The Case for Kosova
Passage to Independence

Edited by

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The Contributors


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Howard Clark is Honorary Research Fellow with the Forgiveness and Reconciliation Center of the University of Coventry, where his main concern since 1991 has been peace in Kosova. A former editor of ‘Peace News‘ and former executive secretary of War Resisters International, he is currently working on liaising peace and human rights activists in Kosova and Croatia. His book Civil Resistance in Kosovo (Pluto Press), was published in 2000.
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Anna Di Lellio is a sociologist and a journalist. She obtained her Ph.D. from Columbia University, New York. Dr. Di Lellio has worked in post-war Kosovo as the Temporary Media Commissioner and the Political Advisor to the UN Kosovo Protection Corps Coordinator. She has produced a documentary on trafficking of women in Kosovo that was broadcast on the Italian Public Television Channel RAI3 and is currently working on a book on the national master-narrative of post-war Kosovo.

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Vjosa Dobruna is President of the Board of Radio Television of Kosovo. Dr. Dobruna is also Board Member of the American University of Kosovo, of the Women’s Network and other women’s groups, and a consultant for the Strategy for Development of Kosovo 2007–2013. She was a member of the UN Joint Administrative Structure (2000–2001) to monitor and recommend regulations on human and minority rights, equal opportunity, good governance and independent media. She was 2002–2003 Policy Fellow at the Carr Center for Human Rights, John F. Kennedy School of Government, Harvard University. She also practices pediatrics, which she studied at the University of Zagreb.

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He is currently completing a book on architecture, urbanism and political violence in Kosova.

**Bernd Fischer** is Professor of Balkan History and chair of the Department of History at Indiana University, Fort Wayne. He is the author of numerous books on Albania including *King Zog and the Struggle for Stability in Albania. East European Monograph*, (Columbia University Press, 1984); *Albania at War, 1939–1945* (Purdue University Press, 1999) and (co-editor) *Albanian Identities: Myth and History* (Indiana University Press, 2002). He serves on the board of the Albanian Studies Program, School of Slavonic and East European Studies, University College, London, the Book and Communication House, Tirana, and the Society for Albanian Studies.

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**Machiel Kiel** is Director of the Netherlands Historical and Archeological Institute in Istanbul. He currently teaches Islamic Architecture at Istanbul Technical University, which he also taught for some years at the University of Utrecht. Dr. Kiel is Vice-President of the International Organisation for Congresses of Turkish Art and Advisor to UNESCO for Bosnia and Herzegovina. He has traveled extensively in the Balkans since 1959 and published many works on the cultural heritage of the region.
Muhammedin Kullashi is Professor of Philosophy at the Université de Paris VIII since 1992. Dr. Kullashi earned his Ph.D. from the University of Zagreb, and taught at the University of Prishtina until his expulsion in 1991. Among his many books are Humanisme et haine (L’Harmattan, 1997); Parler des camps, penser les génocides (Albin Michel, 2000) and Effacer l’autre (2006).

Paulin Kola is a BBC analyst. Dr. Kola earned his Ph.D. at the London School of Economics. His book The Search for Greater Albania (Hurst and New York University Press) was published in 2003.

Albin Kurti is one of the founders of the movement ‘Self-determination’, which started in 2005. He is a political and human rights activist whose career began in 1997 with the students’ movement campaigning for the right to education, and continued in 1998 as the secretary of the General Political Representative of the KLA until his arrest in April 1999. Sentenced to 15 years of imprisonment, he was released from Serb prison in December 2001. Since then, he has been involved in the youth movement Kosova Action Network (KAN), a group with the mission of creating an active citizenry in Kosova.

Noel Malcolm has a doctorate in History from Cambridge University; he is a Senior Research Fellow of All Souls College, Oxford, and a Fellow of the British Academy. His Kosovo: A Short History (Macmillan), was published in 1998.

Julie Mertus is an Associate Professor and Co-Director of the MA program in Ethics, Peace and Global Affairs at American University. Her book Kosovo: How Myths and Truths Started a War (University of California Press, 1999) is essential reading on the region. She is also the author of Bait and Switch: Human Rights and American Foreign Policy (Routledge, 2004), named ‘Book of the Year’ in 2005 by the American Political Science Association, Human Rights Section.

Jennifer Ober is Peace Fellow with the Public International Law & Policy Group. Ms. Ober heads the Public International Law & Policy Group’s Kosovo Program and is resident in Prishtina, Kosova where she is advising the Government of Kosovo on the Final Status negotiations.

Owen Pearson taught Latin and Greek for 40 years to senior forms of preparatory schools. In 1947 he began to compile a full and detailed
chronicle of modern Albanian history and over decades assembled an impressive library dedicated to Albania. This collection forms the basis of *Albania in the Twentieth Century* (I.B. Tauris and Center for Albanian Studies, 2006).

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**Stacy Sullivan** is a senior editor at the London-based Institute for War and Peace Reporting and former Balkans correspondent for *Newsweek*. She is the author of *Be Not Afraid, for You Have Sons in America: How a Brooklyn Roofer Helped Lure the US into the Kosovo War* (St. Martins Press, 2004). She also co-produced a documentary based on her book entitled, *The Brooklyn Connection*.

**Paul R. Williams** is Rebecca Grazier Professor of Law & International Relations, American University. Dr. Williams served as a legal advisor to the Kosovar Delegation to the Rambouillet/Paris peace negotiations, and is advising the Government of Kosova on Final Status negotiations being held in Vienna in 2006. Professor Williams, along with the Public International Law & Policy Group was nominated for the 2005 Nobel Peace Prize by over half a dozen of his *pro bono* government clients.
Editor’s Note

Since this book is about the independence of Kosova, we have preferred to use Albanian names for localities throughout, except in those chapters where the authors preferred the international usage of Kosovo and both Albanian and Serbian names for cities.
Introduction

Anna Di Lellio

This is a decisive time for Kosova. 2006 will be the year when Kosova’s final political status is settled and the conflict that culminated with Serbian attempted genocide, interrupted by the NATO air campaign, and subsequent pacification, reaches a formal, juridical conclusion.

Kosova now is governed through a system of overlapping authorities. It is a United Nations-administered protectorate, but also has the apparatus of representative government: a Prime Minister, cabinet, and parliament, known as the Provisional Institutions of Self-Government. These are ‘provisional’ because Kosova was, until 1999, a province of the Federal Republic of Yugoslavia, and it is still under the formal sovereignty of Belgrade, as stipulated by the UN Security Council Resolution 1244.¹ Neither the war nor the UN-led administration changed that, although the settlement talks revolve around the issue. The current hybrid arrangement was always meant to be temporary, and in 2006 negotiations began in earnest, convened by UN Special Envoy Martti Ahtisaari with the goal of finding compromise among the competing claims over Kosova.

This book is written without prejudice, but not without a point of view. We wish to make the case that an independent Kosova, fully sovereign, with territorial integrity, can be democratic, economically viable, secure, and respectful of the rule of law and minority rights, and that this outcome is not only possible, but legitimate and desirable.

¹Resolution 1244 reaffirms the sovereignty of the Federal Republic of Yugoslavia. However, in 2003 the Federal Republic of Yugoslavia, formed in 1992 by Slobodan Milošević after the disintegration of Yugoslavia, changed its name to Serbia and Montenegro. In May 2006, Montenegro seceded from the union by popular referendum.
Kosova traditionally has had more defenders than advocates in its past. This book advocates.

Independence is the demand of the majority Albanian population of Kosova. It represents the fulfillment of the right of self-determination; and it closes the long chapter of Serbian colonization starting with the 1912 annexation from the Ottoman Empire, then in a condition of accelerating collapse, through the brutal Milošević regime. The Serbian government’s present position on final status holds that Kosova should remain under its sovereignty, but be granted self-government in relation to Belgrade, while Serb-majority villages and areas in Kosova enjoy a reciprocal autonomy from Prishtina. Serbia argues that any unilateral change of internationally recognized borders would contravene international law and pose potential threats to security both in the broader Balkan region, and anywhere else separatist movements thrive. Belgrade also requests that any negotiated settlement be internationally guaranteed for an estimated period of twenty years, but eventually renegotiated as part of a process of integration into the European Union. The consensus among international diplomats has been, for some time, that the status quo could not be sustained and that any solution for Kosova must avoid partition, union with any neighbouring state or parts of them, and the return to the pre-war situation. Some western governments have made it understood from the start that they favor ‘conditional independence’, meaning dissolution of legal ties between Kosova and Serbia, without granting Kosova full state status. In this scheme, Kosova remains an international ward for a time yet to be determined, with a significant presence of international troops in charge of security. Similar to post-Dayton Bosnia, a High Representative Office under the auspices of the European Union would retain some executive and monitoring powers over some state functions (the police, the courts), and guarantee the peaceful coexistence of substantially autonomous Serb territorial entities inside the territory.

Given these three starting positions, we aim to spell out arguments in favour of full sovereignty and unconditional independence, while addressing the concerns and counter-arguments advanced to the contrary. We hope to meet the need of a wider audience for clarification and information as non-specialists, including even the casual reader, seek to come to terms with both the current political debate, and future discussions.

In discussions about Kosova and its Albanian population, tired stereotypes, clichés, and bad history compete for adherents. Here we hope to
correct the ignorance that makes fertile ground for misconception, and pollutes the understanding of a society with a rich and embattled past. Our premise is that much misinformation comes not just from ignorance, but from outright historical distortion, when the reality of Kosova is seen through an ideological lens that allows only a particular angle of vision.

One crucial angle, long upheld in Serb intellectual, religious and political circles, is the image of Kosova as an ethnically pure medieval Serb state, lost to the Turks in the fourteenth century, setting the stage for a clash of civilizations between Christianity and Islam. Caricatured as an ‘Albanian Muslim camp’, Kosova then becomes fair game for all sorts of allegations. Albanians are depicted as demographically aggressive interlopers in a space that belongs to others by ancestral heritage. They are portrayed repeatedly as primitive and hostile to the ‘western community of values’ and judged collectively guilty by association with a few criminal groups. The influence of this reservoir of stereotypes over the intellectual and political debate about sovereignty is noticeable and pernicious.

Other rich veins of distortion exist. A leftist revisionist school in the West, active in universities and on mainstream editorial pages, has typified Kosova through the prism of a critical attitude taken towards the NATO intervention. Often, two motives inspire this commentary: opposition to perceived US imperialism, and sympathy for Serbia as the last bastion of socialism. This view often colors the Yugoslav conflict with an emotional attachment to the myth of the Yugoslav resistance against Nazism; the current situation becomes just another turn in a cycle of violence between rival nationalisms, in play since World War II. Thus it becomes easy to make light of recent losses experienced in Kosova and elsewhere and then to attribute responsibility for the Yugoslav break-up and later sufferings to western intervention as well as reactionary, putatively pro-Nazi groups, such as the Croats and the Albanians.2

This book engages the political and intellectual sources of a distorted understanding of Kosova, but also aspires to go beyond them. Its purpose is to make the case for independence and sovereignty, by debunking the construction of Albanians and others in essentialist terms. One opponent may argue that an independent Kosova potentially threatens regional peace. Another contends that Kosova, unsupervised, eventually will tend to Jihadist Muslim extremism. Still others may object to its mono-ethnicity, or its lack of an economic future. These arguments all tend in the same direction: Kosova is represented as dangerous, immature, and incapable of running its own affairs. This image is not an innocent reflection on the current poor conditions of a post-Communist and post-conflict society. Its roots are older and are not confined to rival nationalist circles. They reach back to nineteenth century western stereotypical constructions of the Balkan region under Ottoman rule as alien to the European community, an antagonistic and backward civilization, of which Albanians often serve as a perfect type. The main elements of these stereotypes, however diluted in the apparently neutral collective perception about Kosova, continue to be reproduced uncritically, often unwittingly, by media pundits, journalists, politicians, and diplomats. They become the commonplaces of private conversations, even among an educated public. This merits critical attention. It is significant for example, that a comment made by an authoritative and independent group of experts immediately after the Dayton Conference repeats a classic biased cliche about Kosova: 'Kosovo is claimed on historical grounds by the Serbs as the cradle of the medieval Serbian kingdom, and by the Albanians on demographic grounds (90 percent of the population is Albanian). The Serbs claim it in the name of the past, the Albanians in the name of the present and the future. Even the seeming neutrality of descriptive language in daily newspapers—for example, 'ethnic Albanians' or 'Muslim' to signify the majority of Kosova—belie an acceptance of categories that entrap a diverse society into a position of subordination, as an object of control and reform.

In the past decade there have been serious criticisms of this phenomenon, which have met with relatively more success in the academic

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world than outside. In reality, as a small community with a relatively limited institutional experience, the Albanians of Kosova have been unsuccessful in questioning and correcting their stereotypical image, a failure particularly damaging at this critical time when they are hosts to an ambitious international efforts toward of state-building.

The 18 contributors to this book have been set carefully chosen tasks: to address representative questions that arise from common arguments or allegations made over the years. Each essay is prefaced with one or more brief declaratory sentences drawn from official sources, political analyses or mainstream media reports that serve to capture the essence of each question. Taken together these arguments contribute to an overall image of Kosova that is invoked, in part or in whole, by those who would deny its right to become a sovereign state. Some of the questions might appear provocative, but only because they are based on provocative arguments; others take up genuine issues which have been debated widely, but usually in a superficial manner, with little creative reflection. The writers are all well prepared in their respective areas of either academic expertise, or of personal experience, and each has been selected to answer questions that draw on their area of greatest particular competence. The reader may choose to disagree, but these are not views that can be disregarded or discarded lightly. Contributors include historians of the region such as Ivo Banac, Isa Blumi, Alain Ducellier, Bernd Fischer, Noel Malcolm, and Owen Pearson. Paulin Kola and Stacy Sullivan are journalists and analysts. Howard Clark, Julie Mertus and Besnik Pula are both human rights activists and social scientists. Paul Williams, Jennifer Ober and Catherine Croft contribute to the book with their legal expertise and Janusz Bugajski with his knowledge of security issues. Andrew Herscher is an architectural historian and Machiel Kiel an art historian, both deeply schooled in the region’s cultural heritage. As protagonists

of Kosova’s political and social life before and after the NATO war, Vjosa Dobruna, Dom Lush Gjergji and Albin Kurti offer their insight on important issues of the present. The book has a clear, general point of view. However, each contributor has only been asked to comment on specific questions, and the answers are informed and rigorous, embodying the particular expertise of the writer.

It would be agreeable if there were a statute of limitations for national grievances based on nostalgia: the memory of distant empires, imagined wrongs and demonizing ideologies. Unfortunately, they continue to be presented and accepted as salient to contemporary political decisions on the life of Kosova. This book means to be an antidote to the use—and abuse—of historical narratives for advancing political agendas during the negotiation over Kosova’s statehood. Much that is wrong has been written and said about Kosova in recent years. Join us now in an effort to redress some of that.
The Kosovo case study. Working Paper of the collaborative NATO-Harvard project: Towards a Comprehensive Response to Health System Strengthening in Crisis-affected Fragile States. This project was conducted jointly by researchers from Harvard University School of Medicine – Department of Global Health and Social Medicine and analysts from NATO’s Joint Analysis and Lessons Learned Centre under the sponsorship of NATO’s Allied Command Transformation. Additional funding for this case study was provided by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. On July 22, the UN International Court of Justice in the Hague will issue its opinion on the status of Kosovo, the breakaway province which unilaterally declared independence from Serbia on February 17, 2008. For the first time in its history, the Court is to judge on the legality of the proclamation of independence by a territory of a UN-member country without the consent of the latter. After heated debates, the delegations voted in Belgrade’s favor: 77 voted for having the case examined by the International Court of Justice, 6 voted against, and 74 abstained. The countries which chose to abstain were mostly the EU members which at the time regarded Kosovo’s independence as a decided matter but did agree that Serbia had the right to present its position in the Court.