#### THE ROAD TO INDEPENDENCE FOR KOSOVO

This book tells the story of Kosovo's independence, ranging from the periodic bloodshed of the twentieth century to the diplomacy that led to a determination of Kosovo's final status as a state in 2008. Kosovo declared its independence from Serbia in February 2008 over the objections of Serbia and Russia. This culminated more than one hundred years of sometimes violent resistance to what the majority Albanian population considered to be "occupation" by foreign forces – first those of the Ottoman Empire, then those of Serbia, and finally by the United Nations. Kosovo's independence was the product of careful diplomacy, orchestrated by the United States and leading members of the European Union, under a framework brokered by former Finnish President Martti Ahtisaari, who subsequently won the Nobel Prize for Peace.

Henry H. Perritt, Jr., is a Professor of Law and former Dean of Chicago-Kent College of Law. He is a member of the Council on Foreign Relations and the board of directors of the Chicago Council on Global Affairs. He served on President Clinton's Transition Team and in the Ford administration, during which time he was on the White House staff and later was Deputy Under Secretary of Labor. He was a Democratic candidate for the U.S. Congress in 2002. Perritt is the author of more than ninety law review articles and fifteen books on international relations and law, technology and law, and employment law, most recently *Kosovo Liberation Army: The Inside Story of an Insurgency*. He also wrote *You Took Away My Flag – A Musical About Kosovo*, which opened in Chicago in 2009.

Cambridge University Press 978-1-107-40287-4 - The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan Henry H. Perritt Frontmatter <u>More information</u> Cambridge University Press 978-1-107-40287-4 - The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan Henry H. Perritt Frontmatter <u>More information</u>

# The Road to Independence for Kosovo

A CHRONICLE OF THE AHTISAARI PLAN

## Henry H. Perritt, Jr.

Chicago-Kent College of Law



CAMBRIDGE UNIVERSITY PRESS Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo, Delhi, Tokyo, Mexico City

Cambridge University Press The Edinburgh Building, Cambridge CB2 8RU, UK

Published in the United States of America by Cambridge University Press, New York

www.cambridge.org Information on this title: www.cambridge.org/9781107402874

© Henry H. Perritt, Jr. 2010

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2010 First paperback edition 2011

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication Data

Perritt, Henry H. The road to independence for Kosovo : a chronicle of the Ahtisaari plan / Henry H. Perritt, Jr. p. cm. Includes bibliographical references and index. ISBN 978-0-521-11624-4 (hardback) 1. Kosovo (Republic) – History – Autonomy and independence movements. 2. Kosovo (Republic) – Politics and government – 21st century. 3. Kosovo (Republic) – Ethnic relations. 4. United Nations Interim Mission in 5. Ahtisaari, Martti. 6. Kosovo (Republic) – Ethnic relations. Kosovo. 7. Geopolitics – Balkan Peninsula. I. Title. DR2086.P465 2010 949.71 – dc22 2009014767

ISBN 978-0-521-11624-4 Hardback ISBN 978-1-107-40287-4 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Cambridge University Press
978-1-107-40287-4 - The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan
Henry H. Perritt
Frontmatter
More information

# Contents

Acknowledgments	<i>page</i> vii
Introduction	1
1 Riots in Kosovo	5
2 Albanian Resentment Comes to a Boil	13
3 Armed Conflict Grows	31
4 Cease-Fire Breaks Down	41
5 Establishing the United Nations' First Colony	51
6 Living Under a Colonial Regime	63
7 Responding to the Wake-Up Call	79
8 The Politics of Purgatory	91
9 Enter Martti Ahtisaari	111
10 The Stage for Final Status	119
11 "Practical" Negotiations	141
12 Negotiations over Status Itself	157
13 The Ahtisaari Plan	163
14 The Plan Runs into Trouble	171
15 The Troika Takes Over	191
16 Independence Day	211

Cambridge University Press
978-1-107-40287-4 - The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan
Henry H. Perritt
Frontmatter
More information

vi	CONTENTS
17 Kosovo's Future	221
$18 \ \mathrm{Implications}$ for the International Order	255
Glossary of Acronyms	279
Bibliography	283
Index	289

## Acknowledgments

**RITING THIS BOOK PROVIDED A REMARKABLE OPPORTUNITY TO** chronicle the final status process for Kosovo as it was unfolding. I am especially grateful to Frank Wisner and Martti Ahtisaari for getting me involved at an early stage. Both were generous with their time, candid in their communications, and wise in their assessments of the dynamics of the diplomacy and the prospects for success or failure.

Albert Rohan and Kai Sauer were equally generous, candid, and wise. They provided essential contextual information about President Ahtisaari and the Belgrade and Prishtina negotiating teams. Soren Jessen-Petersen filled in background on the Contact-Group-level discussions that led up to Ahtisaari's appointment and his terms of reference. He shared his unique insights about the dynamics of Kosovo's politics between the March 2004 riots and the first year after independence. He stands out as the best SRSG Kosovo had. Wolfgang Ischinger was probing in his analysis of intra-European politics during the Troika period of negotiations. The final status process would not have been successful without his unique skills.

Joachin Ruecker, as SRSG during the final status process, provided insights about the diplomatic forces operating on SRSGs and on intelligence about the potential for violence. Steven Schook, his deputy during the same period, manifested his charisma and was candid about the perils and potential of various final-status moves. Rosemary DiCarlo and Joshua Black at the U.S. State Department were open and forthcoming about U.S. attitudes toward the final status process as they evolved during 2007. Karen Pierce, Stephan Lehne, Hua Jiang, Jack Christofides, and Bardha Shpuza Azari shared their observations about the diplomatic process.

Rachel Bronson, Vice President of the Chicago Council on Global Affairs, helped get the whole project started. J. D. Bindenagel, former career ambassador in the U.S. Foreign Service provided valuable insight about the diplomatic process and about German and Russian interests. Evan Sult edited early drafts and persuaded me to develop this in a narrative format rather than in a more conventional academic one. Tim Sandusky, curious about everything, and smart, constantly challenged my assumptions. Cambridge University Press 978-1-107-40287-4 - The Road to Independence for Kosovo: A Chronicle of the Ahtisaari Plan Henry H. Perritt Frontmatter <u>More information</u>

viii

#### ACKNOWLEDGMENTS

I could not have accomplished a fraction of my Kosovo-related goals without the help and friendship of Alban Rafuna, who was always available to interpret, to arrange meetings, to provide background on the struggle, and to be a sounding board, wise beyond his years. Afrim Ademi always did what he said he was going to do and consistently helped arrange interviews and facilitate access.

Several of my other Kosovar Albanian friends illuminated popular attitudes toward the final status process. I first met Hashim Thaci, Prime Minister of Kosovo when independence was declared, shortly after the war. I have benefitted from regular conversations with him about politics in Kosovo and Kosovo's interaction with the international community. Ramush Haradinaj, former Prime Minister and now leader of the opposition, never fails to provide insights in the many conversations I have had with him. Fatmir Sejdui, President of Kosovo on Independence Day, similarly has been accessible and thoughtful about the final status process, even in the early days when it seemed it would never start. Rrustem Mustafa (Commender Remi), not only has always been available to educate me on the background of the conflict and the evolution of Kosovo's democracy; on several occasions, he has organized field trips allowing me to gain concrete perspective on the war and on economic development. Jakup Krasniqi, President of the Kosovo Assembly on Independence Day, was one of my first contacts among the leaders of the KLA and of Kosovo's new political leadership. He always has been generous with his time and his insights. Veton Surroi and Skender Hyseni were kind enough to offer insights during the frustrating months as the Security Council process was unraveling.

Bujar Bukoshi never failed, in multiple interviews, to offer trenchant insight into personalities and politics. Ahmet Shala and Besim Beqaj always went out of their way to deepen my understanding and open up doors. Albin Kurti, founder of Vetvendosje, offered critical analysis in several meetings of where the Ahtisaari concepts were likely to lead. Haki Abazi, one of the cleverest of his generation, presented novel perspectives on the geopolitical context. Chris Hall, President of the American University in Kosovo and former Democratic Leader of the Maine state senate, consistently was generous with his resources and his ideas about politics in Kosovo and the United States Luan Dalipi, Ardian Jashari, and Driton Dalipi, organizers of the Kosovo consulting firm MDA, are examples of the accomplishments of Kosovo's new professional class. They always have enthusiastically supported my writing projects and provided good analysis of economic development potential and obstacles. Lisen Bashkurti, former Deputy Foreign Minister of Albania and now President of the Albanian Diplomatic Academy, offered insights into Albanian politics and arranged access to key actors in the 1998–1999 conflict. Fahri Rami, a former KLA soldier, provided moving stories about his own life experience and the motivations of the young men who put Kosovo's independence in motion through their bravery. Ardian Spahiu filled in gaps by relating his own experiences.

#### ACKNOWLEDGMENTS

Andy Gridinsky once again proved to be a good critic and editor. Brekenda Rexhepi, Lundrim Aliu, and Veton Surroi, were generous with their time and insights.

Katriot Johaj, a promising and fearless young journalist, offered perspectives on the role of the press in Kosovo's civil society. Driton Kukalaj was an efficient interpreter and gave voice to some of the frustrations felt by young Kosovar Albanian professionals. Dastid Pallaska never minced words as he guided my understanding of Kosovo's evolution from the war forward. Valon Murati provided insights from his time as a KLA soldier through his development as a professional manager and policy analyst and leader of the Human Rights Centre at the University of Prishtina. Enver Hasani, Rector of the University of Prishtina and judge of Kosovo's new Constitutional Court, is a star of Kosovo's more senior legal professionals, inspiring young people to follow his example of intellectual courage. Everyone wants to hire Robert Muharremi, thoroughly modern lawyer and policy professional, who was generous on many occasions with his careful analysis of law and diplomacy. Lirim Greceivci, understated and quiet, not only regularly facilitated contacts with people active in politics but provided astute political insights. Fatmir Limaj, former KLA commander and now Minister of Transportation, spoke from the heart when he told me, "We did not fight this war so that anyone in Kosovo should be afraid to go out from their homes, including the Kosovo Serbs." Hajredin Kuqi, former director of international relations for the University of Prishtina and now Deputy Prime Minister, always was lively and insightful, whether we were talking about the antecedents of the KLA or the future of Kosovo's politics.

Sladjan Ilic, former major of Strpce, Tanja Petrovic, young organizer of interethnic projects in North Mitrovica, and Branislav Grbic, former Kosovo Minister of Returns and Communities, provided valuable perspectives on the experience and future expectations of Kosovo Serbs.

Several of my law-student research assistants were helpful in tracking down facts and writing up essays on crucial legal and political events: Dawson Brody, Jocelyn Floyd, Chris Bailey-Woon, and Kiki Mosley.

Irina Faskianos, Vice President of the Council on Foreign Relations, was kind enough to arrange a seminar to discuss draft chapters, in which good ideas were offered by J. D. Bindenagel, Richard Joseph, Edward A. Kolodziej, Gary E. MacDougal, Michael Sosin, Joseph Panza, and Christopher Bailey-Woon.

Two leaders of the Albanian community in Chicago, Freddie Mustafer and Arxhient Bajraktari, organized meetings with other Albanians and on many occasions were willing to vet my emerging thoughts and hypotheses. I also appreciate insights and support from Harry Bajraktari, Florin Krasniqi, and Dino Asajni in New York.

I appreciate the Rockefeller Brothers Fund's support for the project.

Patricia O'Neal provided her usual cheerful, resourceful, and energetic support. I also appreciate the support of my partner of twenty-five years, Mitchell Bergmann.

ix