 (8,2%)	206 (6,9%)	377 (1%)
	5 (2,3%)	28 (4,4%)	10 (1,7%)	17 (3,1%)	1426 (2,3%)	169 (6%)	277 (1,4%)
Kosovo group	15 (71,4%)	26 (41,9%)	28 (49,1%)	53 (72,6%)	1147 (34,9%)	1500 (50%)	4830 (12,9%)
	106 (48%)	279 (43,5%)	280 (48,5%)	344 (62,8%)	20164 (32,4%)	1290 (45,6%)	3270 (17%)
Kosovo militia	1 (4,8%)	0	2 (3,5%)	5 (6,8%)	62 (1,9%)	127 (4,2%)	302 (0,8%)
	15 (6,8%)	11 (1,7%)	28 (4,9%)	15 (2,7%)	873 (1,4%)	83 (2,9%)	229 (1,2%)
Kosovo resistance	3 (14,3%)	6 (9,7%)	3 (5,3%)	10 (13,7%)	281 (8,5%)	623 (20,8%)	1210 (3,2%)
	10 (4,5%)	32(5%)	40 (6,9%)	51 (9,3%)	2974 (4,8%)	519 (18,3%)	774 (4%)

Newspapers were selected based on influence rankings and digital searchability.³⁰¹ The reasons for U.S. and UK were selected: English speaking leading and influential newspapers, the only superpower and a leading great power of the era, both took leading role in the Kosovo settlement, available archives

³⁰¹ Fullintel, “The Top 10 U.S. Daily Newspapers by Circulation,” Fullintel, October 23, 2019, <https://fullintel.com/top-media-outlets/the-top-10-us-daily-newspapers/>; “Top 10 U.S. Newspapers by Circulation,” Agility PR Solutions, May 12, 2015, <https://www.agilitypr.com/resources/top-media-outlets/top-10-daily-american-newspapers/>; YouGov, “The Most Popular Newspapers in the UK Media YouGov Ratings,” accessed October 7, 2021, <https://yougov.co.uk/ratings/media/popularity/newspaper/all>; Mental Daily, “World’s 10 Most Powerful News Outlets,” Mental Daily, November 28, 2019, <https://www.mentaldaily.com/article/2019/11/worlds-most-powerful-news-outlets>.

APPENDIX C: GOOGLE SCHOLAR RESULTS

(search engine dependent test about content of scholarly works made up to 2021)

Google Scholar "kosovo liberation army" About 10,700 results (0.05 sec)

Articles

Any time
Since 2021
Since 2020
Since 2017
Custom range...

Sort by relevance
Sort by date

Any type
 include patents
 include citations

Review articles

Create alert

[BOOK] **Kosovo Liberation Army: The inside story of an insurgency**
HH Perritt - 2010 - books.google.com
The military intervention by NATO in Kosovo was portrayed in American media as a necessary step to prevent the Serbian armed forces from repeating the ethnic cleansing that had so deeply damaged the former Yugoslavia. Serbia trained its military on Kosovo ...
☆ ⓘ Cited by 166 Related articles All 2 versions »»

[PDF] **The Kosovo liberation army**
T Judah - Journal of International Affairs, Perceptions, 2000 - sam.gov.tr
The **Kosovo Liberation Army** must rank as one of the most successful guerrilla movements in modern history. In the nineteen months following its first public appearance, the KLA (or UCK in its Albanian acronym) had all but fulfilled its aims—having managed to subcontract ...
☆ ⓘ Cited by 24 Related articles All 2 versions

Resisting an oppressive regime: The case of Kosovo liberation army
K Mulaj - Studies in Conflict & Terrorism, 2008 - Taylor & Francis
Although no war faction escapes controversy, it is often said that the **Kosovo Liberation Army** (KLA) is one of the most successful guerrilla movements in recent history. This article suggests that KLA's success can be attributed to the symbiosis between national and ...
☆ ⓘ Cited by 36 Related articles All 5 versions

From a 'terrorist'group to a 'civil defence'corps: The 'transformation'of the Kosovo Liberation Army
A Özerdem - International peacekeeping, 2003 - Taylor & Francis
The **Kosovo Liberation Army**, which was regarded as a 'terrorist'group in the early 1990s, has now been 'transformed'into the Kosovo Protection Corps (KPC) with the primary objective of protecting this war-torn province against 'natural'disasters. The creation of a ...
☆ ⓘ Cited by 34 Related articles All 5 versions

[BOOK] **Wag the dog: The mobilization and demobilization of the Kosovo Liberation Army**
A Heinemann-Grüder, WC Paes - 2001 - opengrey.eu
'Der Autor dieses Beitrages beschaeftigt sich mit der Entstehung der albanischen Kosovo Befreiungsarmee (UCK, engl.: KLA) in den neunziger Jahren des 20. Jahrhunderts sowie mit der'Aufloesung'der Guerillatruppe nach der Errichtung eines Protektorats unter der ...
☆ ⓘ Cited by 63 Related articles »»

The politics of reintegration and war commemoration. The case of the Kosovo Liberation Army
I Ströhle - Südosteuropa. Zeitschrift für Politik und Gesellschaft, 2010 - ceool.com
Abstract. This article examines the contentious question of the appropriate position of veterans in a postwar society, by juxtaposing the externally led reintegration policies with local conceptions of (re-) integration propagated in the veterans' circles of the **Kosovo** ...
☆ ⓘ Cited by 19 Related articles

Kosovo Liberation Army veterans' politics and contentious citizenship in post-war Kosovo
I Ströhle - Transcending Fratricide, 2013 - nomos-elibrary.de
In April 2009 thirty-nine year old Selami Ramiqi, veteran and invalid of the **Kosovo Liberation Army** (in Albanian: Ushtria Çlirimtare e Kosovës, or UÇK), henceforth: KLA, camped in protest together with other KLA veterans and invalids for a week in tents in front of ...
☆ ⓘ Cited by 13 Related articles

Vocational training of former Kosovo Liberation Army combatants: for what purpose and end?
AO zerdem - Conflict, Security & Development, 2003 - Taylor & Francis
Since July 1999, the International Organisation for Migration (IOM), at the request of the United Nations Mission in Kosovo (UNMIK) and the Kosovo Force (KFOR), has undertaken the implementation of the Information Counselling and Referral Service (ICRS) which aimed ...
☆ ⓘ Cited by 20 Related articles All 2 versions

Joining the Kosovo Liberation Army: A continuist, process-based analysis
N Duclos - Violence: An International Journal, 2020 - journals.sagepub.com
Drawing on semi-directed interviews with ex-combatants from the **Kosovo Liberation Army** (UÇK) and the archives of the international organization responsible for disarming and demobilizing the combatants, this article examines the process by which individuals joined ...
☆ ⓘ Cited by 1 Related articles All 2 versions

Could We Have Armed the Kosovo Liberation Army--The New Norms Governing Intervention in Civil War
KD Heath - UCLA J. Int'l L. & Foreign Aff., 1999 - HeinOnline
In Spring 1999, Serbia's ethnic cleansing in the would-be breakaway province of Kosovo once again focused the world's attention on war in the Balkans. During the early 1990s, the West had watched conflict rage in Bosnia-Herzegovina as Bosnian Serbs fought against ...
☆ ⓘ Cited by 11 Related articles All 2 versions

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albanian "kosovo liberation army" "kosovo liberation army" federal republic
serbian "kosovo liberation army" "kosovo liberation army" milosevic

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