

## **Martti Ahtisaari and the Kosovo<sup>1</sup> Final Status Process (A)**

*Note: This background "A" case is designed for classes and other interested parties to read in advance of an initial discussion in which they will be asked to analyze the situation facing Ahtisaari and his team at the outset of formal negotiations, and to suggest strategies and tactics for success. A separate "B" case, to be read or summarized after discussion of the "A" case, describes Ahtisaari's approach and how subsequent events evolved.*

"I tend to say every time I speak nowadays that every conflict can be solved. I think it's a disgrace for the international community that we have allowed so many conflicts to become frozen, and we are not making a serious effort to solve them."

– Martti Ahtisaari interviewed shortly after having been awarded the 2008 Nobel Peace Prize.<sup>i</sup>

### **1. INTRODUCTION**

On 10 November 2005, the United Nations Security Council endorsed the appointment of former Finnish President Martti Ahtisaari as *Special Envoy of the Secretary-General of the United Nations for the Future Status Process for Kosovo*.<sup>ii</sup>

Ahtisaari was an ideal candidate to lead this process. He had a distinguished record as an international mediator and enjoyed tremendous respect, particularly in Europe. His country, Finland, was a member of the European Union - an important consideration given that Kosovo is part of Southeast Europe and that the European Union had direct interests in the resolution of its status. He also had substantial experience in the region. In 1992-1993 he acted as Chairman of the *Bosnia-Herzegovina Working Group of the International Conference on the former Yugoslavia* and as Special Adviser to the *International Conference on the former Yugoslavia* and to the *Secretary General's Special Representative for the former Yugoslavia*.<sup>iii</sup> A few years later, he, Russian Prime Minister Chernomyrdin and US Deputy Secretary of State, Strobe Talbott negotiated the agreement that led to the withdrawal of Yugoslavia's armed forces from Kosovo and the end of NATO's military campaign in Yugoslavia.

According to his terms of reference, Ahtisaari had to lead a process aimed at settling the future status of Kosovo. Opposing claims between Serbs and Kosovar Albanians over the status of Kosovo had been a source of instability and violence in Southeast Europe for decades. Ahtisaari had been asked to tackle one of the most complex and sensitive issues of modern European history. The US and the major Western European countries were pushing UN Secretary General Kofi Annan and the United Nations Security Council to resolve the long-standing problem of Kosovo. He knew that many prominent politicians and diplomats who had tried to settle this issue before him had failed. The best of them had managed to postpone a solution to the problem. In November 2005 – in part because of the mounting international pressure - the time had come for this question to be solved.

---

<sup>1</sup> Its name is pronounced *Kosova* in Albanian and *Kosovo* in Serbian.

Sitting at his new desk at the *United Nations Office of the Special Envoy for Kosovo* (UNOSEK) in Vienna, his thoughts were focused on the complex set of variables ahead of him. He examined each of them carefully in silence. Some of them appeared to be particularly salient:

- **Irreconcilable Positions:** Kosovo and Serbia had clear irreconcilable positions regarding Kosovo's final status. Serbia would not agree to any solution that was not based on Serbia's continued sovereignty over Kosovo. Kosovo, on the other hand, would not agree to anything less than independence;
- **Difficult Local Political Landscape:** Kosovo's political environment was divided and Kosovar Albanians had overblown expectations in relation to the process Ahtisaari had been mandated to lead. Most of Kosovo's political leadership believed that Ahtisaari's process would quickly deliver independence to Kosovo. To add to his difficulties, Ahtisaari realized that few of them had previous exposure to international negotiations;
- **Lack of International Focus:** Although the determination of Kosovo's future status remained a sensitive issue, developments in Iraq and Afghanistan were commanding the attention of governments around the world. He knew that while interested in solving Kosovo's status, the international community did not support a specific outcome from the outset;
- **International Actors:** He was also aware of the fact that the perspectives of the main international actors differed greatly. The US strongly advocated independence and saw the UN process as a vehicle to that end. The US had been involved in the Balkans in the last decade. The Clinton administration had put an end to the conflict in Bosnia and Herzegovina in 1995 and had also played a leading role during the talks held at Rambouillet aimed at ending the violence in Kosovo in 1999. Overall, however, the US administration strongly believed that Kosovo's future should be within the European Union.

On the other side of the Atlantic, members of the European Union (EU) agreed that Kosovo's future was in the EU and that the Union would need to play a role in the implementation of any solution. The EU had clear vested interests in the issue given the geographical proximity of Kosovo and the failures of EU foreign policy in handling conflicts in former Yugoslavia in the 1990's. Its membership was divided on the future status of Kosovo.

In addition Russia and China, two permanent members of the United Nations Security Council, had serious reservations regarding granting independence to Kosovo. Russia shared several ties with Serbia and was particularly aware of Serbia's interests.

Ahtisaari stood up from his desk to glance at the old streets of Vienna. He knew the coming months would be one of his most crucial tests.

## 2. BACKGROUND

The violent disintegration of the Socialist Federal Republic of Yugoslavia (SFRY) began and

ended in Kosovo. On June 28 1989, on the eve of the Yugoslav wars, Slobodan Milosevic, the President of the Republic of Serbia, one of the six republics of the former Yugoslav federation, gave a speech in Kosovo - a province of Serbia at the time. The timing and the location of his speech had been carefully chosen. Milosevic delivered his speech at *Kosovo Polje* (Kosovo field also known as Blackbird's Field) to mark the 600<sup>th</sup> anniversary of the "battle of Kosovo" during which a coalition led by Serbian Prince Lazar had fought – and dramatically lost - against soldiers of the Ottoman Empire under the command of Sultan Murad. Milosevic's speech alluded to the possibility of armed conflict in Yugoslavia<sup>iv</sup> - a trigger for the violent conflicts that led to its collapse in the 1990s.

### ***Kosovo: A focal point of several identities***

Kosovo is located in Southeast Europe between Albania, Macedonia, Montenegro, and Serbia. It has a territory of approximately 11,000 sq km, roughly the size of Delaware. Its current population is estimated to be at 2,180 686 inhabitants.<sup>v</sup> Kosovar Albanians - with estimates ranging from 88%<sup>vi</sup> to 92%<sup>vii</sup> of the population - form the majority in Kosovo. Kosovo Serbs – an estimated 5.3%<sup>viii</sup> to 7%<sup>ix</sup> of the population- are Kosovo's most important minority. Other minorities in Kosovo include Bosniaks, Goranis, Romas, Turks, Ashkalis and Egyptians.

Kosovar Albanians have lived in Kosovo for centuries and consider it their homeland. Kosovo also occupies a unique place in the Serbian religious and cultural fabric. In the Serbian view, Serbia had "lost" and "regained" the territory several times throughout its history. While both Prince Lazar and Sultan Murad died during the battle of Kosovo in 1389, tales of the battle had survived and been passed down through the generations in numerous poems and folk songs. According to historian Noel Malcolm: "The story of the battle of Kosovo has become a totem or talisman of Serbian identity [...] this event has a status unlike that of anything else in the history of the Serbs".<sup>x</sup>

Kosovo is also of fundamental importance for Serbs from a religious point of view. Several Serbian Orthodox Church religious sites are located in Kosovo and many of them have been declared World Heritage sites by the *United Nations Educational, Scientific and Cultural Organization* (UNESCO). For centuries, the Patriarchate of the Serbian Orthodox Church has been located in a western Kosovo town called *Pec* (in Serbian).<sup>xi</sup> A few kilometers south, the relics of Serbian historical and religious figures, including the body of former Serbian King Stefan of Decani, are kept in one of the most beautiful Christian Orthodox religious site in Europe: a monastery called *Visoki Decani*. Rebecca West, a British writer who had visited the monastery in 1937 described a special object she had come across during her visit to illustrate Kosovo's historical significance for many in Serbia:

"I had therefore to look [...] at the giant candle which was given to the monastery by the widow of the Tsar Lazar who was killed at Kossovo (sic), with the direction that it should be lit only when defeat was avenged [...]"<sup>xii</sup>

### ***Kosovo as part of the Socialist Federal Republic of Yugoslavia***

Serbia was able to "reclaim" Kosovo when it gained its independence from the Ottoman Empire at the beginning of the 20<sup>th</sup> century.<sup>xiii</sup> After World War II, Kosovo became part of the former Socialist Federal Republic of Yugoslavia. The Yugoslav constitution of 1946 defined its status as an "autonomous region" and a "constituent part" of the Republic of Serbia.<sup>xiv</sup> Its status within the Yugoslav constitutional system evolved continuously through the decades that followed: From

“autonomous province” in 1963<sup>xv</sup> to almost an equal among the other six republics in 1974. It had the power to issue its own constitution and had a representative in the collective Yugoslav Presidency.<sup>xvi</sup>

Despite these rights, voices for Kosovar autonomy reached fever pitch at different times. Protests in favor of more autonomy in 1981 prompted the declaration of a state of emergency, accompanied by a brutal repression by the country’s special police.<sup>xvii</sup>

### ***Kosovo and Slobodan Milosevic***

In 1987, Slobodan Milosevic, an higher-ranking official of the Communist Party Serbia, was asked to go to *Kosovo Polje* to meet with a group of Serb activists planning to protest the conditions of Serbs in Kosovo. Since the establishment of modern Yugoslavia, the regime had kept the country together by strongly opposing ethnic nationalism through a policy known as *brotherhood and unity*. With many members of the communist establishment in Belgrade watching in disbelief, Milosevic delivered a passionate speech in defense of Serb’s rights. Supported by Serbian nationalists, he seized power in Belgrade soon after.

Once in power, Milosevic coordinated efforts to strengthen Serbia’s position within Yugoslavia. Part of his strategy included revoking the special status enjoyed by Serbia’s two autonomous provinces: Kosovo and Vojvodina. News of these plans led to protests and demonstrations in Kosovo.<sup>xviii</sup> A state of emergency was swiftly declared and troops were sent to Kosovo where hundreds of protesters were arrested. On 23 March 1989, with tanks threateningly stationed in front of the Kosovo Provincial Assembly, the members of the Assembly “endorsed” constitutional changes giving Serbia powers over Kosovo’s security services, judiciary, finances and social services.<sup>xix</sup> Kosovo’s autonomy had been effectively revoked by Milosevic.

### ***Kosovar Albanian Response***

Kosovar Albanian demonstrations immediately intensified and triggered even more oppressive measures. In March 1990, Belgrade adopted measures that included the suppression of an Albanian newspaper, the closing of the Kosovo Academy of Arts and Science, incentives for Serbs to return to Kosovo, family planning for Kosovar Albanians, and the dismissal of several thousands of state employees.<sup>xx</sup>

A new Kosovar Albanian political force emerged as a consequence of the oppression. Dr. Ibrahim Rugova, a professor of Albanian literature, became the leader of a political movement known as the *Democratic League of Kosovo* (LDK).<sup>xxi</sup> The LDK pursued a policy of “passive resistance” around three main principles: preventing violent protest; internationalizing the Kosovo problem and denying the legitimacy of Serbian rule in Kosovo.<sup>xxii</sup>

The LDK implemented its policy in various ways. In July 1990, Kosovar Albanian members of the Kosovo Provincial Assembly met outside the premises of the Assembly to issue a public proclamation of Kosovo as “an equal and independent entity within the framework of the Yugoslav federation”. Threatened, Belgrade dissolved the Provincial Assembly.<sup>xxiii</sup> The following year, Kosovar Albanians succeeded in holding a referendum supporting Kosovo’s status as an independent and sovereign republic.<sup>xxiv</sup> In an effort to claim legitimacy through other means, the LDK implemented a parallel system of public services. As most Kosovar Albanian doctors and teachers had seen their licenses revoked for their participation in protests, the LDK supported their work in underground schools and clinics, funded in part through Kosovar

Albanians living abroad.<sup>xxv</sup>

### ***From Peaceful Resistance to Armed Resistance***

Other Yugoslav republics saw Milosevic's successful revocation of the autonomous status of Vojvodina and Kosovo as Serbia's attempt to strengthen its position in the Yugoslav system. As a result, Slovenia and Croatia, two other republics, declared their independence. Bosnia and Herzegovina quickly followed suit. The disintegration provoked armed conflict in large parts of former Yugoslavia.

In November 1995, the United States brokered a peace agreement between warring parties, ending the conflict in Bosnia and Herzegovina. Kosovo had not been represented, as conflicting parties gathered in Dayton, Ohio for arduous negotiations. Its exclusion had a strong impact on the credibility of LDK's policy of passive resistance. Watching the proceedings in the US, Kosovar Albanians increasingly concluded that the LDK's approach was ineffective in achieving their ultimate goal: Independence.<sup>xxvi</sup> Voices supporting armed resistance to Milosevic's oppression were gaining momentum.

In 1996, a group called the *Kosovo Liberation Army* (KLA) violently entered the stage. It claimed responsibility for attacks against Serb police and intelligence officers as well as suspected collaborators in Kosovo. According to a report published by the *International Crisis Group*, the KLA claimed responsibility for killing twenty-one citizens, including five policemen, five Serb civilians and eleven Kosovars accused of collaborating with the Serbian regime between 1996 and 1998.<sup>xxvii</sup> The KLA's operations provoked a cycle of attacks and counterattacks with the Serbian security forces.

By the end of the summer of 1998, Serbian armed forces had become actively involved in campaigns to expel ethnic Albanians from entire villages to eradicate the KLA threat.<sup>xxviii</sup> According to *Human Rights Watch*, Serb forces were involved in attacks on civilians, mass executions as well as a systematic ethnic cleansing campaign to rid Kosovo of its ethnic Albanian population. The KLA was also involved in abuses.<sup>xxix</sup> It had reportedly forced Kosovo Serbs out of their homes and detained civilians.

### ***International Involvement***

With the Bosnian conflict still fresh in their minds, many international diplomats became increasingly concerned about further regional destabilization. On 23 September 1998, the United Nations' Security Council adopted a resolution in which it expressed its grave concern "*at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army*". It demanded "*that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire*" and called upon "*the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue [...] leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo*".<sup>xxx</sup>

In October 1998, U.S. diplomat Richard Holbrooke brokered a cease-fire agreement to be monitored by unarmed international monitors from the *Organization for Security and Cooperation in Europe* (OSCE).<sup>xxxi</sup> The cease-fire would prove to be short lived. By December 1998 violence had resumed in Kosovo. As Milosevic mobilized the army for a comprehensive operation against the KLA, the international community decided to give diplomacy one last chance. In February 1999, Pristina and Belgrade were asked to attend a conference in

Rambouillet, France, to negotiate an agreement for peace.

A proposed *Interim Agreement for Peace and Self-Government in Kosovo* emerged from the talks at Rambouillet. The text of the proposal called for a cease-fire. It stipulated that Kosovo would govern itself democratically and that international civilian and military presences would be deployed in Kosovo to ensure the agreement's implementation. The text postponed a final status resolution by stipulating:

“Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.”<sup>xxxii</sup>

The Kosovar Albanian delegation agreed to the text while Belgrade refused to sign.<sup>xxxiii</sup> On 22 March, Holbrooke met with Milosevic in Belgrade to deliver an ultimatum: if Belgrade did not adhere to the proposed agreement at Rambouillet, NATO would use military force against Yugoslavia.<sup>xxxiv</sup> Milosevic maintained his objections. A day later NATO launched its military operations in Yugoslavia. Over 77 days NATO carried out air strikes in Yugoslavia. These were ultimately successful in convincing the Serbs to relent.

On 2 June, 1999, Martti Ahtisaari, former Russian Prime Minister Chernomyrdin and US Deputy Secretary of State, Strobe Talbott, presented Milosevic with an ultimatum. Milosevic accepted and Belgrade agreed to a Military Technical Agreement in Kumanovo (FYROM) on 9 June. It stipulated a withdrawal of its military forces from Kosovo.<sup>xxxv</sup> NATO's air strikes ended on 10 June, as Yugoslav forces started to withdraw from Kosovo.

### ***International Interim Administration***

On the same day in New York City, the UN Security Council adopted Resolution 1244 (1999).<sup>xxxvi</sup> The resolution demanded that the Federal Republic of Yugoslavia put an end to violence and repression in Kosovo. It also agreed upon the deployment of international civil and security presences in Kosovo.<sup>xxxvii</sup> Thus, by agreeing to this resolution, the UNSC effectively took day-to-day control of Kosovo away from Serbia and put it under the responsibility of the UN itself. The UN Secretary-General was also authorized “to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo”. This civil presence would have the mandate to “[...] provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions” for the inhabitants of Kosovo.<sup>xxxviii</sup> The international civil presence would also be responsible for:

- Promoting the establishment of substantial autonomy and self government in Kosovo;<sup>xxxix</sup>
- Performing basic civilian administrative functions;<sup>xl</sup> and
- Facilitating a political process designed to determine Kosovo's future status.<sup>xli</sup>

Shortly after the adoption of resolution 1244 (1999), a UN mission (called *United Nations Interim Administration Mission in Kosovo* or UNMIK) was deployed to Kosovo in tandem with a NATO-led *Kosovo Force* (KFOR). The UN Secretary General also appointed a Special Representative

(SRSG) to lead UNMIK - one of the key players in Kosovo after 1999.

Soon after assuming his mandate, the SRSG outlined the main features of the interim international administration system that would shape Kosovo's system of governance for several years to come:

- First, he adopted a regulation providing that “all legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.”<sup>xlii</sup>
- The SRSG then promulgated a “Constitutional Framework for Provisional Self-Government in Kosovo”<sup>xliii</sup> providing for the establishment of “Provisional Institutions of Self Government” with responsibilities over the entire territory of Kosovo.<sup>xliv</sup> Such institutions included an assembly, a President, a government and a judicial system.<sup>xlv</sup> The regulation made it clear that these institutions existed “under interim international administration”<sup>xlvi</sup> and stipulated that the SRSG retained the power to dissolve Kosovo's assembly, to approve Kosovo's consolidated budget or to appoint judges.<sup>xlvii</sup> Laws adopted by the Provisional Institutions would only become effective upon promulgation by the SRSG.<sup>xlviii</sup>

The SRSG and UNMIK were soon placed at a center of a dilemma, which reflected the international community's ambivalence regarding Kosovo. While international administration had stabilized both the basic security and overall economic conditions for the first time in years, a general sense of stagnation soon began to take hold. Many Kosovo Serbs felt disempowered and threatened by the dominance of Kosovar Albanians in Kosovo's provisional institutions.<sup>xlix</sup> Kosovar Albanians, on the other hand, were becoming increasingly impatient with UNMIK's reluctance to launch a process to determine Kosovo's final status as laid out in Resolution 1244 (1999). Over time, the public began to perceive UNMIK as a neo-colonial structure, hampering its effectiveness on the ground.<sup>1</sup>

While Kosovar Albanians attempted to keep pressures for a final status solution high, many UN Security Council members were turning their attention away from Kosovo, perhaps too quickly reassured by the relative stability which had returned to the region. UNMIK responded to these conflicting realities by adopting a policy that became known as “Standards Before Status” in 2003. This new policy required that a number of democratic and rule of law standards be met before the initiation of a final status resolution process.<sup>ii</sup> But for how long could this contain the growing dissatisfaction in the population?

### ***March 2004 Protests***

On 16 March 2004, stories of three Albanian youngsters who had reportedly drowned in a river after having been chased by older Kosovo Serb youths triggered massive demonstrations and riots against Kosovo Serbs and UNMIK throughout Kosovo. Both UNMIK and KFOR reacted inadequately to the rapid spread of violence. The *International Crisis Group* reported:

“After the two-day rampage of partly coordinated arson, looting, shooting, and stone, petrol bomb, and grenade-throwing that left nineteen dead, nearly 900 injured (more than twenty gravely), over 700 Serb, Ashkali and Roma homes, up to 10 public buildings and 30 Serbian churches and two monasteries damaged or destroyed, and some 4,500 Kosovo Serbs displaced, that “standards before status” policy looks threadbare and sorely in need of repair”<sup>lii</sup>

The events had a serious impact on the international community's perspective on Kosovo. The US, UK, France and Germany pushed very hard for the UN to establish a negotiation process and to name a negotiator to lead such a process. By early 2005, the Contact Group (a group of countries comprising France, Germany, Italy, Russia, the United Kingdom, and the United States) and the UN Secretary General had decided on a two-step process:

- First, a UN emissary would determine whether Kosovo was ready for talks on final status;
- Secondly, should this be the case, a special envoy would be appointed to guide the final status determination process.<sup>liii</sup>

In June 2005, the UN Secretary General appointed Kai Eide, a Norwegian diplomat, to conduct a comprehensive review of the situation in Kosovo. On 7 October 2005, the Secretary General submitted Eide's report to the UN Security Council. The report concluded that:

“[...] there will not be any good moment for addressing Kosovo's future status. It will continue to be a highly sensitive political issue. Nevertheless, an overall assessment leads to the conclusion that the time has come to commence this process.”<sup>liv</sup>

International perspectives and interests had been significantly reframed. The time had come for the UN Secretary General to appoint a special envoy to lead the future status determination process.

### **3. MARTTI AHTISAARI COMES IN**

For Ahtisaari, crafting a viable future status for Kosovo would require success on multiple fronts.

#### ***Irreconcilable Positions***

After initial contacts with the political leadership of Serbia and Kosovo, Ahtisaari quickly determined their positions were as irreconcilable as ever. The Serb delegation indicated it would not agree to any solution that was not based on Serbia's continued sovereignty over Kosovo.<sup>lv</sup> According to Serbia's perspective, Kosovo was an integral part of its cultural and religious identity. It should not be allowed to secede from Serbia. In addition, suspecting that “final status” meant independence, Belgrade made it clear that it would not take such a process seriously. Active participation would have implicitly legitimized that outcome.<sup>lvi</sup> According to U.S. Ambassador Frank G. Wisner, who was appointed *U.S. Secretary of State's Special Envoy for Kosovo Final Status Talks* during the process: “They never would agree that the game was up [...] The Serb approach was to stonewall and to intimidate Serbs inside of Kosovo who might step forward and say here is what we think we need”.<sup>lvii</sup>

Pristina, on the other hand, made it clear it would not agree to anything less than independence.<sup>lviii</sup> It was in a position to exercise greater control over most of Kosovo's territory. Kosovar Albanians flatly refused a return of the territory to Serbian rule, which in their view would again lead to prolonged instability and violence. In their interpretation of events, sustained resistance against Serb oppression meant they had defended Kosovo's independence. The way in which Kosovar Albanians had rallied in the March 2004 served as a vivid reminder that a sustainable solution would not be possible without their support.



### *Difficult Local Political Landscape*

As he assessed the situation in November 2005, Ahtisaari realized he would have to contend with a very difficult political landscape in Kosovo.

- **Fragmented Political Environment** - Three important political actors framed local views of international engagement in Kosovo: Ibrahim Rugova, Kosovo President and leader of the Democratic League of Kosovo (LDK), Ramush Haradinaj, Prime Minister and leader of the Alliance for the Future of Kosovo (AAK) and Hashim Thaci, leader of the Democratic Party of Kosovo (PDK). These actors had markedly different perspectives, depending on their respective origins: (1) Rugova's LDK had been at the forefront of the passive resistance movement; while (2) Haradinaj and Thaci, were the product of a politicization of the KLA (the armed resistance group);
- **Constraints on Political Actors:** Ahtisaari realized that these political actors were acting under important personal and political constraints. President Rugova had been diagnosed with cancer and was fighting both for his life and the future of his region, while Ramush Haradinaj, had been indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY) and had voluntarily gone to The Hague to face trial. Finally, Hashim Thaci's party was an important political player but not part of the coalition in power. As much as he might have wanted one, Ahtisaari could not count on a single interlocutor capable of effectively negotiating on behalf of all of Kosovo's political constituencies;
- **Inexperienced Party:** These difficulties were compounded by the fact that the Kosovar Albanian side had had little exposure to international negotiations. At the beginning of the process, Kosovar Albanian representatives read written statements and refused to engage in any further discussions on substance.<sup>lix</sup>
- **Great Expectations:** Lastly, the Kosovo political leadership had overblown expectations. Most of them believed that the Ahtisaari process would quickly deliver long-anticipated independence.<sup>lx</sup>

### *Realistic Solution*

Ahtisaari was painfully aware that a final status solution needed to be realistic and create conditions for the peaceful co-existence between Kosovar Albanians and the Kosovo Serb community. Given that the Kosovo Serbs represented a significant portion of the population in Kosovo, the stability of a future Kosovo could hardly be conceived in the absence of a framework that effectively protected their rights. On the other hand, any solution to Kosovo's status needed to be sustainable. In order to succeed, Ahtisaari knew he had strike a delicate balance between the need to protect Kosovo minority communities and the need to ensure that Kosovo's system of governance remained functional.

### *Complex International Environment*

As he turned his attention to the international environment, which framed any proposed action on

Kosovo, Ahtisaari also realized he faced numerous hurdles:

- **Lack of International Focus:** Unlike the 1999 negotiations related to the withdrawal of the Yugoslav armed forces from Kosovo in which he had been involved, this new process was not taking place amidst a crisis of international proportion. While the determination of Kosovo's future status remained a sensitive issue, the international community, and with it the international press, seemed captivated by events in Iraq and Afghanistan.
- **Unclear Goal Setting:** final status also required the navigation of complex, interlocked interests and sometimes divided positions amongst the members of the Contact Group. While it was collectively committed to establishing a process to determine Kosovo's final status, parties within it had not envisaged a specific outcome. Members agreed, however, that bringing Kosovo back under Serbian rule or maintaining it under international administration were not viable options.<sup>lxi</sup> The US and the major European countries were largely agreed on wishing to see a process that would ultimately lead to independence. Russia was opposed.

#### *International Perspectives:*

- **United States:** The position of the United States' government on Kosovo's future status was clear. The US was ready to communicate to Serbia that it had to "make fundamental choices not about *whether* Kosovo would be independent but *how* its independence would be secured".<sup>lxii</sup> However, the United States was facing many difficulties in Iraq. It was also looking for partners to address the potential threats posed by North Korea and Iran. The United States was therefore keen to ensure that its position on Kosovo's final status would take particular account of the concerns and interests of its European partners. The US felt that Europe had to have a major role in the process for two reasons: The UK and France were veto-wielding powers of the UNSC. Second, the European Union's geographical proximity and prior experience at expanding peace and prosperity on the continent would be instrumental in ensuring a sustainable future for Kosovo.
- **Europe:** Finding common ground among the members of the European Union on an issue as delicate as Kosovo's status presented additional challenges for Ahtisaari. First, while the European members of the Contact Group – France, Germany, Italy and the United Kingdom – shared the US view to varying degrees, most of them were unwilling to articulate their position explicitly to Belgrade from the outset. They wanted to keep some flexibility in their presentation.<sup>lxiii</sup> On the whole, however, the 25 member states of the European Union had diverging interests. Spain or Cyprus, for instance, struggling to contain separatist energies on their own territories, were cautious of setting a potentially harmful precedent that could have ripple effects throughout the continent.

Ahtisaari had several elements to keep in mind in his assessment of the EU. On 17 June 2005, the EU Council had issued a *Declaration on Kosovo* by which it recalled that the "future of the Western Balkans, including Kosovo, was in the European Union". In it, the Council stressed that any solution (to the status of Kosovo) had to be "fully compatible with European values and norms" and that any status determination had to be based on multi-ethnicity, offer constitutional guarantees to ensure that minorities were respected and include specific safeguards to protect the cultural and religious sites.<sup>lxiv</sup>

On 7 November 2005, the EU Council had also expressed its “readiness to be closely involved in the negotiations and the implementation” of Kosovo’s future status and had invited authorities within the EU to identify a “possible future EU role and contribution, including in the areas of police, rule of law and the economy.”<sup>lxv</sup>

- **Russia:** Ahtisaari knew that getting Russian acquiescence to a solution on Kosovo’s future status was going to be a formidable challenge. In 1999, Russia had agreed to UN Security Council Resolution 1244. At that time, Moscow was going through a difficult transition. By 2005, Russia under Vladimir Putin had reclaimed a more assertive role on the international scene. Many former soviet military officers had not reacted well to NATO’s bombing campaign in Serbia in 1999. In their view, the Soviet Union had agreed to withdraw its troops from Germany at the end of the Cold War, under the understanding that NATO was not an aggressive expansionary military alliance. NATO’s subsequent inclusion of Russia’s neighboring countries and its 1999 military campaign in Serbia – a non NATO country with a majority Slav population - was largely seen as a breach of trust.<sup>lxvi</sup> Russia and Serbia also shared historical ties. They had been allies during WWI. The majority of their respective populations were Slavs of Christian Orthodox faith.
- **China:** Some observers feared that China might be a further source of constraint on negotiations. As a permanent member of the UN Security Council with veto power, China had historically been very sensitive to attempts to intervene in other countries’ sovereign affairs and had its own concerns regarding Tibet and Taiwan.<sup>lxvii</sup> Keeping China on board would require careful diplomacy.

Ahtisaari was facing a particularly difficult situation. He had been mandated to lead a process aimed at determining a solution to an issue that bitterly divided two parties with a long history of mistrust. In addition, the very countries that mandated him to do so did not agree on a specific outcome. How would he solve this complex equation? Was there a way to design a solution that could simultaneously solve Kosovo’s future status and satisfy all interested parties? If so, how was he meant to proceed?

## MAP OF KOSOVO AND ENVIRONS



SOURCE: CIA – THE WORLD FACTBOOK

## **GLOSSARY OF ACRONYMS**

<b>AAK</b>	Alliance for the Future of Kosovo
<b>EUSR</b>	European Union Special Representative in Kosovo
<b>FYROM</b>	Former Yugoslav Republic of Macedonia
<b>ICJ</b>	International Court of Justice
<b>ICO</b>	International Civilian Office
<b>ICR</b>	International Civilian Representative
<b>KFOR</b>	Kosovo Force (NATO)
<b>KLA</b>	Kosovo Liberation Army
<b>LDK</b>	Democratic League of Kosovo
<b>NATO</b>	North Atlantic Treaty Organization
<b>OSCE</b>	Organization for Security and Cooperation in Europe
<b>PDK</b>	Democratic Party of Kosovo
<b>SFRY</b>	Socialist Federal Republic of Yugoslavia
<b>SRSG</b>	Special Representative of the United Nations Secretary General
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational Scientific and Cultural Organization
<b>UNMIK</b>	United Nations Interim Administration Mission in Kosovo
<b>UNOSEK</b>	United Nations Office of the Special Envoy for Kosovo
<b>UNSC</b>	United Nations Security Council

- 
- i "Martti Ahtisaari – 10 October 2008 Interview". Nobelprize.org.  
[http://nobelprize.org/nobel\\_prizes/peace/laureates/2008/ahtisaari-telephone.html](http://nobelprize.org/nobel_prizes/peace/laureates/2008/ahtisaari-telephone.html)
- ii UNSC, *Letter dated 10 November 2005 from the President of the Security Council addressed to the Secretary-General*, UN doc. S/2005/709, 10 November 2005.  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/597/68/PDF/N0559768.pdf?OpenElement>
- iii See [http://nobelprize.org/nobel\\_prizes/peace/laureates/2008/ahtisaari-bio.html](http://nobelprize.org/nobel_prizes/peace/laureates/2008/ahtisaari-bio.html)
- iv L. SELL, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham & London: Duke University Press, 2002) at p. 89.
- v Statistical Office of Kosovo, *Key Indicators of Population*, available at <http://www.ks-gov.net/ESK/eng/>
- vi Central Intelligence Agency, *The World Factbook*, available at:  
<https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>
- vii Statistical Office of Kosovo, *Key Indicators of Population*, available at <http://www.ks-gov.net/ESK/eng/>
- viii Ibid.
- ix Central Intelligence Agency, *The World Factbook*: <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>
- x N. MALCOLM, *Kosovo: A Short History* (London: Pan Books, 1998) at p.58.
- xi Kosovar Albanians refer to it as "Peja".
- xii R. West, *Black Lamb and Grey Falcon: A Journey through Yugoslavia* (Edinburgh: Canongate Books, 2006) at p.985.
- xiii N. MALCOLM, *supra*, at p.251-253.
- xiv N. MALCOLM, *supra*, at p.316.
- xv N. MALCOLM, *supra*, at p.324-325.
- xvi N. MALCOLM, *supra*, at p.327.
- xvii T. JUDAH, *Kosovo: War and Revenge* (New Haven and London: Yale University Press, 2000) at p.39-40.
- xviii L. SELL, *supra*, at p. 83.
- xix L. SELL, *supra*, at p.87; see also N. Malcolm, *supra*, at p.343-344.
- xx N. MALCOLM, *supra*, at p.346.
- xxi T. JUDAH, *supra*, at p.66-67.
- xxii N. MALCOLM, *supra*, at p.348.
- xxiii N. MALCOLM, *supra*, at p.346.
- xxiv N. MALCOLM, *supra*, at p.347.
- xxv N. MALCOLM, *supra*, at p.349.
- xxvi T. JUDAH, *supra*, at 124-125.
- xxvii ICG, *Kosovo Spring*, ICG Report, Pristina-Sarajevo (20 March 1998) at p.29.  
<http://www.crisisgroup.org/~media/Files/europe/Kosovo%201.ashx>
- xxviii H.H. PERRITT, *supra*, at p.37.
- xxix Human Rights Watch, "Yugoslav Military and Serbian Police Commit War Crimes in Kosovo. Some Abuses by KLA Also Documented", New York, 30 June 1998  
<http://www.hrw.org/en/news/1998/06/30/yugoslav-military-and-serbian-police-commit-war-crimes-kosovo>
- xxx UNSC, *Resolution 1199 (1998)*, S/RES/1199 (1998), 23 September 1998 at preamble and Articles 1 and 3.  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N98/279/96/PDF/N9827996.pdf?OpenElement>
- xxxi H.H. PERRITT, *supra*, at p.39.
- xxxii See more generally *Interim Agreement for Peace and Self-Government in Kosovo* at [http://www.state.gov/www/regions/eur/ksvo\\_rambouillet\\_text.html](http://www.state.gov/www/regions/eur/ksvo_rambouillet_text.html)
- xxxiii T. JUDAH, *supra*, at p.217-219.
- xxxiv T. JUDAH, *supra*, at p.227.

- 
- xxxv T. JUDAH, *supra*, at 269.
- xxxvi UNSC, *Resolution 1244 (1999)*, UN doc. S/RES/1244 (1999), 10 June 1999.
- xxxvii UNSC, *Resolution 1244 (1999)*, *supra*, at Article 5.
- xxxviii UNSC, *Resolution 1244 (1999)*, *supra*, at Article 10.
- xxxix UNSC, *Resolution 1244 (1999)*, *supra*, at Article 11 a).
- xl UNSC, *Resolution 1244 (1999)*, *supra*, at Article 11 b).
- xli UNSC, *Resolution 1244 (1999)*, *supra*, at Article 11 e).
- xliv UNMIK, *Regulation 1999/1 on the Authority of the Interim Administration in Kosovo*, 25 July 1999, at Section 1.1:  
[http://www.unmikonline.org/regulations/unmikgazette/02english/E1999regs/RE1999\\_01.htm](http://www.unmikonline.org/regulations/unmikgazette/02english/E1999regs/RE1999_01.htm)
- xlvi UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, 15 May 2001 [http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001\\_09.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf)
- xlvii UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, *supra*, at Article 1.2.
- xlviii UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, *supra*, at Article 1.5.
- l UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, *supra*, at Article 1.1.
- lii UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, *supra*, see Article 8.1 a), c) and g).
- liii UNMIK, *Regulation 2001/9 Constitutional Framework for Provisional Self Government in Kosovo*, *supra*, at 9.1.45.
- liv H. H. PERRITT, *supra*, at p.73.
- <sup>1</sup> Ibid.
- li UNMIK, *The Kosovo Status Process 2003-2007*, UNMIK/StratCo 070420  
<http://www.unmikonline.org/standards/docs/KSP2003-2007.pdf>
- lii ICG, *Collapse in Kosovo*, Europe Report N°155, (22 April 2004), at p.1.  
[http://www.crisisgroup.org/~media/Files/europe/155\\_collapse\\_in\\_kosovo\\_revised.ashx](http://www.crisisgroup.org/~media/Files/europe/155_collapse_in_kosovo_revised.ashx)
- liii H.H. PERRITT, *supra*, at p.88.
- liv UNSC, *A comprehensive Review of the Situation in Kosovo, Annex to Letter dated 7 October 2005 from the Secretary-General addressed to the President of the Security Council*, UN doc. S/2005/635, 7 October 2005 at p.4.  
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N05/540/69/PDF/N0554069.pdf?OpenElement>
- lv H. H. PERRITT, *supra*, at p.143.
- lvi H.H. PERRITT, *supra*, at p.144.
- lvii August 2010 interview with U.S. Ambassador Frank Wisner.
- lviii H.H. PERRITT, *supra*, at p.143.
- lix H.H. PERRITT, *supra*, at p.145.
- lx H.H. PERRITT, *supra*, at p.128.
- lxi H.H. PERRITT, *supra*, at p.119.
- lxii August 2010 interview with U.S. Ambassador Frank Wisner.
- lxiii Ibid.
- lxiv COUNCIL OF THE EUROPEAN UNION, *Declaration on Kosovo – Annex III to Presidency Conclusions of the Brussels European Council (16 and 17 June 2005)*, Doc no. 10255/1/05 REV1, 15 July 2005 at paragraphs 1-11: [www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/85349.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/85349.pdf)
- lxv COUNCIL OF THE EUROPEAN UNION, *Press Release - 2687<sup>th</sup> Council Meeting – General Affairs and External Relations*, Doc no. 13622/05 (Presse 274), 7 November 2005, at paragraphs 5-13: [www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/gena/86850.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/gena/86850.pdf)
- lxvi August 2010 interview with U.S. General (retired) Kevin Ryan.
- lxvii H.H. PERRITT, *supra*, at p.137.