

# The Case for Kosova

## Passage to Independence

*Edited by*

ANNA DI LELLIO



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**Ismail Kadare**, Albania's best known poet and novelist, was the 2005 recipient of the Man Booker International Prize. He has also been a candidate for the Nobel Prize. Kadare has been based in Paris since 1990. His many novels, which concern Albanian history, culture, folklore, and politics, include *The General of the Dead Army* (1963, tr. 1972), *The Castle* (1970, tr. 1974), *Chronicle in Stone* (1971, tr. 1987), *The Three-Arched Bridge* (1978, tr. 1991), *The Palace of Dreams* (1981, tr. 1993), *The Concert* (1988, tr. 1994), *The Pyramid* (1991, tr. 1996), *Spring Flowers, Spring Frost* (2001, tr. 2002); and *The Successor*, 2005.

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**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.

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**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

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**Henry H. Perritt, Jr.** directs Chicago-Kent's Program in Financial Services Law. The author of many law review articles and books on international relations and law, technology and law, and employment law, Professor Perritt has served on President Ford's White House staff and President Clinton's Transition Team. More recently, he made it possible for groups of law and engineering students to work together in using the Internet to develop democratization and development programs such as 'Project Bosnia' and 'Operation Kosovo'.

**Besnik Pula** is a Ph.D. Candidate at the Department of Sociology of the University of Michigan. He is a Fulbright Scholar, currently working on Albanian state-formation during the interwar era, examining in particular the manner in which the state enlisted "traditionalism" in its institution-building strategies. He is a frequent contributor to the Kosovar daily *Koha Ditore* and an active member of a number of Kosova-based organizations.

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## 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.<sup>1</sup> 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.

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<sup>1</sup>Resolution 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.<sup>2</sup>

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<sup>2</sup>For more detailed and broader discussion of this phenomenon, but with a focus mostly on the English literature, see Marko Attila Hoare, 'Genocide in the former Yugoslavia: A critique of left revisionism's denial', *Journal of Genocide Research*, vol. 5, no. 4, December 2003. Notable names among the NATO intervention critics are, among others, Toni Negri and Régis Debray. The latter travelled to Kosova in May 1999 and publicly denied the mass expulsion of Albanians, having experienced normal life in the capital of Kosova, albeit under the escort of Belgrade government's minders: see 'Lettre d'un voyageur au président de la République', *Le Monde*, 13 May 1999.

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 cliché 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.’<sup>3</sup> Even the seeming neutrality of descriptive language in daily newspapers—for example, ‘ethnic Albanians’ or ‘Muslim’ to signify the majority of Kosova—belies 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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<sup>3</sup>*Unfinished Peace: Report of the International Commission of the Balkans*, Berlin: Aspen Institute/Washington D.C.: Carnegie Endowment for International Peace, 1996, p. 29.



world than outside.<sup>4</sup> 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

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<sup>4</sup> On the Balkans, see Maria Todorova, 'The Ottoman Legacy in the Balkans' in Carl L. Brown (ed.) *Imperial Legacy: The Ottoman Imprint on the Balkans and the Middle East* (New York: Columbia University Press, 1996, pp. 45–77) later expanded in the book *Imagining the Balkans* (New York: Oxford University Press, 1997). For a focus on Albanians but also more in general the connection between globalized academia and media, see Isa Blumi, 'The Commodification of Otherness and the Ethnic Unit in the Balkans: How to Think About Albanians', *East European Politics and Societies*, vol. 12, no. 3, Fall 1998, pp. 527–69.

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.