

BILKENT UNIVERSITY  
INSTITUTE OF ECONOMICS AND SOCIAL SCIENCES

INDEPENDENCE OF KOSOVA/D: STABILIZING OR  
DESTABILIZING FACTOR IN THE BALKANS?

BY  
HAJREDIN KUQI

A THESIS SUBMITTED TO THE DEPARTMENT OF  
INTERNATIONAL RELATIONS IN FULFILLMENT OF THE  
REQUIREMENTS FOR THE DEGREE OF MASTER OF INTERNATIONAL  
RELATIONS

SEPTEMBER, 1999  
ANKARA

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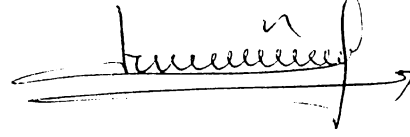
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Prof. Ali Karaosmanoglu

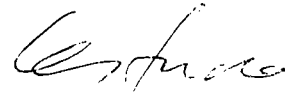


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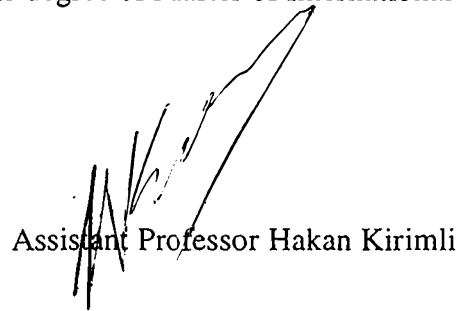
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Assistant Professor Hakan Kirimli

## **ABSTRACT**

Who are Kosova/o and their majority population? What are main problems in Kosova/o case? Have Kosova/o and its majority population the right to self-determination, meaning independent statehood as the former Yugoslav republics? What treatment has had Kosova/o and its majority population under the Titoite (Communist ) Yugoslavia? What impact has Kosova/o crisis in the region? The legal-political of the Kosovar claims? These are some of the core issues we have discussed here which enabled us to fully understand Kosova/o overview.

## ÖZET

Kosova kimdir ve oradaki nüfus çoğunluğu kimdir? Kosova probleminde olan sorunlar nelerdir? Kosova ve oradaki çoğunluk nüfus önceki Yugoslav Cumhuriyetlerde olduğu gibi bağımsızlık anlamına gelen kendi geleceğine karar verme hakkına sahip miydi? Kosova'nın Tito (Komunist) Yugoslavya'sındaki durum neydi? Kosova krizinin bölgedeki etkisi nedir? Kosovalı'nın yasal-politik iddialarının temeli nedir? Bunlar bizim tam olarak Kosova'yı anlamamızı sağlayan tartıştığımız temel konulardır.



## ACKNOWLEDGMENTS

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## CHAPTER I: INTRODUCTION

The dissolution of former Yugoslavia was the largest and the most difficult process in Europe after the Cold War. A part of its dissolution process ended with the Dayton Peace Agreement, but other part, the most difficult, Kosova/o remained unsolved. Kosova/o was the first problem of former Yugoslavia by the time it broke-up. Yet it had been neglected by all parties. The situation in Kosova/o, especially over the last years, was very grave not only for Albanian-Serb sides, but also for the whole international community. Kosova/o in 1999 became the main problem on the international arena, the main one after the Second World War, and the first test of the international community in resolving disputes after the Cold War.

The aim of this dissertation was to make one overview about Kosova/o, its people, and the very roots of the problem, finding proper solution to the problem and its impact on the Balkan region also captures one of this dissertation interest.. In the beginning we describe shortly the history of Kosova/o from the ancient time to the Second World War. In this chapter we find the facts of autochthony of Albanians, as one of the oldest peoples in the Balkans, and the oldest ones in the Kosova/o territory as descendants of Illyrians.

Some space is devoted to the Ottoman Empire and its domination over the region. During that time, the Albanians resisted and cooperated with, the Ottomans. They survived that time together with other Balkan nations. The beginnings of XIX century and the Balkan Wars are the most marked years of Albanian history. Those wars are the main causes of today's sufferings of Kosovars. They created the circumstances for the division of Albanians into many states, a huge part remaining under Serbian occupation. From that time until today, the Albanian people of Kosova/o have made attempts to reunite and fought for equal status with other peoples in the region. The result of this division, also confirmed by the international factors of that time, was the expulsion, killing and colonization of their territory by the Kingdom of Serbs-Croats-Slovenes. Albanians under that Kingdom were not treated either as a people or as a national minority.

The Second World War was the turning point for whole world as well as for the Albanians. This period and its events are discussed in the Chapter III of the thesis. The occupation of former Yugoslavia, including Kosova/o, was an event for Albanians that they welcomed. For the first time new occupation gave them a chance to enjoy the national rights, schools etc.

Unfortunately, after the Second World War Kosova/o remained under Communist Yugoslavia. Sufferings remained the same as before the World War Two. Communist

Yugoslavia did not solve the Kosova/o issue. Instead it complicated the issue even more as it happened with other Socialist countries whereby various national communities were put under the tight control of bigger nations.

Under the Communist (Titoite) Yugoslavia, though, Kosova/o gradually improved its position. After the fall of Rankovic, Kosova/o emerged as a new subject. Chapter III deals with this extensively. As a province, it gained large autonomous based on territory and political autonomy. The 1974 Constitution is especially treated whereby Kosova/o became almost an independent unit of former Yugoslavia. This status of Kosova/o was to be considered by Serbia a defeat. After Tito's death Yugoslavia began falling apart gradually.

First attempt for destruction of the balance created by the 1974 Constitution was made in 1989 when Kosova/o lost its autonomy. This marked the first step of Serbian nationalists, led by Milosevic, towards the destruction of Communist Yugoslavia. Other units of the federation did not grasp Milosevic's aim immediately. Instead, they supported him in achieving this. Shortly after Kosova/o, Serbian nationalists clarified their ideas and aims. These were the direct cause, together with other international developments, for the dissolution of Yugoslavia.

The dissolution of Yugoslavia was the most proper time for the Albanians of Kosova/o to

realize their aspirations. The manner and claims of the Kosovars as to the realization of their national goals are discussed in the Chapter IV. The Kosovars started peacefully to realize their aspirations. They undertook some legal actions such as the Constitutional Declaration for Equal Status of Kosova/o within the Yugoslav Federation/ Confederation and the Constitution of the Republic of Kosova/o. Also according to the developments in the region of former Yugoslavia they held a Referendum for an independent and sovereign state. From 1990 until 1998 they led a peaceful policy setting up parallel state structures. All of these peaceful activities have been neglected by the Belgrade regime. International community did not pay more attention the Kosova/o issue either.

Status-quo in Kosova/o, parallel state activities, life denial of human and national rights, the state of no perspective turned them to other ways for solution of their cause. After the Dayton Agreement the new factor of political life in Kosova/o appeared, this time in form of a military organization- KLA ( UCK in Albanian). KLA gained very large support among some of local population and in March 1998, after long time of waiting, armed conflict broke out in Kosova/o. After this, the attention of international community was focused on Kosova/o. In March 1999, after some unsuccessful attempts to settle the issue through negotiations, NATO began an air strike against FRY for 78 days. That brought the peace to Kosova/o and the region as a whole.

A special attention is given to the basis of the claims of Kosova/o for self-determination.



Thus, in Chapter V we discuss the legal-political based of the claim for self-determination. This right has its source in historical, legal, democratic and demographic facts and reality. To this end, we give an overview of the economic viability of Kosova/o as one of the most important conditions for the enjoyment of the right to self-determination. The right of Kosova/o to independent statehood can not be realized if it poses threat to the regional stability. Because of this we analyze that issue especially regarding the FYROM. One part of this chapter is devoted to arguments against Kosova/o's independent statehood. Chapter VI is reserved for conclusions regarding historical, legal, international and other aspects of the Kosova/o issue.

## CHAPTER II: A SHORT HISTORY OF KOSOVA/O

### 1. A brief Overview on Kosova/o

Kosova/o is situated in the southwest of Balkan Peninsula. It's one of the smallest countries of Europe, not only for its territory but also for the number of its population. Kosova has a territory of 10.887 km<sup>2</sup> and the population of approximately 2.million. The population density is among the highest in Europe, i.e. 180 per one km<sup>2</sup>.<sup>1</sup>

Kosova has a central geographic position in Balkan Peninsula. Even though a small territory, the geographic landscape of Kosova was always of great geopolitical and geostrategic importance. The geographic position enables Kosova to have significant cross functions among the Panonia basin, Adriatic Sea and the Black Sea. These relevant natural given factors make Kosova a Mediterranean country with important functions of transit traffic in the Balkan and wider.

Although Kosova/o, has played a central role in the Balkan history, it has remained, during much of the history, mysterious and little known to the outsiders.<sup>2</sup>

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<sup>1</sup> Ruzhdi Pllana, Veqorite gjeografike. Universiteti I Prishtines (ed). Prishtine, 1999. pp. 5-14. ( In English: Ruzhdi Pllana, The Geographic Features. University of Prishtina (ed). Prishtina, 1999. pp. 5-14.)

<sup>2</sup> Noel Malcolm, Kosovo A Short History. Copyright © Noel Malcolm, 1998.p.1.

Kosova/o has got a continuous geographic position of the ethnic Albanian territories and has always had a crucial role on the historical attempt to preserve and integrate the national and territorial unity. The overall border length of Kosova with neighboring countries is approx.633 km. The borderline goes mainly through the highest mountainous quotas, but as to the ethnic aspect that line virtually divides the territories inhabited by the Albanians, so that thus its border is not an ethnic one.

The current borders of Kosova are of course the outcomes of a political history. At the same time, they correspond more or less to a physical fact. The Kosova borders before the break-up of the Former Yugoslavia were interfederal. Kosova borders on the South with FR of Macedonia (160 km). It stretches above the Mountains of Shari and Karadak. On the East and the North, Kosova borders with the Republic of Serbia. The border line is 318 km. and represents more then 50 per cent of the total border line.<sup>3</sup> On the Northwest, Kosova/o borders with Montenegro (68 km) and reaches the highest peaks of the Albanian Alps. Kosova/o on the West borders with the Republic of Albania, (121-km border line) and reaches the highest peaks of the mountains of Shari, Kotornik, Pashtrik and the Central part of the Albanian Alps.<sup>4</sup>

The sea level in Kosova is 810 m. However, the most extreme sea levels are noted in the Valley of Drini i Bardhe near the border with Albania and the Gjeravica Mountain (2.656 m). The landscape of Kosova is marked on the elementary form of the Dukagjini Valley

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<sup>3</sup> R.Pllana, The Geographic Features. pp.5-7.

<sup>4</sup> R.Pllana, The Gographic Features. p.6.

and Kosova/o region, which represent the most important part of the overall economic activity. Among them, lies the Drenica region. It also should be noted that 38,4% of the Kosova/o area is defforestated.<sup>5</sup>

Kosova/o has got also rivers and lakes, which play an important role on the water and electricity supply. There is net of rivers, just to mention few: Drini i Bardhe (The White River), Ibri, Sitnica, Morava of Binci and Lepenci. Kosova doesn't have an access to the sea. Kosova is rich with mines such as Trepca, Novoberda, Kishnica, Obiliqi, Volljaka, etc. Most important towns of Kosova/o are Prishtina, Mitrovica, Prizreni, Peja, Gjakova, Ferizaj and Gjilani. Prishtina is the capital and administrative, economic, politic, cultural, educational, scientific and information center of Kosova/o.

Kosova/o has got an ethnic homogenous composition. The majority of the population is Albanians, 90 %. Others are Serbs, Turks, Montenegrins, Romas, etc. The Albanian people is one of the oldest established population in Europe. European people could be less "alien" to the history of the Balkans. And no understanding of the Balkan history can be complete without the knowledge of the history of the Albanians of Kosova/o.<sup>6</sup>

The name Albanians (Shqiptaret) originates from the word Shqiponja (EAGLE), which may have been the totem of an early tribe. The Albanians are descendants of the Illyrians.

The Illyrians lived in today's Albania and most of the former Yugoslavia. Kosova/o itself

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<sup>5</sup> R.Pllana, The Geographic Features. p.12.

<sup>6</sup> N.Malcolm, Kosovo A Short History. p.xxxvi.

was a part of the tribal land of the Dardanians, who almost certainly belonged to the Illyrian grouping. The Albanians of Kosova comprise one third of the Albanians living worldwide. Kosova and the Albanians of Kosova are the pillar of the national center of the Albanians in the former Yugoslavia. The Albanians of Kosova speak their unique language Albanian Language, with the Latin letters unified in 1908 in the Pan-Albanian Conference held in Manastir-Macedonia. Nowadays, the Kosovars use standard and unified Albanian Language with that used in Albania since 1972.

The Kosovars have two predominant religions: Moslems constitute 90% while others are Roman Catholics and very few orthodox. There is no religion based political movement among the Albanians. If we look further back into Kosova's past, we can find many examples of mixed religious life.<sup>7</sup> The Albanians of Kosova today are in many ways a politically mobilized people, but religion has played almost no role at all in that mobilization.

In Kosova/o live about 8% Serbs. They have come to Kosova/o when the South Slaves moved into the Balkans. They are different from the Albanians, including their origin, language, culture and the history. There have been many battles and wars in Kosova/o over the centuries, but until the last 100 years or so none of them had the character of an "ethnic" conflict between the Albanians and the Serbs.<sup>8</sup> The history among the Albanians and the Serbs can be described as a history of conflicts. After the Cold War

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<sup>7</sup> N.Malcolm, Kosovo A Short History. p.xxiii.

<sup>8</sup> N.Malcolm, Kosovo A Short History . p.xxix.

and the break-up of former Yugoslavia, the relationship between the Serbs and Albanians, or better to say between Kosova/o and Serbia resulted with a war in 1998. The situation in Kosova/o in the nineties can be described as the place with the majority of Albanians confronting the Serb military and police.<sup>9</sup>

Other minorities such as Turks, Muslims, Romas, etc. had no impact whatsoever on the Kosova/o's events. Kosova/o nowadays is a name heard time and again in the international decision-making centers as a problem which is to be solved.

## **2. Ancient History. Ottoman period up to the Balkan Wars**

The ancient history of Kosova/o, namely the Albanians of Kosova cannot be reviewed separately from the Albanians in general. Kosova/o was originally populated by the Illyrians, and ancient people, who inhabited the western part of the Balkans from about 2000 B.C. The earliest known Illyrian king was Hyllus, who died in 1125 B.C. and the last was Gentius who was defeated by the Romans in 165 B.C. Modern Albanians are the direct descendants of the ancient Illyrians and thus the original inhabitants of Kosova/o.<sup>10</sup>

The Illyrians were scattered in all western parts of the Balkan Peninsula from the north of the River Sava, Drava and Danube up to the Ambrakis Bay in the south, and further

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<sup>9</sup> Gazmend Zajmi, Vepra 1. Akademia e Areteve dhe Shkences se Kosoves. Prishtine, 1997. p.74. ( In English: Gazmend Zajmi, Works 1. The Academy of Sciences and Arts of Kosova/o. Prishtina, 1997.p.74.

<sup>10</sup> Gary Dempsey, Kosova Crossfire. "Mediterranean Quarterly" Vol. 9 No. 3 Summer 1998, p.95.

east up to Morava and Velesh.<sup>11</sup> The Illyrians lived in tribes. The ancient dwellers of nowadays Kosova were the Dardans, one among the biggest Illyrian tribes that ever lived in the Illyria. Territory dwelled by the Dardans was called Dardania meaning the “Land of Pears”. The ancient Dardania was part of Illyria. It included the upper part of the Vardari River, the White River, Shari Mountains, the Flow of the River Iber, South and Western Morava, Nishava and the Flow of the Timok River. On the heart of this territory, lies nowadays Kosova.<sup>12</sup> The Albanians are Illyrians on whose land they now live and whose language they speak.<sup>13</sup>

The Albanian people in their ethnic land in the former Yugoslavia and its ethnic territory during the history has lived and functioned as an ethnic community with other part of the Albanians in the Balkan. The Albanians are in their ethnic and indigenous land and this means that they have lived there since the oldest times, since the time when the ethnographic processes began in the Balkans. They have formed there their ethnicity and have built their national identity. They have defended their national being in this land and they want to build their future.<sup>14</sup>

So the Yugoslav Scientist himself, R. Katicic, writing about the territory in which the Albanians Language developed from Illirian asserts that the territory corresponds in

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<sup>11</sup> Fehmi Rexhepi, Kosova gjate historise. Prishtine, 1998.p.18. ( In English: Fehmi Rexhepi, Kosova during history. Prishtina, 1998.p.18.)

<sup>12</sup> Fehmi Rexhepi, Kosova during history. p.1.

<sup>13</sup> Consult Alexander Stipcevic, “The Question of Illyrian-Albanian Continuity and its Topically Today”. No. 4 Tirana 1994. Also, Zef Mirdita, Studime Dardane. Prishtine, 1979. ( In English: Zef Mirdita, Studies on Dardans. Prishtina, 1979.)

<sup>14</sup> Esat Stavileci, Kosova/o, Political, International and Constitutional Arguments. "Kosova Law Review". Prishtina, 1996.p.19. Also, Alush Gashi, The Denial of Human and National Rights of the Albanians in Kosova. Copyright © Ylliria Publishing C. inc. New York, 1992.p.5)

general outlines to the contemporary state of the Albanians, but it stretches also outside its borders into Yugoslavia and Greece.<sup>15</sup>

The first Slaves appeared around Kosova/o in the late fourth century AD as marauders who raided Romanized settlements. By the end of the eighth century, the Slaves had colonized most of the area of modern (former) Yugoslavia including Kosova/o.<sup>16</sup> The Slav-speaking people began to migrate to the Balkans only in the early sixth century. At first they came as raiders, but by the seventh century they began to settle. The first Slaves cannot be identified as Serbs, Croats or Bulgarians: they were “unidentified”slavs.<sup>17</sup> This is in general as regard the settlements of Slavs in the Balkans. However the slaves in Kosova settled on the occasion of the Serbian state expansion to this direction by Nemanjics.<sup>18</sup> From all the studies and the research conducted, it can be concluded that the Albanians occupied the Balkan Peninsula long before the Slavs arrived in the seventh century.<sup>19</sup>

The massive settlements of the Slavs in the Balkans, in particular in the Northern Illyria brought about big changes in the social and political life as well as in the ethnic balance of the population. The arrival of the Slavs overwhelmingly changed the linguistic composition of the peoples of the southern Balkans.<sup>20</sup>

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<sup>15</sup> Ratko Katicic, Ancient Language of the Balkans. Paris, 1976.p.184.

<sup>16</sup> G.Dempsey, Kosovo Crossfire.p.96.

<sup>17</sup> Tim Judah, The Serbs. History, Myth and the Destruction of Yugoslavia. Copyright © 1997 by Tim Judah, p.7)

<sup>18</sup> Mark Krasniqi, Obstinate arguments, “ORA” Prishtina. No. 5 1991.p.66

<sup>19</sup> Warren Zimmerman, The Demons of Kosova. "The National Interests" No. 52 Spring, 1998. p.5

<sup>20</sup> F. Rexhepi, Kosova/o during hirosty. p.20.also, Tim Judah, The Serbs.p.8.



After the Slav invasion into Balkans, the partial process of Romanization of the Illyrians was replaced by Slavism. After the Slaves settled Illyrian-Albanian territories at the beginning of XII century, the Rashka Zhupania was established and consolidated, which at the beginning included the Province of Rashka and North Novi Pazar and Sienica. The Serb settled first the area called Rashka. Kosova/o did not fall within the Serb territory of Rashka, which was further to the northwest. The Serbian expansion into Kosova/o began in the earliest only during the late twelve century. Rashka was the nucleus of the future Serbian State.<sup>22</sup> In the year 1160 a new Rascian ruling family emerged, which was to dominate the history of the region for the next 200 years. Its leading founder member was called Stefan Nemanja inherited one part of the Rascian territory on the northern flank of Kosova/o. Within some years of war, the Rascian expanded the territory in Montenegro, Albania, Nishi, Kosova and Macedonia. Near the central Serbian town Kralevo, the monastery of Zica was founded by Stefan Nemanja. This autocephalus Church moved to Peja-Kosova/o in 1250. With the death in 1355 of Tsar Dusan however; the Nemanjaic Empire began to designate. Thus the years of Nemanjic rule were the extended period of greatness to which Serbs could later look back and from which they could draw inspiration.<sup>23</sup>

Ever since the end of XII century and the time when the Turks penetrated in Balkans, the territory of Kosova/o was mainly under the Serb rule. During this period, parallel with the colonization of Kosova/o, the Serbs in Kosova began to appropriate the churches,

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<sup>22</sup> N. Malcolm, Kosovo A Short History. p.43.

<sup>23</sup> T.Judah, The Serbs. p.17.

monasteries and other worship monuments, by driving out the Albanian religious leaders and replacing them with the Serbs instead.

In the second half of XIV century the Ottoman army penetrated in the Balkan Peninsula. In the war in Marica in 1371, the Ottomans conquered and penetrated deep in the Balkans. The Ottoman rulers imposed their administrative and military system known as *tamari*. One of the most important events of this time is the Battle of Kosova/o, which took place near Prishtina on June 28, 1389. The fighting was intense and there were heavy losses on both sides. Both Lazar and Sultan Murat were killed. At the end of the battle the Turks were left in possession of the field. The victory of the Ottoman Empire opened new roads for new penetration into the Balkans. Members of two populations (Albanians and Serbs) fought together as allies on both sides of that battle of Kosova/o in 1389, some of them under Prince Lazar and other under Ottoman sultan.<sup>24</sup>

This battle was used very much in creation of the Serb myth on Kosova, in particular after the declaration of the Serb state in the IX century and in the last years of the break-up of the former Yugoslavia. The significance of this battle to the Serbian people is not to be measured simply in terms of politico-strategic consequences. The story of the battle of Kosova has become a totem or talisman of the Serbian identity, so that this event has a status unlike that of anything else in the history of Serbs.<sup>25</sup> Eventhough this battle was a victory of the Ottoman Empire and the loss for the Serbs, the latter describet as their victory. This battle in fact marks the placement of the Ottoman rule over the Balkans and

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<sup>24</sup> N.Malcolm, Kosovo A Short History. p.xxix.

<sup>25</sup> N.Malcolm, Kosovo A Short History. p.58

the Albanian lands. The Albanians belonged to the Rumelian Vilayet divided into ten Sandjaks (in Turkish meaning provinces). Ever since the Turks penetrated into the Balkans and up to XIX century, the most of the Kosova/o was under the Vushtrri Sandjak.<sup>26</sup>

The Ottoman Government for the Balkans in its early days formed a well regulated system of rule, and the conditions of life it produced could be compared favorably in many ways with those of Europe.<sup>27</sup> The main difference, however between the Ottoman system and its predecessors was that the feudal status of the peasants underwent a real improvement. For at least the first century of Ottoman rule, rural life in Kosova/o seems to have flourished.

The Ottoman Rulers were well aware of the economic value of the mines of Kosova/o. The only towns contracting during this period were the ones dependent on mines such as Novo Berdo.<sup>28</sup> At this time starts the expansion of the Muslim religion. The growth of Islam in Kosova/o during the early Ottoman period, was almost exclusively urban phenomenon.<sup>29</sup> Whilst the position of ordinary Catholics in Kosova/o had deteriorated during this period, one thing which had significantly improved was the organization of the Church itself.<sup>30</sup>

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<sup>26</sup> F. Rexhepi, Kosova/o During history.p.22.

<sup>27</sup> N.Malcolm, Kosovo A Short History. p.91.

<sup>28</sup> N.Malcolm, Kosovo A Short History. pp.105-137.

<sup>29</sup> N.Malcolm, Kosovo A Short History. p. 105.

<sup>30</sup> N.Malcolm, Kosovo A Short History. p.124.

During this period there were some uprising against the Turkish rule. The biggest resistance was organized by Skanderbeg between the years 1443-1468. Skanderbeg was to keep resistance to Ottoman force for an extraordinary twenty-five years, until his death in 1468. There were also many local revolts, some of them in or near the Kosova/o territory. Similarly, there was a revolt of 1560 in the Peja area led by Pjeter Bogdani.

In the second half of the XVII century, the state of the population deteriorated. This fact was availed by the Habsburg Empire which called the Balkan people to fight against the Ottoman Empire. The Ottoman-Habsburg war of 1683-99 make some of the turning points in the European history. For the history of Kosova/o, this war has a very special significance. In the autumn of 1689 a small imperial army invaded Kosova/o, drove off the local Ottoman forces and established Austrian control over the whole area. Some of the inhabitants of Kosova/o pledged their loyalty to the Austrian Emperor. But in the first days of 1690, the Austrian hastily withdrew and the mixed Ottoman and Tartar army poured into Kosova/o again.

During its rule, the Ottoman Empire made some reforms, which had the objective, to incorporate of the population into their own system. The biggest reform to be mentioned on this issue was the Tanzimat during the year 1839. According to its all the citizens without distinction as to religion and nationality were to be treated equals and were to enjoy the right to life, right to property and religion.<sup>31</sup> Although the principles of the

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<sup>31</sup> F. Rexhepi, Kosova/o During history . pp.22-23.

Ottoman reforms were often heavily diluted by the time their effects reached Kosova/o, these decades do show a steady growth in cultural and education of all communities living there. A new system of Turkish language in a state-run schools was introduced from 1830s onwards. By the mid of 1860, Prizren for example had seventeen elementary schools. There were also medresess (Islamic seminaries) in the six Kosova/o towns.<sup>32</sup>

Whilst to some nationalities the Sultanate recognized the right to education on their mother tongue, this principle didn't go for the Albanians, as they were supposed to be identified with the nationality and religion. According to this principle, the Muslim Albanians were called Turks, the orthodox Albanians-Slaves and the Catholics Albanians-Romans. As they were not given the right to be educated in their mother tangué.<sup>33</sup> The best result years, probably, were the 1860s and early 1870s. By then Kosova/o itself was fairly peaceful. By the mid 1860s there were already telegraph lines connecting Prizren, Peja and Prishtina with the Solonica and Istanbul.<sup>34</sup>

By the new administrative reform undertaken in the year 1864, instead of elayets there were created the vilayets. By this reform the civil administration was separated from the military one. The Albanian land by this reform included four villayets: Kosova Villayet, Shkodra, Manastir and Janina. This administrative division remained into force until the end of the Ottoman Empire. In the year 1867 was established the Villayet of Kosova based in Prizren, which later on changed the place and was placed in Prishtina and later

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<sup>32</sup> Jashar Rexhepagiqi, Zhvillimi I Kosoves. Prishtine, 1978.pp.114-117. ( In English: Dvelopment of Kosova/o. Prishtina, 1978.pp.114-117.)

<sup>33</sup> F. Rexhepi, Kosova/o During history. p.24.

<sup>34</sup> N. Malcolm, Kosovo A Short History. pp.190-192.

on in Shkup. The Kosova/o Villayet included the territory of ancient Dardania. This villayet stretched from Pirot and Kumanova in the east up to Gucia and Plava on the west and Nish, Sienica and Pazar on the north up to Diber and Elbasan in south. The Kosova/o Villayet had an area of 22.900 km<sup>2</sup>, which means that it double compared the current one. The Kosova/o Villayet had the status of political administration within the scope of the Ottoman Empire.<sup>35</sup>

Since the first middle of the XIX century, the neighboring countries such as Serbia, Montenegro and the Greece had openly expressed their territorial aspiration on the fragmentation of the Albanian land. Due to this, Serbia and Greece drafted plans and special political programs, known as the Nacertania (The outline), prepared by the prime minister Ilija Garshani and the Greek Megali Idea in 1844. "The Outline" was a blueprint for a Greater Serbia.<sup>36</sup> It was envisaged by this Project to include all the Albanian lands up to Shkumbin including Kosova/o. The Nacertania is a crucial in understanding the development of the Serbian national idea. It is a document that comprises the centuries old dream preserved by the church and epic poetry and formulates them into a statement of modern nationalism.<sup>37</sup>

These expansionist aims of the neighboring countries, Serbia's in the first place, became a reality in 1887 after Russia had declared war on the Ottoman Empire. The latter one was defeated. On the Russian side, there were already Serbia and Montenegro after

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<sup>35</sup> F. Rexhepi, Kosova/o During History. p.23.

<sup>36</sup> T. Judah, The Serbs. p.56.

<sup>37</sup> T. Judah, The Serbs. p.59.

having the aspirations openly supported by the Russia. This was confirmed by the Treaty San Stefano on March 3,1887. It was dictated to the defeated Turkey. The Treaty favored Russia and the Slav states in the Balkans. By this Treaty the Albanian land was fragmentized badly. Yet, many aspects of this Treaty were unacceptable to other Great Powers of the time so that a Congress was called in Berlin to revise it.<sup>38</sup>

In July 1878 a Treaty of Berlin was the one to determine the shape of the Ottoman possessions in the Western Balkans until the final destruction of the of the Ottoman Empire.Serbia was allowed to keep the whole Nish area but no territory of Kosova itself. Some territory was given to Montenegro, including the Gusinje area (to the north of the modern Albanian border), which had been a part of the Vilayet of Kosova/o.

Following the Serb-Turkish war (1876-1878), the Serbian regime, aspiring to create an ethnically pure Serbian state, forcefully drove out the indigenous Albanians from over 700 villages of the districts of Prokuplje, Kurshumljaja, Vranje, Leskoc, Nish, Pirot, Bela Palanka, present day Serbia.<sup>39</sup> Ever since the Albanian people is faced by the fragmentation issue of the ethnic territories.

The Albanians reacted fiercely against the fragmentation of the ethnic territories. Due to this was held the Prizren League on June 10,1878 in which participated more than 300 delegates from all the Albanian territories should be defended. The Assembly took the decision that by all means to defend the Albanian territories from further fragmentation

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<sup>38</sup> N. Malcolm, Kosovo A Short History . p.201.

<sup>39</sup> Hivzi Islami, Demographic Reality In Kosova. Kosova Information Center (ed).Prishtina, 1998. p.15.

by the neighboring countries and approved in silence by the Greater Powers. The League within its program had the creation of an autonomy under the auspices of the Ottoman Empire. The neighboring countries and Great Powers voiced their suspicion on the Prizren League, by calling it the tool of the Empire which intends to keep the integrity of the Ottoman Empire. In fact, the Prizren League had the conservative Muslim participants, but it had also the nationalists whose aspiration was the Greater Albania.<sup>40</sup>

In 1878 the Prizren League was established, having all the statehood features and the political program for the unification of all Albanian territories in an Albanian state under the sovereignty of the Empire, no doubt having the objective the independent state as it was the case with other Balkan states.<sup>41</sup> No doubt that the Prizren League is for the Albanian people the founding stone of its National Renaissance. The Prizren League had its own organs in charge for the war and made a huge resistance during the years 1878-1881-until it was put down by force. The Prizren League, defeated by force through, was a turning point for the generations to come and brought the Albanian issue to the attention of the Great Powers.<sup>42</sup>

The European events gave to it a political dimension. The Eastern crisis of the years 1875-1877 and the Berlin Treaty (1878) placed the Albanians in a pinch situation. Furthermore, it brought the Albanian patriots into a dilemma whether to commit themselves against the Ottoman Empire alongside with other Christian people who

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<sup>40</sup> George Castellani, Historia e Ballkanit. Shtëpia Botuese "Besa". Tirane, 1997. ( In English: The History of the Balkans. Publishing House "Besa". Tirana, 1997. p.381.

<sup>41</sup> Xhafer Belegu, Lidhja e Prizrenit dhe ndikimi i saj, 1878-1881. Tirane, 1939.p.11. (In English: Xhafer Belegu, The Prizren League and its impact, 1878-1881, Tirana, 1939.p.11)



denied their existence or to line up after the Sultan, who was ready to reward the Albanians by recognizing their nationality. The Albanian movement had some second thoughts which were used by the hostile powers, who wanted to refer to the existence of the Muslim majority only to qualify the Albanians as natural allies of the Turks.<sup>43</sup> After the distinguished Prizren League, the hot spot for future uprisings remained, time and again Kosova/o. Two important uprisings took place during the years 1884-1885 and 1892-1893. The Assembly of Peja took place from 23 to 29 January, 1899. This organization was named as the League of Peja, which followed the paths of the Prizren League.

In these times important changes were under way in the Ottoman Empire. The Jeune Turk Revolution of 1908 found Kosova/o ready to take part actively. After seizing the power, the Jeune Turks undertook fierce measures against the national movement of the Albanians. They intervened by force during the parliamentary elections, halted the Albanian schools, and the Albanians were overburdened by state taxes, which made them unhappy and in 1909 they upraised against the Jeune Turks. There were many uprisings in the years to come, in 1910, 1911 and in the spring of 1912 was a pan Albanian uprising.

After the fall of the Ottoman Empire on July 17, 1912, the new Government headed by Ahmet Myftar Pasha entered with the negotiations with the Albanians. Thus, being exhausted by incessant uprisings and unresolved national issue, the Albanian people in

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<sup>42</sup> G. Castellan, The History of the Balkans. p.382.

<sup>43</sup> G. Castellan, The History of the Balkans. p.381.

the years to come were to face unprecedented challenges ever in the Balkan wars of 1912 and later on.

### **3. Kosova/o after the Balkan wars**

The discussions held between Belgrade and Sofia ended on March of 1912 with a military alliance in the case of the attack by the third country, which maybe Austro-Hungary or Turkey. By this Treaty they envisaged the division of the Albanian territories. Similar treaties, but without any territorial aspiration, were signed between Athens and Sofia, Montenegro and Serbia and Bulgaria. The war broke out in November of 1912 where the above mentioned countries declare war to Turkey. In the meantime the armies of the Balkan states fought between each other and in the Albanian territories were general national uprisings. The Albanians had to struggle against both repression by the Turks and encroachments by their neighbors.<sup>45</sup>

The military activities of the First Balkan Wars complicated even more the situation, because attacks against the Turks were mostly in the territories dwelled by the Albanians. The advance by the Serbian Third Army into Kosova/o began before Serbia's declaration of war on October 16, 1912. The Serbs fought their way through, destroying the Albanian villages as they passed and reached Prishtina, which was taken by them on October 22. The objectives of Serbia can be seen by the Declaration given by the Prime Minister

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<sup>45</sup> Alush Gashi, The Denial...p.24.

Pasic to the Times in November. "It is essential that Serbia should possess about fifty kilometers from Allezio ( Lezha ) to Durazzo (Durrës) to Albania. In other words Serbia would expand from Kosova/o through most of the northern Albania".<sup>46</sup>

On the crossroad of the Balkan wars, half of the Albanian nation and more than half of its territory was found outside the Albanian state, that is, they were found under the occupation by the neighboring Balkan states, mainly Serbia.<sup>47</sup>

During the successful expansion in Kosova, Macedonia and Sangjak, the 1844 program of the Serbian Minister of Interior, Ilija Grashanin that designed expansionist long-term goals for Serbian state, could finally be realized.<sup>48</sup> At the meantime the Independence of Albanian was declared on November 28,1912 in Vlora, where 83 delegates from all Albanian territories took part. Ismail Qemal Vlora was to nominate the Provisional Government and hereby inform the Great Powers and Turkey on the birth of the new state. The European Powers remained deaf on the decision taken in Vlora. Only later the Great Powers had to gather in London and were not in position to avoid completely the Albanian issue.

The Conference of Ambassadors in London headed by the British Foreign Minister Sir Edward Grey was divided between the Austro-Hungarian and Italy, which favored Albania, and France and Russia on the other side, which supported Serbia's aspirations.

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<sup>46</sup> N. Malcolm, Kosovo A Short History. p.255.

<sup>47</sup> G. Zajmi, Vepra I. p.147.

<sup>48</sup> Dushko Sekulic, The Creation and Dissolution of th Multinational State: The Case of Yugoslavia. "Nations and Nationalism" 3 (2), 1997 (C) ASEN 1997. p.167.

In the London Conference the Austro-Hungary argued that all the Albanian inhabited land should be included in it, but the idea was opposed by France and, most strongly, by Serbia's protector power-Russia.<sup>49</sup> After many analysis and difficulties on July 29,1913,they decided in favor of the establishment of the Sovereign principality of Albania a neutral state and under the auspices of the Great Powers.

The London Treaty rewarded Serbia with Kosova/o, Montenegro with Peja, Gjakova and Greece with Janina and Epirus. Thus, the newly created Albanian state was fragmented and the Conference justified the neighboring occupations of the Albanian lands so that large Albanian population remained beyond the borders of the independent Albanian state proclaimed on November 28,1918. On the basis of the Ottoman statistics, this population amounted to about 1.200.000 over an area of 48.000 square kilometers,or two thirds of the Albanian-inhabited territories.<sup>50</sup>

The Chairman of the Conference, Sir Grey, regarding the borders of Albania in the Lower House noted that: "I'm quite aware that when everything will be known, this given solution will be a trigger for many critics from everyone who knows the country and judges the situation from the local point of view. One thing should not be forgotten that during the attempt made to find a solution, it was an aim to keep the agreement reached between the Great Powers and the peace in Europe".<sup>51</sup> Thus the injustice done

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<sup>49</sup> N. Malcolm, Kosovo A Short History, p.256.

<sup>50</sup> Kristaq Prifti, Ethnic and Historical Consideration about the National Unification of the Albabians. Tirana, 1996.p.121.

<sup>51</sup> Arben Puto, Mbi Konferencen e Londres. "Studime Historike". No. 1-4. Tirane, 1997.p.136. ( In English : On the London Conference. "Historic Studies". No. 1-4. Tirana,1997.p.136.)

against the Albanian people once again justified the sacrifice on the name of the peace in Europe. But that did not matter very much since a year later the First World War broke out.

On the decisions taken in the London Conference, which was the outcome of the Balkan wars, the author Castellan writes: "This unfortunate people (Albanian) are left time and again at the mercy of anarchy and intervention of foreign foes".<sup>52</sup> At the time, the Albanian territory was divided into almost two equal parts, a fact also confirmed by Dimitrije Tucovic when he wrote on the Albanians as neighbours: "Half of its population has remained in the borders of our new state".<sup>52</sup>

The Albanians were severely hit by their territorial fragmentation, which has been recognized by many authors and the Serbs themselves. On this issue the well known academician Vladimir Dedier wrote:" As its seems to be the case, there is not any country in the world, which has suffered more as a result of an aftermath of the bargains in the London Conference as it is the case with the Albanians".<sup>54</sup>

The Balkans Wars were to set the precedent in this century for massive waves of ethnic cleansing and the forced migration of people.<sup>55</sup>

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<sup>52</sup> G. Castellan, The History of the Balkans. p.399.

<sup>53</sup> Dimitrije Tucovici, Strategiske tacke u Albanije, Serbi I Albanci. "Kniga prva". Lublana, 1989 str.29. ( In English: Dimirije Tucovici, Strategic points in Albania, Serbs and Albanians. "First Book". Lubljana, 1989.p.29.)

<sup>54</sup> Vladimir Dedijer, Jugoslavia od Versaja do Pariza. Beograd, 1947.str.24. (In English: Yugoslavia from Versailles to Paris. Belgrade, 1947.p.24.)

<sup>55</sup> T. Judah, The Serbs. p.84.

The occupation of Kosova/o by Serbia was always done by force and against the will of Kosovars Albanians. Some Serb authors acknowledge the fact the annexation of Kosova from Serbia and Montenegro in 1913, was perpetrated against the Albanian aspiration expressed in their national liberation movements during the years 1878-1912.<sup>56</sup>

In fact the Balkan Wars were very harmful for all the Balkan states. They were divided where everybody blamed everybody for notorious acts of violence and hatred, which continued up to the Second World War and beyond.<sup>57</sup>

#### **4. Kosova and the Albanians in the Serb-Croat-Slovene Kingdom (Later Yugoslavia)**

The new Yugoslav state was proclaimed on 1<sup>st</sup> of December 1918. Officially it was called: Serbo-Croat - Slovene Kingdom and brought together Serbia Kingdom, the Kingdom of Montenegro and several parts of Austro-Hungary, including Slovenia and the Croation territories. Serbia was the dominant element, not only because of its size and its victorious army, but also because the ruler was Serbia, the Prince Alexander Kradordjevic.<sup>58</sup>

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<sup>56</sup> Radojevic Radosin, Autonomija Kosova. Beograd, 1988.str.64. ( In English: The autonomy of Kosova. Belgrade, 1988.p.64.)

<sup>57</sup> G. Castellan, , The History of the Balkans. pp.395-396.

<sup>58</sup> Dushan Sekulic, The Creation and dissolution of the Multinational State. p.33.

The creation of Yugoslavia in 1918 had been an act of solution of the national question of the South Slaves, with exemption of the Bulgars.<sup>59</sup> Regarding Serbia's national aim, creation of the Serbian-Croatian-Slovene Kingdom, later renamed Yugoslavia, represented almost a total realization of their national program, and, towards the others, it opened the issue of Serbian hegemony as a result of a complete control of its state structures.<sup>60</sup>

During the Serb-Croat-Slovene Kingdom, the territory of Kosova/o remained an administrative part of the state without any specific legal status, ie.the Albanians were not recognized even as a national minority.<sup>61</sup> The Serb author Radojevic states: "In the case of the occupation of Kosova in 1918, the Albanians were within the scope of the Serb State, namely Yugoslav one."<sup>62</sup> Its that its creation in 1918 represented the very denial of the existence of the Albanian national question.<sup>63</sup> These allegations, though, do not reflect the reality.

Kosova/o had never been legally incorporated into the Serbian State. When Kosova/o was conquered in 1911-1913 Serbia was operating under its constitution of 1903. Article 4 of that Constitution clearly states that no change of frontiers of Serbia can be valid

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<sup>59</sup> Radoslav Stojanovic, Jugoslavia: Nacije I Politika. Beograd, 1988.p.119. ( In English: Yugoslavia: The Nations and Politics. Belgrade, 1988.p.119.)

<sup>60</sup> Mark Almond, Europe's Backyard War. The War in the Balkans. Copyright © Mark Almond 1994.pp.115-120. Also, James Gow, Legitimacy and the Military. The Yugoslav crisis. Copyright © James Gow, 1992.p.6).

<sup>61</sup> Hames Treter -Joseph Marko-Tomislac Boric, Perspektivat e statusit te ardhshem te Kosoves. "Thema". No. 14. Prishtine, 1996.pp.217-218. ( In English: Hames Treter-Joseph Marko-Tomislac Boric, The future status perspectives of Kosova/o. "Thema". No. 14. Prishtina, 1996.pp.217-218.)

<sup>62</sup> R. Radojevic, Autonomija Kosova. p.65.

unless it has been agreed by the Grand National Assembly. No such Grand National Assembly was ever convened to discuss or ratify the extension of Serbia's borders to include Kosova/o. But the strange truth is that Kosova/o was not legally incorporated into Serbia by the standards of the international law either.<sup>64</sup> From the Albanian point of view this time is similar to that many other peoples conquered and colonized.

Under the Treaty for the Protection of Minorities, which is signed reluctantly in 1919, Yugoslavia promised to supply primary education in the local language in all areas where a considerable proportion of the population had a language other than the official one (Serbo-Croatian). By 1930 there were no Albanian language schools or any other publication in Albanian language. As regard to the Albanian reaction on this issue and that of the international community on the violation of the minority rights the response was the following: the Serbs argued that non-recognition of the Albanian problem lies on the fact that the territories annexed after the Balkan Wars cannot be part of the minority protection as foreseen after the First World War.<sup>65</sup>

The suppressing of their language and the denial of their existence as a national minority were not the only forms of pressure on the Albanians of Kosova/o. Kosova after the Serb occupation in 1912 was a place of inhuman treatment, that is, the Albanian Kosovars were threatened to be exterminated.<sup>66</sup>

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<sup>63</sup> David Owen, Balkan Odyssey. Copyright © David Owen, 1995.pp.5-31.

<sup>64</sup> N. Malcolm, Kosovo A Short History. pp.264-265.

<sup>65</sup> M. Almond, Europe's Backyard War.pp.115-118.

<sup>66</sup> Zejnullah Gruda, E drejta e popujve per vetevendosje. "E drejta". No.2. Prill-Qershor, 1996. Prishtine.p.14. ( In English: Zejnullah Gruda, The right of the people for self-determination. "The Law". No. 2. April-June, 1996. Prishtina.p.14.)



A marked feature of this period is the large-scale program of colonization, settling Slav speaking people in the Albanian inhabited areas. The official policy of the Serbian Kingdom had been to exclude the Kosova/o Albanians and other Muslims from Kosova and Macedonia.<sup>67</sup> The Serbian regime passed special laws to stimulate the colonization of Kosova. Such a program was prepared by Dr. Vasa Cublilovic the Serb intellectual on March 7, 1937 in Belgrade. He presented to the Royal Government of Stojadinovic his Memorandum named as the "Expulsion of the Arnauts".<sup>68</sup> His interest on Kosova was how to secure the land for the Serbs forever. In 1937, he declared that the only way to cope with the majority of Albanian population was to "use the brute force of an organized state violence."<sup>69</sup> Based on this, in the interwar period, the Serbian dominated Government had driven out a large number of Albanians from Kosova/o and turned their land over to Serbian and Montenegrin colonists.<sup>70</sup>

The colonization program was a complex phenomenon, serving a variety of aims. Its long term purpose was to change the national composition of the population of Kosova/o. Between the two Wars over 11.000 Serb families with some 54.000 members and 120.000 individuals were settled in Kosova/o. Most of them were settled in the areas bordering Albania. It is estimated that around 250.000 Albanians were forcefully expelled to Turkey and some other 50000 to Albania.<sup>71</sup> The colonist enjoyed wide rang

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<sup>67</sup> N. Malcolm, *Kosovo A Short History*. p.266.

<sup>68</sup> A. Gashi, *The Denial...*p.38.

<sup>69</sup> T. Judah, *The Serbs*. p.149.

<sup>70</sup> See more: Sabrina P. Ramet, *Nationalism and Federation in Yugoslavia: 1962-1971*. Copyright (c) 1984, 1992 by S.P.Ramet. p.187.

<sup>71</sup> Hivzi Islami, *Demographic Reality in Kosova*. p.16.

of advantages and incentives. This situation bears resemblance with the 1990s when the renewed program of colonization took place. First attempts were made in the Summer of 1991, when the laws were passed giving the Serbs and Montenegrins who returned to Kosova the right to 5 hectares of land holdings. Due to the high-density rate and the high birth rate of the Albanians, the Serb programs for colonization failed time and again despite huge investments and unprecedented violence for this supreme goal of the Serbian regimes ever since their occupation in 1912 and which has continued incessantly until recently.

## CHAPTER III: THE PLACE OF KOSOVA\O WITHIN TITOITE (COMMUNIST YUGOSLAVIA

### 1. Kosova\o issue during and immediately after World War Two

In April 1941 Yugoslavia was conquered by the German, Italian and Bulgarian militaries. Most of Kosova\o had in fact been conquered by the German troops, but at a meeting of the Italian and German foreign ministers in Vienna on 21 April 1941 it was agreed that the largest part of this Albanian inhabited territory should be under Italian control and join to Albania in order to prevent Albanian ethnic irredentism from becoming the driving force of an anti German resistance movement.<sup>1</sup> Other part had remained under German occupation and small part under Bulgarians.

The Albanians who were reunited with Albania won some national rights, such as the right to schools, national flag etc.<sup>2</sup> For Albanians it was a liberation from the brutal regime of the Serbo-Croate-Slovene Kingdom. The attempt to unite or reunite Kosova\o with Albania was made in earnest. The decrees of the Italian occupied Kosova\o, considered the Kosovars as the Albanian citizens. During the Second World War the Kosova\o region was attached to Italian dominated Albania-a solution welcomed by most

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<sup>1</sup> N. Malcolm, Kosovo A Short History. p.292.

<sup>2</sup> F. Rexhepi, Kosova/o during the history. p.33.

Albanians.<sup>3</sup> At the end of September 1943, the Germans officially recognized Albania as an independent state within the borders established by Mussolini.<sup>4</sup>

The Communist Party in Kosovo was in fact just a small offshoot of an overwhelmingly Slav organization and was regarded there mainly as a Slav entity. By the Summer of 1940 there were just 239 party members in Kosovo, and of those only twenty-five were Albanians. By the time the War broke out following year the total had risen to 270, but the number of Albanians had dropped to twenty. In Western Kosovo the members of the Party consisted mainly of colonists.<sup>5</sup>

The Communist Party of Yugoslavia has played off the politics of hatred against the Albanians and promised them that if they were involved in the War the right for self-determination up to secession would be granted on their behalf.<sup>6</sup> The Communist Party of Yugoslavia had two main strategies when it came to the Albanians of Kosovo. On the one hand they made some slight policy concessions towards Albanian nationalism, and on the other they ruthlessly suppressed the development of any non-Communist Albanian national resistance movement. The concessions were small but potentially significant.

The slogan of "self-determination" was allowed to creep into some of these official statements of the Albanian Communist Party in relation to Kosovo. In this line also

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<sup>3</sup> S.P. Ramet, Nationalism...p.187.

<sup>4</sup> N. Malcolm, Kosovo...p.304.

<sup>5</sup> N. Malcolm, Kosovo...p.300

<sup>6</sup> Tim Judah, The Serbs. p.132. Also, Izber Hoti, Ceshtja Kosoves gjate LDB-re. Prishtine, 1997. p.39. (In English: Izber Hoti, The issue of Kosovo/o during the SWW. Prishtina, 1997.p.39).

went the statement of Tito and the AVNOJ ( which was de facto the interim government during the war), given on 4 December 1943, when he said: "The future of Kosova/o will be decided by plebiscite and borders, if is needed, will be regulated to the benefit of Albania".<sup>7</sup> In all documents of the Communist Party of Yugoslavia the Albanian people were considered as a nation. In these documents always noted of the Albanians as the: 'Albanian nation', 'people of Kosova/o' and similarly.<sup>8</sup>

This was, apparently, a tactical ploy<sup>9</sup> to counter the propaganda of the Second League of Prizren run by the Albanian nationalists. Albanian nationalist have had a different stance from the Communists about the issue of Kosova/o. Thus the League of Prizren, the most organized and massive organization of the Albanian nationalists, gave a priority to the right solution for Kosova/o.<sup>10</sup> Albanians of Kosova/o and other areas of the former Yugoslavia responded to the call to join the armed struggle against fascism, in the hope that they would in this way realize their right to self-determination and national unification.<sup>11</sup> In September 1942 the first all-Albanian partisan group was formed, called the 'Zejnel Hajdini' brigade.

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<sup>7</sup> Hilmi Ismaili, Mbledhja e dyte e AVNOJ-it dhe ceshtja e Kosoves. " E Drejta" .No.2 1992, Prishtine.p.33. (In English: Hilimi Ismaili, The second meeting of AVNOJ and the Kosova/o issue. "The Law". No.2. Prishtina,1992.p.33.)

<sup>8</sup> H. Ismaili, Mbledhja e dyte...p.25.

<sup>9</sup> Fehmi Rexhepi, The struggle of the Albanians of Kosova/o and other areas of the former Yugoslavia for self-determination and national unification during the World War Ttwo. The Kosova/o Issue-A historic and current problem;Tirana,1996.p.103

<sup>10</sup> Izber Hoti, Ceshtja e Kosoves....pp.19-21.

<sup>11</sup> Fehmi Rexhepi, The struggle...p.103

During the Second World War the most important event was the Second Meeting of AVNOJ held in Jajce, on 29 November 1943. In this meeting it was decided a very important issue for the people of Yugoslavia, but the Albanian delegates had not been invited.<sup>12</sup> The delegates from Kosova/o were not invited because the leadership of Yugoslavia at that time decided that issue of Kosova/o would be solved after the War depending on the political circumstances. On the other side, Albanians from Kosova/o, that is, their leadership held the Conference of National Council of Albanians for Kosova/o and the Plain of Dukagjini. The Conference was held in Bujan-Gjakova, on 31 December, 1943 and 1 to 2 January 1944. In the Conference there were invited 61 delegates, present were 49 delegates from all parts of Kosova/o (42 Albanian, 6 Serbian and Montenegrins and one Muslim).<sup>13</sup>

The Conference's most important document was the Resolution, that stated the following: 'Kosova/o and the Plain of Dukagjin represent a territory largely inhabited by the Albanian people, who still today, as always, wish to unite with Albania. We therefor consider it our duty to show the correct path the Albanian people must follow in order to realize their aspirations. The Albanians too, will be able to decide their destiny based on the right to self-determination up to secession'.<sup>14</sup>

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<sup>12</sup> Hilmi Ismaili, Mbledhja e dyte...p.26. Tim Judah, The Serbs. p.150. Kurtesh Saliu, Lindja dhe zhvillimi I autonomise se Kosoves. Prishtine, 1986.p.18. (In English: Kurtesh Saliu, The birth and development of the autonomy of Kosova/o. Prishtina, 1986.p.18.)

<sup>13</sup> F. Rexhepi, Kosova...p.34. Kurtesh Saliu, The birth...p.19.

<sup>14</sup> Fehmi Rexhepi: The struggle...p.105.

The decisions of the Conference of Bujan were welcomed in Kosova/o and other Albanian territories. Yugoslav leadership didn't recognize the decisions of the Conference, because they run against their expansionist aim. Some Albanians remarked this . One Albanian partisan commander, Shaban Polluzha, rejected an order to take his men to the front in Srem(the Croatian region),saying that he wanted to stay and defend his home region of Drenica against attacks on Albanians by Chetnik bands ( Serb paramilitaries ). His fighting in the Drenica region lasted until the Spring of 1945. During that time 44 villages with around 20.000 people were suppressed and destroyed by force. In the Second World War there were killed or exocuted by Communists around 28.400 people of Kosova/o, mostly Albanians.<sup>15</sup>

When in 1944 it was discovered that Kosova/o was again to be part of Yugoslavia, insurrections began and Tito was forced to send some 30.000 troops to pacify the region.<sup>16</sup> At the end of War there had apparently rejected Albanian national aims. One of Tito's closest advisers, Edvard Kardelj, added one interesting qualification when supporting the idea that Kosova/o should remain under Serbia. He said: "The best solution, would be if Kosova/o were to be united with Albania, but because neither foreign nor domestic factors favor this, it must remain a compact province within the framework of Serbia".<sup>17</sup>

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<sup>15</sup> N.Malcolm, Kosovo A Short History. p.312.

<sup>16</sup> Tim Judah, The Serbs. p.132.

<sup>17</sup> K.Saliu, Lindja...p.30.

On 8 February 1945 the military administration was introduced in Kosova/o. This was one of the ways to pressure the Drenica region to accept the annexations. On the other hand, there were played some political games such was the meeting of National Council of Serbia, held on 7 April 1945, when it decided that Kosova/o must joined Serbia.<sup>18</sup>

Under such conditions of War, and military administration, from 8 to 10 July 1945, the leadership of Yugoslavia, in cooperation with Kosova/o's leadership, which have been composed mostly by the Serbians and Montenegrins, organized in Prizren the Conference of National Council of Kosova/o and Dukagjini. From among 142 delegates, the majority were Serbian and Montenegrin. The Conference decided that Kosova/o should join "Federal Serbia". This decision later served as a basis for constitutional dogmatic exercise of the 'free will', that is of the self-determination of Kosovar Albanians and hence as an act of unification with the Yugoslav Federation.<sup>19</sup>

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<sup>18</sup> K. Saliu, Lindja... p.31.

<sup>19</sup> Branka Magas, The Destruction of Yugoslavia. Copyright © Verso. 1993. p.34. Hannes Trettes-Joseph Marko-Tomoslav Boric. Perspectives... pp.218-219. Fehmi Rexhepi, Kosova...p.35.



We can conclude that Second World War didn't realize the aspirations of Albanian people for liberation unification. They have been liberated from the German occupying forces but never allowed to decide for their future. The main difference in Kosovar Albanians position as compared the prewar Yugoslavia was that this time their official status had been recognized by the 1946 Constitution, although the policy of mass expulsion and repression continued unabated until 1966.<sup>20</sup> In such an atmosphere of hostility and suspicion it is not surprising that the thoughts of many Kosova/o Albanians turned once again to emigration.<sup>21</sup>

Economic integration of Kosova into former Yugoslavia and its development and prosperity, it was believed, would be enough, together with other Titoist postulates of Socialism to satisfy the Albanian national aspirations.<sup>22</sup> This proved to be only assumption.

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<sup>20</sup> J.Gaw, Legitimacy of the military. pp.66-67.

<sup>21</sup> See more: N.Malcolm, Kosovo...p.322.

<sup>22</sup> J.F.Brown, Nationalism, Democracy and Security in the Balkans. Copyright © by RAND 1992. pp.6163.

## 2. Legal and political status of Kosova/o up to the dissolution of former Yugoslavia

Constitutionally, Socialist Yugoslavia was a state composed of six socialist republics and two socialist autonomous provinces. Each of these units had its own specific historical, religious and/or linguistic tradition.<sup>23</sup> Kosova/o which was granted a restricted level of autonomy within Serbia, had a considerably lower status than Vojvodinas. Tito never granted a full republican status for Kosova/o since it was contrary to the very idea, definition and the practice of a nation-state building, as it applied in all former Communist countries. Tito himself preferred a very careful and gradual improvements in Kosova/o so that by the end of 1970s, the controlled autonomy of Kosova/o had been widened significantly.<sup>24</sup>

The definition of Kosova/o as an autonomous province and its denying of the republican status was based on the Communist theory and practice. The republican status understood the right for self-determination up to secession, which right was recognized only for nations. This practice existed in former Communist countries and served as a basis for arbitrary decision on who is a nation and who is not.<sup>25</sup>

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<sup>23</sup> Vesna Godina, The outbreak of nationalism on former Yugoslavia. A Historical problem of supranational identity. "Nations and Nationalism". Vol. 4 Part 3. July 1998. p.410.

<sup>24</sup> Mehmet Kraja, Vitet e humbura. Tirane, 1995. p.61. ( In English: Mehmet Kraja, Lost years. Tirana, 1995.p.61.)

<sup>25</sup> Michael Krykov, Self-determination from Marx to Mao. "Ethnic and Racial Studies". Vol. 19 No.2 April, 1996. Pp.352-377.

A turning point in the status and role of the Albanians in Yugoslavia came in 1966 with the fall of Aleksandar Rankovic, a leading proponent of Serb-centralism, the Vice-

President of Yugoslavia and heir apparent to Tito. The limited measures of liberalization following Rankovic's dismissal were used by Kosovo's Albanians to press for greater autonomy.<sup>26</sup> It is impossible to underestimate the effect of the fall of Rankovic. It marked a definitive point in Yugoslav history and the beginning of a period of liberalization previously unimaginable in a Communist country. Although Kosovo was ostensibly autonomous, this was largely theoretical until the fall of Rankovic. The fall of Rankovic was to bring about a rapid change of atmosphere.<sup>27</sup> Rankovic's fall in July 1966 essentially ended the crisis.

On 27 November 1968, there were exploded the first demonstrations of Albanians after the Second World War. The main claim of demonstrators had been for the advancing of the status of Kosovo from province to republic.

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<sup>26</sup> Miranda Vickers, The role of Kosovo in post-war Yugoslav-Albanian relations. The Kosovo/o issue historical and current problem. Tirana, 1996.p.127.

<sup>27</sup> Tim Judah, The Serbs. p.144-151.

These demonstrations discovered the unresolved problem of the Albanians under Yugoslav regime which had been avoided for a long time by this regime.<sup>28</sup> The result of these demonstrations were the opening of the University of Prishtina(1970),and the constitutional amendments(1968.1971)etc. Constitutional amendments in 1968 and 1971 granted the region of Kosova\o some republican prerogatives. This was confirmed in the Constitution of 1974. Positive trends in Kosova\o, for the first time, were obvious. The constitutional basis of Kosova\o was strengthened and completed, the University of Prishtina was formed, and a number of state institutions had been cut off from the Belgrade regime and put under direct control of the political and administrative power of Prishtina.<sup>29</sup>

The first penetration of the constitutional individuality of Albanian people in Yugoslavia were noted by the constitutional amendments of 1968.<sup>30</sup> The general direction of political developments in Yugoslavia from 1960s through 1980s was toward even greater decentralization.

## **2.1. The Constitutional legal position of Kosova\o according to the Constitution of 1974**

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<sup>28</sup> Fehmi Rexhepi, Kosova...p.37.

<sup>29</sup> Mehmet Kraja, Vitet...p.74.

<sup>30</sup> G. Zajmi, Vepra...p.114.

The constitutional and legal position of Kosovo according to the Constitution of former Yugoslavia of 1974, was in many spheres similar (but not completely equal) to the position of the socialist republics. Kosovo was more than province and less than republic. The legal status of Kosovo was composed by two main factors, which have determined the position of Kosovo under Yugoslav federation

### **2.1.1. The Status of Kosovo as a political-territorial unit.**

In constitutional and legal sphere Kosovo enjoyed the high independence like the other republics of the Yugoslav federation. Kosovo had its own Constitution approved on 27 February 1974. Through it, Kosovo could decide for its own political system and the relations with the Yugoslav federation and the Republic of Serbia. Kosovo was an equal partner with other federal units in the procedure of passing and changing of the federal Constitution, including the right to veto. This means that the Constitution of SFRY of 1974 could not be changed without the consent of the Parliament of Kosovo.<sup>31</sup> The consent of the Parliament of Kosovo presented a constitutive act in the procedure of the change of the Constitution of Serbia of 1974 as well.<sup>32</sup> The status of Kosovo as an independent unit of the Federation was expressed in other areas as well.

#### **-Independence in the sphere of organization**

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<sup>31</sup> See more: The Constitution of SFRY of 1974 article 401.

<sup>32</sup> See more: The Constitution of SFRY, art.227.

The Constitution of Kosovo of 1974, as the highest political-judicial act, defined the state organization of Kosovo similar to that of the other federal units in the former Yugoslavia. On the basis of the Constitution of 1974, the main bodies of Kosovo were: The Parliament of Kosovo, the Presidency of Kosovo, the Executive Council, the Supreme Court, the Constitutional Court, the Public Prosecution, the National bank of Kosovo etc.

#### **-Territorial independence of Kosovo**

On the basis of the Constitution of the former SFRY of 1974, Kosovo had its borders, which were defined as untouchable by the federal Constitution. Only the legal and legitimate Parliament of Kosovo was competent to change the borders of Kosovo.<sup>33</sup>

#### **-Independence in the sphere of judiciary**

The independence of Kosovo was fully expressed in this sphere. Judiciary, in all instances, from communal courts to the Supreme Court, was the competence of Kosovo. The Supreme Court of Kosovo presented the final instance of judiciary in which various issues, such as civilian, criminal, economic and administrative were solved before it. Except for courts, Kosovo had also other independent bodies of judiciary, the Public Prosecution, Office Public Practice of Law etc.<sup>34</sup>

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<sup>33</sup> Cons. SFRY art.5 and Cons. Of Kosovo art.3).

<sup>34</sup> Const. of Kosovo art. 301 point 3. art. 292, 300, 339, 372 and 390.

### **-Independence in the financial and economic sphere**

In the sphere of finance, Kosovo had its own contributions and expenditures that were defined by its budget that was approved by the Parliament of Kosovo. In the economic sphere as well, Kosovo had abundant economic and natural resources that had been used and exploited by Serbia and Yugoslavia, causing in this way great backwardness in the economic development of Kosovo as compared to other regions of the former Yugoslavia.<sup>35</sup>

### **-Independence in the sphere of protection of constitutionality and legislation**

It was expressed in the function of the Constitutional Court of Kosovo, as an independent body for protection of constitutionality and legality. Constitutional legislature in Kosovo appeared for the first time by the Constitution of 1974. This body had similar position with that of constitutional courts of the other federal units. The Constitutional Court of Kosovo ruled at one stage only as the final court, so that its decisions were conclusive and definite.

### **-Independence in the sphere of international relations**

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<sup>35</sup> Constitution of Kosovo art. 301 point 4.

In the sphere of international relations Kosovo entered political, economic, cultural, and other relationships with other countries independently. The activity of Kosovo in this field was limited in the same way as the activity of the other federal units, by authorization of the federal bodies.<sup>36</sup>

### **-Independence in the sphere of keeping order and providing security and national defense**

In these two spheres as well, Kosovo enjoyed independence similar to that of other federal units of the former Yugoslavia. The bodies of Kosovo were competent to practice all the functions of keeping the public and state order as defined by the Constitution of former Yugoslavia of 1974 and by the Constitution of Kosovo of the same year. In the sphere of national and self-defense, the bodies of Kosovo were competent for the organization of all forms of defense. These duties were exercised by the independent bodies of Kosovo: the Secretariat for National Defense, the Headquarters of Territorial defense and the Headquarters of Civilian defense.<sup>37</sup>

## **2.2. Kosovo was a Constitutive Element of the Yugoslav Federation**

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<sup>36</sup> Cons. Kosovo.art.301 point 6).



According to the constitution of the former Yugoslavia of 1974, Kosovo was a constitutive element and unit of the Yugoslav Federation with similar rights and duties as other federal units. It had the following constitutional and legal position:

-Kosovo was an integral part of the former Yugoslav Federation (Constitution of SFRY of 1974, art.1 and 2).

-Kosovo had its territory and borders, which could not be changed without its consent.(Cons. SFRY of 1974 art.5)

-Kosovo had its Presidency as a body that represented Kosovo into the bodies of administration in the former republics of Yugoslavia. (Cons. SFRY.art 150).

-Kosovo had its administrative bodies with the same rights and duties as the bodies of administration in the former republics of Yugoslavia. (Cons.of SFRY.art.150).

-Kosovo, as one of the eight federal units, took part in the realization of interests in the determining and implementation of the policy of the federation. (cons. SFRY art.244 para.2 )

-The national Bank of Kosovo was an institution of the unique monetary system that implemented the common policy of emission that was defined by the Parliament of the former Yugoslavia. (Cons. SFRY.art.260 paragraph 1).

-Kosovo co-operated with other republics in the sphere of tax policy(Cons. SFRY art.265 para.1).

-Kosovo took part in the implementation of cooperation with the bodies and organizations of other states and international organizations in the framework of foreign

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<sup>37</sup> Const.of Kosovo/o. art. 301 point 2.

policy defined by the former Yugoslavia and international treaties(Cons. SFRY.art 271 par.2).

-Kosovo with the other republics took part in the implementation of laws and other provisions and general acts of the federation(Cons.of SFRY.art.273 para.1 and 2).

-Kosovo was represented into the chamber of Republics and Provinces of the Parliament of the former Yugoslavia(Cons.of SFRY.art.284 para.3).

-Kosovo, its Parliament, gave its consent on certain questions in the sphere of the activity of the Chamber of Republics and Provinces.(Cons.of SFRY.art.186 para.2).

-Kosovo was represented into the Federal Chamber of the Parliament of the former Yugoslavia.(Cons.of SFRY.art.291 para.1).

-Kosovo, similar to the other former republics of Yugoslavia, had its right to propose laws and other acts during the work of the Chamber of Republics and Provinces.(Cons.of SFRY.art.298).

-Kosovo was represented through its member at the Presidency of the former Yugoslavia.(Cons.of SFRY art.321).

-Kosovo was represented at the Federal Executive Council.(Cons.of SFRY art.348 para.1).

-Kosovo was represented in the Constitutional Court of former Yugoslavia.(Cons.of SFRY.art.381 para.1).

-Kosovo ,its Parliament and other bodies, had the right to initiate for the procedure of the evaluation of constitutionally and legitimacy before the Constitutional Court of the former Yugoslavia.(Cons.of SFRY.art.387 para.2).

-Kosova\o was represented at the Federal Court of the former Yugoslavia.(Cons.of SFRY art.370 pra.2).

-Kosova\o had an equal position with former republics in the procedure of approving and changing the Constitution of the former Yugoslavia.(Cons.of SFRY art.198.399 and 402 para.2).

From the above constitutional and legal analysis of the position of Kosova\o based on the Constitution of 1974,one can draw an undeniable conclusion that it was an independent federal unit with full political subjectivity and presented a constitutive element of the Yugoslav Federation. The status of Kosova\o according to the Constitution of 1974 has three main characteristics: First, political and constitutional independence; Second, the characteristic of constitutional unit of Yugoslav federation, and Third, the characteristic of autonomy as a 'corpus seperatum' within the complex structure of the Republic of Serbia.<sup>38</sup>

If Croatian nationalism and its political consequences represented all the time the principal threat to the integrity and stability of former Yugoslavia, by the 1970s Kosova\o had become the loci of new ethnocentric malaise and a new serious actor in the power balance of the than federative Yugoslavia.<sup>39</sup>

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<sup>38</sup> G. Zajmi, Vepra...pp. 78-79.

<sup>39</sup>Sabrina.P.Ramet, Nationalism and Federalism in Yugoslavia: 1962-1971. Copyright © 1984, 1992 by S.P.Ramet. p.176.

With this improvement in the status of Kosova/o, the Serbian nationalists have not been satisfied. In 1976 they wrote the 'Blue Book' with which they attempted to reduce the status of Kosova/o. From 1974, the Serbs have used "chosen trauma" to refer to an event that invokes in the members of one group intense feelings of having been humiliated and victimized by members of another group, Albanians. A Serbs does not, of course 'chose' to be victimized and, subsequently, to lose self-esteem, but it does 'chose' to psychologize and mythologize.<sup>40</sup>

With this status have not been fully satisfied Albanians as well. The demand of the Kosova/or Albanians for their own republic has roots in the awakening of a sense of intense national pride which until long ago was denied to them, though tolerated in other Yugoslav nationalities. The spring explosion of 1981 is in many ways a product of this delayed consummation of national equality and rights. Their size and ethnic compactness were, in the eyes of the Albanian population, sufficient reason for changing Kosova/o's status from that of a province into the full republican one.<sup>41</sup>

Reaction of the Yugoslav regime led by the Serbians, has been very brutal. It was in Kosova/o that for the first time the police had used firearms against demonstrations. In 1981 a new round of violent rioting began and the army, commandos and special police units were deployed to put down the protests.<sup>42</sup>

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<sup>40</sup> Vamik D.Volkan and Norman Itzkovitz, Neighbours in Conflict. ©Vamik D.Volkan and Norman Itzkovitz,1994.p.7).

<sup>41</sup> Branka Mgas, The Destruction of Yugoslavia. p.9.

<sup>42</sup> See more: T. Judah, The Serbs...p.153.

After 1981 an extensive wave of immigration of Albanians occurred, mainly among the young people who left in an attempt to avoid persecution by the police and military state. Both economic and political conditions deteriorated. It is estimated that around 1 million Albanians live today in Western Countries half of whom have emigrated in the past two decades.<sup>43</sup>

In the final analysis, the political reaction to the crisis in Kosova/o did little to improve the situation and much to harm it. The Serbian political and cultural leadership used the Kosova/o riots of 1981 as an excuse for the revival of their centuries old national program that was drafted again in 1981 by the Serbian Academy of Sciences and Arts.<sup>44</sup> For realization of the aims of the 1986 Memorandum was chosen Milosevic who was deemed as the most apt person for this and, again, it started in Kosova/o at the end 1980s.<sup>45</sup>

Than the regime of Belgrade, supported by the other republics, begun the abolishment of autonomy of Kosova/o. Also the leadership of Kosova/o at that time was an instrument of the Serbian regime. Despite discussions for the changes in Constitution, which were held in 4.300 meetings with more than 400.000 participants in them rejecting the changes,

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<sup>43</sup> H. Islami, Demographic...p.21.

<sup>44</sup> For the full text of the Memorandum of the SASA in Serbo-Croatian, see, 'Nasa teme' 33 (1-2) Zagreb 1989 pp.128-163. For its essential parts in English, see, Fehmi Pushkolli-Liman Rushiti-Fehmi Rexhapi-Jusuf Bajraktari and Izber Hoti. (ed), Expulsion of Albanians and Colonization of Kosova/o. Copyright © 1997 by the Institute of History of Kosova/o, Prishtina. pp.80-87

<sup>45</sup> Aleksandar Pavkovic, The Fragmentation of Yugoslavia. Nationalism in a Multinational State. © by A.Pavkovic, 1997. pp.89-90.

under the unusual circumstances, declared by the Federal Presidency, there were approved the constitutional changes that destroyed the political and economic subjectivity of Kosova/o. Under these conditions the constitutional amendments were passed, although without the two-thirds majority normally required for such changes. The final confirmation of these changes was than in an unusually festive Session of the Serbian Assembly in Belgrade on 28 March 1989.<sup>46</sup>

The Serbs considered these changes as a 'chosen glory' referring to this event as something that induces in the members of the Serb nation intense feelings of having been successful or of having triumphed deservedly over the members of the Albanian nation. Chosen glories serve to bolster a group's present self-esteem and, like chosen traumas, are heavily mythologized.<sup>47</sup>

The successful actions of the Belgrade regime against the Albanians of Kosova/o have been supported naively by other federal units. They didn't understand that this was the way for Serbian hegemony over Yugoslavia. With these constitutional changes, broken the balance within Yugoslavia created by Constitution of 1974 was broken. After that Serbia achieved the domination over the federation, respectively federal institutions. Milan Kucan, the President of the Communist Party of Slovenia at that time, declared: "Yugoslavia defended in Kosova/o is over". In the following years, support of other federal units were revansh and boomerang for them and whole Yugoslavia.

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<sup>46</sup> A.Gashi, The Denial, pp.102-103. Fehmi Rexhepi, Kosova.p39. N.Malcolm, Kosovo A Short history .p.344.

Miloshevic is coming to power was a result of his claim against the Albanian rights for equal status within Yugoslavia. The abolishment of the Kosova/o's autonomy and the destruction of former Yugoslavia were a result of his expansionist regime. His policy has made the tragedy of Yugoslavia and its people.

### **3.Desintegration of Yugoslavia with special reference to Kosova/o**

The creation and dissolution of Yugoslavia came about as a consequence of major geopolitical changes.<sup>48</sup> Yugoslavia was, however, a country created by the international community.<sup>49</sup> After Tito's death, the federal center started to decay at first slowly, but after 1987, rapidly.<sup>50</sup>

Problematic relations between the nations were always present in former Yugoslavia. Because formal equality strategies for both nations (Serbs and Croats) were established, there were a constant drive for domination by each side in this officially multinational

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<sup>47</sup> Vamik D. Volkan and Norman Itzkowitz, Neighbours in Conflict. p.10.

<sup>48</sup> Darko Sekulic, The Creation and Disolution of the Multinational State: the case of Yugoslavia. p.169.

<sup>49</sup> Lord Owen, The break up of Yugoslavia: its international aspects. "International Peacekeeping" Vol.3 No.2/3 February-May 1996.p.34.

<sup>50</sup> Sabrina P. Ramet, Nationalism and Federalism in Yugoslavia: 1962-1991. p.34.

state. The Serbs were more successful in this game and the result was Serb domination 'the Serb hegemony'. Socialist Yugoslavia survived only as long as it succeeded in realizing such hegemony.<sup>51</sup>

The slogan 'brotherhood and unity' on which Yugoslavia has been based was a sort of supranationality. This position was taken over by national identity during the post-socialist stage. Later developments in former Yugoslavia can be considered as a result of connection between the outburst of nationalist conflict and the fall of supranational identity.<sup>52</sup>

The outbreak of nationalism on the territory of the former Yugoslavia is a provocative phenomenon, not only because its political consequences (war), but also because it raised theoretical questions which are worth a detailed analysis.

The Socialist Federal Republic of Yugoslavia had entered into its final phase of dissolution by the mid of 1991 when Slovenia and Croatia enforced their declarations of independence (June 1991) and when the Yugoslav People's Army intervened in order to preserve the territorial integrity of the country.<sup>53</sup>

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<sup>51</sup>Vesna Godina, The outbreak of nationalism on former Yugoslavia. A historical problem of supranational identity. "Nations and Nationalism". Vol.4 Part 3 July 1988 p.411-412.

<sup>52</sup> See more: Vesna Godina, The outbreak...pp.409-420.

<sup>53</sup>Snezana Trifunovska, Preventive Peacekeeping and the case of FYROM. "International Peacekeeping". Vol.4 No.1-2 Januar-December 1997 p.2.



The Albanian-Serb conflict is not the main factor for the dissolution of the multinational federation of Yugoslavia, but it was the initial factor of its dissolution.<sup>54</sup> Kosova/o of 25th April 1987 became the date of self-destruction of former Yugoslavia, a date when the formal execution of the war preparations began.<sup>55</sup> In Fushe Kosova/o, ( In Serbian: Kosovo Polje ) there was first promotion of this psychological preparation and was hysteria and, consequently, implementation of the dream of Greater Serbia. On this date

Milosevic made his famous promise to the Serbs by saying that; "No one has the right to beat You up".<sup>56</sup> When Yugoslavia's dissolution started, it was clear that Serbia was in its way to implementing its National Program of the Greater Serbia (especially from 1989 onwards), and its centralist tendencies became clearer than ever before.<sup>57</sup> Secretary of State Baker, speaking for the US, declared that "the apparent objective of the Serbian leadership is to create a 'small Yugoslavia or a 'Greater Serbia'...based on the kind of repression which Serbian authorities have exercised in Kosova/o for several years...".<sup>58</sup>

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<sup>54</sup> G. Zajmi, Vepra... p.121.

<sup>55</sup> Almont, Europe's backyard war. p.9.

<sup>56</sup>Darko Hudelist, Kosova'o- Bitka bez iluzija ©Center za informisanje I publicitet.Zagreb.1989.pp.34-37. ( In English: Darko Hudelist, Kosova/o- Battle without illusion. Copyright © Center for information and publicity. Zagreb, 1989. pp.34-37.)

<sup>57</sup>See more: Jansuz Bugajski, Nations in Turmoil. Conflict and Cooperation in Eastern Eyrope. Copyright © 1993 by Westview Press inc.pp.125-136.

<sup>58</sup>Rezolution 713 (1991), adopted by the Security Council at its 3009th Meeting, 25 September 1991. Trifunovska, Yugoslavia through documents. pp..349-350.

Since the collapse of the old Yugoslavia, there have been attempts by all the parties involved to ensure rewriting of the history so as to place themselves in the best light and to defame their opponents.<sup>59</sup> Personalities, as always, have played an important role and there have been many evil players thriving in the climate of Communism and in the absence of democracy.<sup>60</sup> By 1990, S.Milosevics had reduced Montenegro,Vojvodina and Kosova/o to a mere satellites of Serbia, and, accordingly, controlled four of the eight votes in the collective presidency. Milosevic's ability to produce deadlocks in the presidency at will was, however, only one symptom of the disintegration of the federal system.<sup>61</sup>

Serbia and its satellites in May 1991 blocked Stipe Mesic, who was to be the Croatian rotating president of the collective Presidency. This marks the end of institutional destruction of the former Yugoslavia.<sup>62</sup>

In the constitutional sense, on the other hand, the unilateral changes to the status of Koso0va/o and Vojvodina mark the beginning of the process of Yugoslavia's violent disintegration. It marked the beginning of the radical change in the balance of power between the federal units of the former Yugoslavia with an open hegemonic tendency on Serbia's side.

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<sup>59</sup> David E, Goodlett, History and Nationality among former Yugoslavs. "European Security". Vol.6 No.2 Summer 1997 p.53.

<sup>60</sup> Lord Owen, The break-up...p.34.

<sup>61</sup> S.P.Ramet, Nationalism...p.69

From the beginning of the 1980s the Kosova/o, the Serbian movement used a wide range of racist arguments to fuel anti-Albanian sentiment.<sup>63</sup> The Kosova/o myth has always been a critical part of the Serbian collective psyche. It represents a collection of historical, quasi-historical, and poetic reminiscences about the Serbian medieval state and uprisings against the Ottoman Empire. The myth is about struggle, and it is rehashed every time Serbia goes to war.<sup>64</sup> The Serbs in Kosova/o have seen their history and in their present circumstances, herosm, mission, holiness, faith, glory, devotion, opulence, disunity, betrayal, demonization, martyrdom, victimization, predestination.<sup>65</sup>

The final act of Serbia's economic preparation for warfare occurred in December 1990, when Milosevic's regime, without the knowledge of the Central Bank, extorted 2 billion dollars of the Yugoslav dinars hard-currency backing. Subsequently, all the resources of Central bank of the former Yugoslavia (foreign currency, gold and valuables) were used for financing the war.<sup>66</sup> When the fighting broke out in Croatia (September 1991) and Bosnia-Herzegovina (March-April, 1992), the military openly sided with the Serbs in their effort to create a Greater Serbia.<sup>67</sup>

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<sup>62</sup> Eduard R Ricciuti, War in Yugoslavia. The Breakup of a nation. Copyright © 1993 by Blackbrich Graphics ins. pp.26-27.

<sup>63</sup> Tihomir Loza, Kosovo Albanians. Closing the Ranks. "Transitions". Vol.5 No.5 May, 1998. p.23.

<sup>64</sup> Tihomir Loza, Kosovo...p.23.

<sup>65</sup> Warren Zimmerman, The Demons of Kosova/o. "The National Interests". No.52 Spring 1998 p.3.

<sup>66</sup> Almond, Europe's backyard war. p.15. W.Zimmerman, Origins of a catastrophe. Yugoslavia and its destroyers. Americans Last Ambassador Tells What Happened and Why. Copyright © 1996 by W.Z. Albanian translation by "Besa" Publishing Huose. Tirana-Albania. 1997 p.92.

<sup>67</sup> J.Gow, Legitimacy and the military. p.142, Bebler, The Yugoslav Crisis. pp.6-7.

The independence efforts by Slovenia and Croatia (March-June 1991), Macedonian and Kosova/o (September 1919) Bosnia-Herzegovina (March-April 1992), all were undertaken as a result of Serbia's aggressive plans against the others in former Yugoslavia. The Croats and Slovenes wanted a loose federation that would dilute the Serbian influence, so did Bosnia and Macedonian, although their wishes were not so obvious at the time. The Serbians wanted a tighter federation to preserve its control of the politics and economy and its dominant role over Yugoslav society.<sup>68</sup>

The support for maintaining the territorial integrity of the Federation voiced by representatives of influential states and organizations, including the United States, the European Community (EC) and its members, and the Conference on Security and Cooperation in Europe (CSCE), undoubtedly strengthened Slobodan Milosevic in his perception that flexibility was not required in negotiations, since independence for Slovenia and Croatia was not being supported internationally.<sup>69</sup>

On 19 September 1992, the Security Council of the UN adopted a resolution No.777 in which it was said that "the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations". At the same time it was

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<sup>68</sup> Bugajski, Nations in Turmoil. pp.101-109. Bebler, The Yugoslav crisis p.5.

recommended to the FRY to applying for membership in the UN. Also, International Monetary Fund announced on 15 December 1992, that Yugoslavia has ceased to exist and has therefore ceased to be a member of the IMF". Also executive directors of the World Bank made a determination that Yugoslavia had ceased to exist.<sup>70</sup> Also thirteen opinions of Badinter Commission concluded that with the dissolution, which started in November 1991 and ended in July 1992, the former SFRY ceased to exist as an international legal subject.<sup>71</sup>

All the worst evils that were witnessed in the former Yugoslavia between 1991 and 1995 were present in the Balkan Wars of 1991-95, including large-scale massacres of civilians, the destruction of whole towns and the gross manipulation of the media.<sup>72</sup>

After the dissolution of Yugoslavia and the broken relations between the Slav people, there was no reason for Albanians from Kosova/o to stay under the newly created State of Serbia and Montenegro ( the FRY ). Albanians had no reason to be grateful for Belgrade's rule.<sup>73</sup> Interethnic tensions remained high in Kosova/o over the years, and distrust between the Slavs and the Albanians, at the time, ran deep. Albanian people has no reason to be glad with the manner they were treated by the Slavs, the Serbs especially, during the regime of former Yugoslavia..

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<sup>69</sup> Alan Fogelquist, Handbook of Facts on the Break-up of Yugoslavia: International Policy and the War in Bosni-Herzegovina. ©Copyright 1993 by A.Foglequist. pp.12-13.

<sup>70</sup>IMF Press release No. 92/92 December 23, 1992. Quoted in Malcolm N.Shaw, State succession Revisited. "The Finnish yearbook of International Law". Vol.5 1994. p.53.

<sup>71</sup> See more about the Badinter opinions in Trifonovska, Yugoslavia Through Documents.

<sup>72</sup> Tim Judah, The Serbs...p.84.

<sup>73</sup> Sabrina P.Ramet, Nationalism...p.34.

## **CHAPTER IV: THE EVENTS IN KOSOVA/O LEADING TO ITS FORMAL INDEPENDENCE FROM SERBIA ANF FORMER YUGOSLAVIA**

### **1. Formal acts of the Kosova/o's organs**

#### **1.1. The Constitutional Declaration ( 2 July 1990 )**

The decomposition of SFRY and the creation of the new circumstances within the territory space of the former Yugoslavia was the most convenient political moment for the articulation and realisation of historic and legitimate aspirations of Kosova/o Albanians.

On 2 July, 1990, on the plateau of the building of the Kosova/o Parliament, 111 delegates of the Parliament of Kosova/o approved and publicly proclaimed the Constitutional Declaration on Kosova as an Independent and Equal unit within the Yugoslav federation or Confederation.<sup>1</sup>

With the Constitutional Declaration, the will of majority population was considered and have achieve the high level under Yugoslavia. The Republic of Kosova/o first of all realized the historic intentions and aspirations of Albanian population for freedom and

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<sup>1</sup> Constitutional Declaration of Kosova/o of 2 July 1990, is published in 'Official Gazette' of Kosova/o No.10-22/90.

independence and its democratic determination to live independently and with its laws and independent political organization.

The Constitution Declaration advanced the position of Kosova/o from an autonomous unit to an independent and equal unit with the other federal units of the former Yugoslavia.

The text of the Declaration is very short, and apart from its short preamble it contains six points. In the first part of the Declaration it is confirmed that through the authentic constitutional will of the population of Kosova/o and of its Parliament has been expressed as an act of its political self-determination within Yugoslavia. Under the second point, on the basis of the authentic democratic principle on respecting the will of people and human and national communities. The Parliament of Kosova/o expected the definition of this constitutive act in the Constitution of Yugoslavia and its recognition by the Yugoslav democratic opinion and international one. This point of the Declaration makes an advancement of the Albanian people, as a population in majority and one of the largest peoples in Yugoslavia in number, from the position of a nationality to an equal nation with the others in former Yugoslavia.

The revocation or annulment of the decision of the Parliament of Kosova/o to give its consent to the constitutional amendments in the Constitution of SR Serbia in 1989 was made in point four of the Declaration, where it is emphasized that the Parliament and state bodies in Kosova/o will base their relations in constitutional regulations of Yugoslavia to

the final legal implementation of this Declaration, on the Constitution of SFRY of 1974. With this Declaration 'ipso jure' are derogated all acts which have link legally Kosova/o with Serbia according to the legal "ex posterior derogate lex prior". Under point five the Parliament of Kosova/o expressed its disagreement with the Serbian name of Kosova/o and its determination to communicate publicly only with the name Kosova. And, finally, point six of the Declaration says that the Declaration is put into effect on the day of its approval.<sup>2</sup>

This Declaration is approved at time when Yugoslavia still exist and none of the federal unites had not expressed the will for separation from Yugoslavia, because of that the position of Kosova/o according to the Declaration is foreseen within the Yugoslav federation. The procedure of voting was not entirely valid , because it had been made on the hall of the Parliament for the Serbian regime didn't allow Albanian delegates to enter the Parliament. Yet, it sent out an unexpectedly strong symbolic signal for the future relations between Kosova/o and Serbia.<sup>3</sup>

## **1.2. The Constitution of the Republic of Kosova/o ( 7 September, 1990 )**

With the view of putting into life the Constitutional Declaration of 2 July, 1990, the Parliament of Kosova/o approved and proclaimed the Constitution of the Republic of Kosova/o with all the required documents in the city of Kacanik, on 7 September 1990 the

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<sup>2</sup> For full text in English, see, Alush Gashi, The Denial..p.242-243.

<sup>3</sup> N.Malcolm, Kosovo...p.346.



passed also the Law on Political Association of the Citizens, the Law on Elections, as well as other required decisions for the moment work of the Parliament of Kosova/o its relations with the Parliament of SFRY.<sup>4</sup>

The Constitution of the Republic of Kosova/o presents a historic act by which the Albanian people realized their historic aspirations from which they had been banned and discriminated against for five decades in the past by Serbian and Yugoslav regimes. The approval of the Constitution marks the realization of their legitimate requests, that began to be articulated on the Yugoslav political scene by the Albanian demonstrations in 1968 and 1981,1989 when the dominant political request was to constitute Kosova/o as a republic with equal rights with the other republics in the former Yugoslavia.

Unlike the Constitution of SAP of Kosova/o of 1974, the Constitution of the Republic of Kosova/o of 7 September 1990 contains quite a short text (introduction and nine chapters) that defines an organization of Kosova/o as politically and constitutionally completely independent from Serbia. Using the positive and constitutional solutions to, and the experience of democratic states in Europe and the world, the Constitution of the Republic of Kosova/o constitutes a form of state regulation based on the sovereignty of peoples and citizens, freedom of organization and political action of citizens, plurality of forms of property, economy of free market and the legislature as basis of the constitutional and political system.

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<sup>4</sup> The Constitution of the Republic of Kosova/o, approved on 7 September.1990.daily "Dielli" Zagreb, 1990.

The general provisions of the first chapter determine first of all that the Republic of Kosova/o is a democratic state of the Albanian nation and of the members of other nations and national minorities of the Serbs, Turks, Moslems, Montenegrins, Croats, Romanians and other living in Kosova. The Republic of Kosova/o was conceived as a parliamentary Republic. The direct election of the President by the electoral body does not renege this character. There have been cases when at the head of Parliamentary Republic were elected by people. Such was the German Republic, actually the Austrian Republic etc.

Article 75 first guarantee the liberty of expressing national origin, alongside with the liberty of expressing the national culture and the use of the language and its writing. Besides, the question of minorities is treated in another article 68. It foresees that from the elementary schools to the faculties, conditions are secured to take lessons in the mother tongue in the Albanian, Serbo-Croatian and Turkish languages respectively. In article 67 paragraph 3 it is noted: " In the schools financed by public revenues, schooling is free of charge". The Constitution of the Republic of Kosova/o recognizes for the national minorities the right to use their symbols, according to the conditions and in a manner arranged by law.

The approval of the Resolution for the Republic of Kosova as an Independent and Sovereign State created a new constitutional situation that requested adequate changes and supplements to the Constitution of the Republic of Kosova/o of 7 September 1990. In this way, the Parliament of Kosova approved Amendment I and amendment II-VI on 19

October, 1991 by which it made changes of the adequate provisions of the Constitution of the Republic of Kosovo.<sup>5</sup>

Since these amendments define new constitutional solutions, by Amendment I the Republic of Kosovo was proclaimed as a sovereign and independent state. With this definition article 2 of the Constitution of the Republic of Kosovo was changed. It had supposed Kosovo to be within the Yugoslav community. Amendment II applies the institution of the President of the Republic as an individual state head, who takes over all the competencies defined by the Constitution for the collective Presidency of Kosovo. Amendment III determines the function of the President of the republic.<sup>6</sup>

Amendment IV defines the conditions and procedure for electing the President of the Republic by the citizens in a free and direct elections with secret votes. (Amendment IV point 1). Amendments V and VI have mainly technical character since they define that special constitutional law that would be passed for the implementation of amendments II and VI. The main goal of these amendments were to declare Kosovo a sovereign and independent state and to change the leadership of Kosovo from a Presidency into a President, individual leadership.

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<sup>5</sup> See: Amendment I and Amendment II-VI to the Constitution of the R. of Kosovo approved by the Parliament on 19 October, 1991. Text provided by LDK.

<sup>6</sup> See: Amendment III to the Constitution of the Republic of Kosovo point 1-15.

The Constitutional Declaration of Kosova/o, of 2 July 1990 and the Constitution of the Republic of Kosova/o have expressed the will of the Albanian people in Yugoslavia and were out of any ideological influence of the Communist Party.<sup>7</sup>

### **1.3. The Referendum on the Independence ( 26-30 September, 1991 )**

In the territory of the former Yugoslavia, as a consequence of political talks about the definition of the Federation, the process of its disintegration began and it was carried out through the proclamation of independence of the four federal units, that approved declarations on their sovereignty, through referendums.

Being included in these democratic processes, the Parliament of Kosova/o in September 1991 made its decision to organize a national referendum on the Republic of Kosova/o as an Independent and Sovereign state. This referendum was held in Kosova/o between 26-30 September, 1991, and the great majority ( over 99 % of the eligible voters voted at this referendum ) opted for Kosova/o as a sovereign and independent state.

The National Referendum on Kosova/o as an Independent and Sovereign state presents an act of democratic and political self-determination of the Albanian people with the view of defining the constitutional and political status of Kosova/o after the dissolution of the former Yugoslavia.

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<sup>7</sup> Gazmend Zajmi, Vepra...p.15).

Supporting the concept of the Republic of Kosova/o as an independent and sovereign state, the Albanian people declared themselves in a democratic way for full freedom, independence and sovereignty from Serbia.<sup>8</sup> Accordingly, it may be concluded that this Referendum presents a legitimate political act of the Albanian people, who together with other peoples of former Yugoslavia was incorporated into the new democratic processes, that every people, and Albanians too, should be given an opportunity for realisation of the right to self-determination.

Basing itself on the results of the Referendum the Parliament of Kosova/o proclaimed the Resolution of the Republic of Kosova/o as an Independent and Sovereign state on 18 October 1991. By this resolution, it was confirmed the positive declaration of the Albanian people for full sovereignty and independence of Kosova/o. The approval of this resolution is a logical consequence of the process of dissolution of the Yugoslav federation and the creation of new states in its soil. Other republics, such as Slovenia, Croatia, Bosnia-Herzegovina and Macedonia previously approved similar resolutions.

This option has become all the more an indivisible part of national conscience of the Albanian population who has attached all its political will to the full sovereignty and independence of Kosova/o<sup>9</sup>

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<sup>8</sup> Arsim Bajrami, E Drejta Kushtetuese II. Prishtine, 1997. p.122. ( In English: Arsim Bajrami, The Constitutional Law II. Prishtina, 1997. p. 122.)

<sup>9</sup> A. Bajrami, E Drejta Kushtetuese. p.123.

On December 1991, the Government of Kosova/o in exile, headed by the Prime Minister Bujar Bukoshi, handed over to the EC its request for the international recognition of Kosova/o as an independent and sovereign state.<sup>10</sup> Yet, the political will of the Albanians of Kosova/o, expressed by Referendum, for a sovereign and independent state, until now has been recognized only by Albania.

#### **1.4. Parliamentary and Presidential Elections ( 24 May 1992 and 22 March 1998 ).**

After the approval of constitutional amendments to the Constitution of the Republic of Kosova/o ( October 1991 ) it was created constitutional basis for organizing the first free and multiparty democratic elections, for the Parliament and the President of the Republic.

The old one-party Parliament of Kosova/o, announced on 2 May 1992 the multiparty, general and Presidential elections, to be held on 24 May 1992. In these elections the people of Kosova/o had for the first time the possibility to declare themselves freely for the election the main bodies of the Republic of Kosova/o. The voting participation was in mass.

At these elections, in conformity with the Constitution and the Law on Elections, 100 deputies were elected for the Parliament of Kosova/o and also the President of the

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<sup>10</sup> For full text, see: The Academy of Sciences of the Republic of Albania and Institute of History (ed), The Truth on Kosova. Copyright ©by Encyclopedia Publishing house, Tirana, 1993. pp.341-343.

Republic. In conformity with the Law on Elections, political parties proposed the candidates for deputies of the Parliament of Kosova/o, as well as other political movements, associations of the citizens and other subjects foreseen by law. Since this law combined the majority and proportion principles, out of 130 deputies of the Parliament of Kosova/o, 100 of them were elected directly, while other 30 were elected later by the principle of proportional representation of political parties that won a certain percentage of the votes, including an adequate representation of the political parties that gather national minorities that live in the Republic of Kosova/o. The President of the Republic was elected in a democratic way, with secret votes.

The Democratic League of Kosova/o (LDK) won 76.4% of the votes and got 96 deputies, while the Parliamentary Party of Kosova/o (PPK) got 4.86 % and had 13 deputies. Other successful parties were the Peasants Party of Kosova/o (7 deputies) and the Albanian Christian Democratic Party (7 deputies). In the Presidential election, Ibrahim Rugova, the popular and charismatic leader of the LDK, won by an overwhelming majority.

In voting process, together with Albanians have participated also Turks, Muslims etc. Serbs did not participate for they considered the voting to be a illegal process. The Parliament has attempt only once, on 24 June 1992, to meet, but was not allowed by the Serbian forces. After that date the work of the Parliament had been done through the Parliamentarian Commissions, which was more or less an improvisation rather than an effective work.

Until May of 1998 elections were postponed several times between 1996 and 1998, three times for the Parliament ( which had a four-year term ) and twice for the President, whose term is five years.<sup>11</sup> On December 24, 1997, when the mandate of the shadow Parliament and President were to expire once again, Rugova announced new elections for 22 March 1998. Despite the elections of 1992, when all political factors of Kosova/o had supported the elections, in the 1998 elections political factors were divided.

After the events in the Drenica region, when the armed conflict in Kosova/o begun, the new factor in Kosova/o, Kosova Liberation Army (UCK-KLA) was categorically against the elections. In a statement published in "Koha Ditore", the KLA said that the elections should be put off 'because of the state of emergency in Kosova/o and the state of war in Drenica'. The KLA also announced that it will not recognize elections 'until the country is liberated' and accused Rugova of 'causing discord among Kosova/o Albanians'.<sup>12</sup> . Also the PPK and so other small parties refused to participate in these elections for the same reason. Because of the situation of war, the elections could not be held in the Drenica region, in the municipalities of Skenderaj, Glogovc and Kiln respectively. In other parts of Kosova/o the majority of people of Kosova/o participated in the elections.

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<sup>11</sup> International Crisis Group (ed), Kosova Spring. Copyright © ICG. Prishtina, 1997. p.29.

<sup>12</sup> Gazeta ditore ne gjuhen shqipe "Koha Ditore". Prishtine, 19 Mars 1998. ( In English: Daily newspaper in Albanian language, "Koha Ditore". Prishtina, 19 March 1998).



The elections for the Parliament and the President of Kosova/o (May 1992 and March 1998) have not had a big impact on building of the institutions of Kosova/o, but judging by the number of their participants they were a sort of referendum on sovereignty and independence of Kosova/o.<sup>13</sup> The results of the March 1998 elections were the same as 1992 elections. The fate of the institutions were similar as well, that is, their creation remained half way.

## **2. The parallel life in Kosova/o and Serbia's response to it**

Following the abolition of the Kosova/o's autonomy in 1989, the Albanians refused to accept the legitimacy of serbian rule, proclaimed Kosova/o as an Independent Republic and strongly advocated the peaceful strategy to resolve the Albanian-Serbian conflict.<sup>14</sup> Since the early 1990s, the Albanians were able to make decisions over a wide range of political, economic, social and cultural issues without interference from Serbia.<sup>15</sup>

Albanians of Kosova/o refused to participate in Serbian and Yugoslav political life. They have systematically boycotted the Yugoslav and Serbian elections since 1991, considering them as events happening in a foreign country.

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<sup>13</sup> G.Zajmi, Vepra...p.146.

<sup>14</sup> Elez Biberaj, Kosova: The Balkan power keg. Tirana, 1996. p.161.

<sup>15</sup> Tihomir Loza, The Kosova Albanians. p.20

Organizing the parallel Albanian society, their own political institutions, educational and health-care systems, cultural , and sports ones, emerged as a hallmark of the Kosovar Albanians peaceful resistance to Serbian rule. Kosova/o Albanians responded in 1991 by forming a shadow government, complete with a president, a parliament and a tax system. The Government of Kosova/o, though, had no army or police whom it could deploy, that is, it was not a government in effective control of its territory and population.<sup>16</sup> A 'temporary' coalition government was formed on 19 October 1991, comprised of six ministers. All but one of the ministers live abroad. Prime Minister and at the same time Foreign Minister is Bujar Bukoshi (a physician, urology specialist and former LDK secretary). The health minister was the only minister who live and work in Kosova/o. The shadow government plays an important role by collecting 'taxes' abroad. All Kosovos in the diaspora are supposed to contribute 3 percent of their income to the funds of the Republic of Kosova/o. This helped to finance political activity, the education system and health care.

#### a) Education

According to the 1974 Yugoslav Constitution, as an autonomous province Kosova/o had full decision making authority over all levels of education, primary, secondary and higher education. Classes in the province's primary schools were held in Albanian, Serb and Turkish. University was in Albanian and Serbian language. At the beginning of the 1991/92, the Serbian forces prevented Kosova/o Albanian teachers and students from

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<sup>16</sup> Michael Salla, Kosovo, Non-violence and the break-up of Yugoslavia. "Security Dialogue" Vol.26 No.4 December 1995.pp.434-435.

entering their school premises. In early January, the majority of the Albanian language secondary schools started to work the second term (semester) in private homes. Prishtina University soon followed on 26 November 1991.

The parallel Albanian-language education system in Kosova/o served a total of 266.413 primary schools pupils, 58.700 secondary schools students, and 16.000 university students, an undertaking on a scale that has no parallel <sup>17</sup> Work of these educational institutions was developed according to the curriculum approved by Kosova/o's organs. During these time the big number of books is published based on a new developments in science and with escape of imposed communist ideology during the communist regime.

On 1 September 1996, Rugova and Milosevic, signed an agreement on the normalization of the education in Kosova/o. Mediator was San Egidio, a Rome based church organization. With this agreement, so called Rome Agreement, it was foreseen the return of the Albanian students and teachers to their premises. This agreement was never realized and is used by the Serbian regime for political purposes. The Agreement did not deal with the curriculum, recognition of diplomas, the division of school premises or institutions in different languages, and only temporarily was meant to resolve thye financial situation.

Rugova used the Agreement to point out that he was being officially recognized because Milosevic dealt with him. But the document (signed separately in Prishtina and Belgrade respectively) carries for Milosevic his official tittle (President of Serbia) and for Rugova

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<sup>17</sup> Kosova Spring..p.51.

only his name. The 3+3 Implementation Commission met several times, but failed to register any progress. This was mostly because the Serb side interpreted the Agreement as meaning that Kosova/o's students would be reintegrated into the Serbian education system, whereas the Kosovar side understood it as allowing Kosova's students to come back to all premises without conditions.

#### b) Health care

In July and August 1990, health care in Kosova/o came under Serbian 'emergency measures' that rapidly led to a large-scale firing of the Albanian workers. The boycott of the Serbian health care system by Albanians was almost as comprehensive as that of the educational system.

The main institution within the parallel health system was the humanitarian organization Mother Theresa. (The institution is named after the recently deceased Catholic nun who, before her death, was the most famous ethnic Albanian in the world. Mother Theresa was born in Skopje. She was the winner of Nobel Price for Peace).

Albanians of Kosova/o were proud of their parallel health care system and, given the adverse conditions, they managed to set up an impressive net of health care institutions.<sup>18</sup> The parallel systems of education and health service set up by Kosova/o Albanians were clearly not satisfactory entirely based on modern standards.

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<sup>18</sup> Kosova Spring. p.62.

Radio and Television of Prishtina (RTVP) was taken over by the Serbian authorities on 5 July 1990. RTVP still had some Albanian language programming, but it was only a translation of what the Serb desk officers produced and therefore Albanians generally choose not to watch it. The Albanians of Kosova/o usually watched the Satellite TV. It was so because these was set up a common TV program via satellite. It was paid in equal parts by TV Tirana and Kosova/o's shadow government and offers information, debates, round tables, talk shows, children's programs and music. In Kosova/o were also published some daily newspaper and wekly, all with private funding.

Most jobs were in the service sector or commerce, with international organizations, or involved black-market sales of cigarettes and alcohol. Kosova had some 18.000 registered small firms. Business could not break down some barriers between Serbs and Albanians as it was believed.<sup>19</sup>

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<sup>19</sup> Kosova Spring...p.63.

Internationally, despite the fact that Kosova/o had not recognized, collectively or individually as a state, only by Albania, has created a solid capacity of representational capacity in international relations. Kosova/o had 11 offices. Only the Office of the Republic of Kosova/o in Tirana-Albania had a diplomatic status.<sup>20</sup> On 20 December 1996 it was founded the Office of Kosova/o in Istanbul-Turkey. From international side, the first international office in Kosova/o was the United States Information Office (USIS), opened on 5 June 1996.<sup>21</sup> Also the meetings of leader of Kosova/o, Ibrahim Rugova, and other personalities with the representatives of many states, like President of USA, GB, France, Germany, Turkey and international organization such as UN, EU etc. were in the function of internationalizing the Kosova/o issue.

The creation of the new states is a matter of fact and not a legal issue. With the appearance of the new state, it becomes the subject of international law.<sup>22</sup> States can exist without international recognition. The existence of the Turkish Republic of Cyprus, during the 27 years, despite the facts that it is recognized only by Turkey, proves practically that a state can exist without international recognition.

The Republic of Kosova/o as well has functioned, under occupation, with these main characteristics:

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<sup>20</sup> Blerim Reka , Dimensioni nderkombetar i ndertimit te Republikes se Kosoves. "Vjetari". 1996.Prishtine. pp.94-95. ( In English:Blerim Reka, International dimension of building of the Republic of Kosova/o. "Annual" 1996. Prishtina. pp.94-95.)

<sup>21</sup> Gazeta ditore ne gjuhen shqipe, "Bujku". 6.qershor, 1996. ( Daily newspaper in albanian language, "Bujku". 6 June, 1996.

<sup>22</sup> Zejnullah Gruda;E drejta nderkombetare publike,Prishtine,1984 p.66. ( In English: Zejnullah Gruda, International public law. Prishtina, 1984.p.66.)

-The majority of the population of Kosova/o did not participate in the political and legal life of Serbia-Yugoslavia;

-Albanian political parties have developed their own activity as a part of the political life of the Republic of Kosova/o under circumstances of foreign occupation

-The institution of the Republic of Kosova/o, according to its own Constitution, had functioned, some partes inside of Kosova/o and some parts of it in exile;

The issue when the institutions of Kosova/o could function within its territory and with full competencies was the issue of the balance of forces. In scientific aspect it is known that the balance of forces could change.

### **3. The outburst of the conflict in Kosova/o-causes and consequences**

#### **3.1. The appearance of the UCK ( The Kosova/o Liberation Army; KLA ).**

In 1990s, Kosova/o passed from an autonomous Province to a classical-type colony. The outburst of conflict in Kosova/o was a consequence of three developments:

-first, the Serb-Yugoslav government showed little indication that it was seeking a genuine compromise with the Albanian population;

-second, growing sectors of the Albanian population became disenchanted with the peaceful approach of their leaders;

-third, the international community had been increasingly perceived in Kosova/o as unwilling to promote a peaceful solution to the crisis.<sup>23</sup>

The Albanians desire to break free from Serbia was not an aspiration born in the context of Yugoslavia's breakdown. The roots of Serbian-Albanian mistrust run deep. Since 1912 when Kosova/o was occupied by Serbia after the Balkans Wars the Albanian had been striving to escape from the Serbian rule.

Rugova held out a hope that the conflict could be resolved by negotiations with the Serbs. He urged his fellow Albanians not to give Serbia a pretext for carrying out a campaign of ethnic cleansing.<sup>24</sup> The pent-up frustration of close to a decade of waiting without any hint of light at the end of the tunnel, and the precedents for achieving political goals by military means set up by Slovenia, Croatia, Bosnia and Republika Serpska, played into the hands of hotheads who were prepared to fight for an independent Kosova/o.

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<sup>23</sup> Jansuz Bugajski, Close to the Edge in Kosovo. "The Washington Quartely". Summer 1998 Vol.21 No.3 pp.19-23.

<sup>24</sup> Elez Biberaj, Kosova...pp.165-166.



Peaceful policy of Kosova/o Albanians leadership, save the verbal support, did not have any other support to change this situation. Under these circumstances, Serbian occupation, the majority of the Kosovar Albanians did not see any perspective, especially the youth. Albanian willingness to compromise on selected non-political issues like returning their children to schools has foundered on Serbian intransigence.<sup>25</sup> The collapse of the Rome agreement on education had a profoundly negative effect on the prospects for a situation in Kosova/o.

Over the last years, Milosevic never offered the Kosova/o Albanians anything more than that status quo.<sup>26</sup> After so many years of repression people in general, naturally take encouragement from violent actions. Kosova/o Albanians in the most cynical prevision of their formerly peaceful stance, will learn the political value of counting the dead-if nothing else.<sup>27</sup>

The Kosova/o Albanians have been under siege for a long time. Serbs have always treated them as a second-class citizens, and they have lived under effective police control throughout the 1990s. Denied equal access to education, health-care, and employment, Kosova Albanians have been regularly subject to human rights abuses.

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<sup>25</sup> Warren Zimmerman, The demons...p.6

<sup>26</sup> Tihomir Loza, A Milosevic all seasons. "Transitions". Vol.5 No.10 October, 1998. p.410.

<sup>27</sup> Anthony Borden, Contorting Independence. "Transitions". Vol.5 No.7 July 1998.p.3.

The west has allowed Millosevic considerable latitude in his repression in Kosova/o. Millosevic believes the West will sacrifice Kosova/o to keep him engaged with Bosnian peace efforts. If little international effort has been spent on resolving the Kosova/o dispute this decade, its because there was no urgent need, it takes two sides to make a proper war, and Kosova/o Albanians did not engage pursuing a disciplined strategy of nonviolence. Kosova/o was perceived as a problem of human rights, not of political rights and territorial status.<sup>28</sup>

When in the relations between two peoples are pressed the humanitarian rights of one part, we can not accept that this is a case of brutal behavior of state, but this is issue of the pressure on political will of these people for independence and equality. The essence of the Kosova's/o problem has been the pressure of Serbian regime on the political will of Kosovar Albanians for freedom and independence.<sup>29</sup> .Nobody can not fell that he has full humanitarian rights if for their fate can decide somebody else.

Unfortunately, the individual recognition of the FRY(Serbia and Montenegro)after the Dayton Peace Accords established a very bad precedent by legalizing to a certain extent the use of force and ethnic cleansing as a means for achieving political goals. Since then, the Kosova people and its leadership has showed a signs of serious disillusionment regarding their peaceful policy way as a means to achieving the independent statehood.<sup>30</sup>

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<sup>28</sup> Tihomir Loza, Kosovo Albanians...p.17.

<sup>29</sup> Gazmend Zajmi, Vepra...p.14.

<sup>30</sup> Fabian Shchmidt, Teaching wrong lessons in Kosovo. "Transitions". Vol.2 No.14 July, 1996. pp.37-40. Also, Jansuz Bugajski, The Kosovar Volcano. "Transition" Vol.4 No.5. October ,1997. pp.66-72.

Former president of USA George Bush warned the Serbian leadership in December,1992,that United States would use force if Serbia were to extend the war to Kosovo. Bush's message reportedly said that;"in the event of conflict in Kosovo caused by Serbian action the United States will be prepared to employ military force against the Serbs in Kosovo and in Serbia proper".<sup>31</sup> This threat is repeated also by Clinton administration. For domestic purposes, Kosovar politicians often misrepresent the US government's strong stance on human rights as support for Kosovo's independence.<sup>32</sup>

The explosive situation in Kosovo was the concern of many analysts. Thus, the Turkish analyst in one reaction expressed that peace in Kosovo is fragile and is held by threats of large-scale bombing of Serbia itself and the presence of American troops in Macedonia. Without these threats, notice author: "Lord Owen might well have had to negotiate over yet another genocide".<sup>33</sup>

It is ironic that the Dayton accord of 1995, which produced the uneasy peace in Bosnia, was probably the signal event in the formation of an armed insurgency in Kosovo. The leadership in the capital, Prishtina, watched in disbelief as the fate of Kosovo was never raised in Dayton, and as other Yugoslav groups that had mounted armed rebellions achieved recognition and even independence. The most serious Plan for solution of

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<sup>31</sup> David Binder; Bush Warns Serbs No to widen war. "The New York Times". December 28, 1992. p.A6

<sup>32</sup> Kosova Spring. p.24.

<sup>33</sup> Hasan Unal, Trop de Zele. "The National Interest". No.43. Spring, 1996. p.95.

Kosova/o problem, until 1998, was the France-German plan. Despite of many benefits for Yugoslavia if they accept this plan, Yugoslav foreign minister Milan Milutinovic rejected project.

The gulf between Kosova Albanians and the Serbs is huge. In 1997 have been three meetings between Albanians and Serbs, in New York(7-9April),in Vienna (18-20 April) and Ulcinj-Montenegro (23-25 June) but without any success.<sup>34</sup> The crisis in Kosova/o erupted suddenly, but not unexpectedly. Years of international attention on the Balkans, endless discussion of 'preventive diplomacy' and early warning mechanisms', may have come to nothing.<sup>35</sup>

For many years UCK was almost mythical. Its name was used at the trials of Albanians. Since evidence in these trials was often dubious, so were the references to UCK. The first public appearance was dramatic and carefully staged, three armed men in camouflage uniforms and black baklavas arrived suddenly at a funeral of an Albanian killed in a gunfight with Serbian police. 'We are the Kosova/o Liberation Army, the true representatives of the Kosova struggle, they declared to enthusiastic shouts from the crowd of 15.000 . The Albanian movement had 'officially' gone violent. That episode,

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<sup>34</sup> Kosova Spring.. p.24.

<sup>35</sup> Shkelzen Maliqi, Beyond Drenica. "Transitions". Vol.5 No.4 . April, 1998. p.3.

from 28 November 1997, is taken the first direct confrontation of an armed Albanian grouping. Otherwise the first notable action was the ambush of a Serbian police vehicle in May 1993.<sup>36</sup>

Within the political subject of Kosovar Albanians were different stances about the appearance of KLA. Indeed late as the end of January 1998 Rugova said that there were indications that UCK was an organization run by Serbian secret service, and suggested that the service might be preparing wide operations likely to cause 'unprecedented bloodshed in Kosova/o'.<sup>37</sup> PPK chairman Adem Demaci stole the show from Rugova by acknowledging UCK's existence well in advance of the recent violence. In December 1997 he said: "There is no doubt that the UCK exist. UCK's emergence proves that the people are prepared to pay the highest price for their freedom".<sup>38</sup>

They (KLA) were first concentrated into the Drenica region near the Skenderaj. This was done, most probably, due to the geographic configuration of the terrain, but as well due to the widespread support of the region's population for KLA.

The KLA managed within a short time to create a free security zone and banned the entry of the Serbian forces in that area. Against this reality, Serbia did not remain indifferent and attacked the region on 4-5 March 1998 with heavy artillery where more than 87 Kosova/o Albanians were killed and massacred, including women, children and elderly. This attack was especially against the Jashari family from Prekazi I Ulet,

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<sup>36</sup> Tihomir Loza, Kosova Albanians, p.31.

<sup>37</sup> VIP, 29 January, 1998.

whereby its 27 members were killed and massacred including among them Adem Jashari. This name would later become a symbol of the resistance against the Serbian occupying regime and hero for the Kosova/o Albanians. Adem Jashari in January 1999 was declared as a honorable Commandant of KLA.<sup>39</sup>

Despite of public appearance of KLA in November 1997, the direct confrontation with Serbian forces, and same time the beginning of armed conflict in Kosova/o is considered last February and beginning of march 1998, respectively the attack and massacres on Prekaz I Ulet. The powder keg, whose explosion has so often been predicted during the past decade, appears finally to be igniting. According to the chairman of the Political Affairs Committee of the Albanian Parliament, Sabri Godo, it marked the end of the peaceful policy in Kosova/o.<sup>40</sup>

After this attack the police claimed to have destroyed the UCK leadership. But in reality it has only fostered massively increased support, both in terms of recruits and cash. The sympathies for the KLA have been growing since it boosts the moral of the Kosova/o Albanians for the resistance to the Serbia regime and for the fact that its actions were the first ones that the international community took seriously the Kosova issue. Within a very short period of time, the KLA gained a wide support among the Kosovar Albanians and nobody denies the necessary need for its existence.

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<sup>38</sup> VIP. 9 December, 1997.

<sup>39</sup> Komunikata nr.71 e SHP te UCK,botuar ne 'Koha Ditore" 25.1.1999. ( In English: Statement No. 71 of HQ of KLA, published in "Koha Ditore". 25.1.1999.)

The appearance into the scene of the KLA raised the hopes among the Albanians for liberation of Kosova/o from the occupying force of Serbian regime. Yet, there two groups in Kosova/o that are divided on this issue. The first one thing that it should exist in parallel with Rugova's peaceful policy, while the second group is of opinion that it should be the only force, political and military. The KLA is being reinforced by Albanians returning from jobs in Western Europe and locally by young Albanians men who have known nothing but Serbian oppression and feel that they have nothing to lose.<sup>41</sup>

In times of tension, such as in February and March 1998, Albanians from all states close the ranks and forget any difference that they may have. Albanians in Albania were mobilized under slogan: 'One nation, one stance'" Albanian diplomacy of those days was offensive as well. Also Albanians in Macedonia, Montenegro in Diaspora etc. No historical precedent for the present level of the homogenization of the Albanian people.

The current institutions of Kosova/o, President, Parliament, Government etc. did not recognize formally KLA as their defense force. But, people of Kosova/o has fully support KLA. The formal recognition of KLA by the current institutions will be the most benefit for better organization of liberation war.

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<sup>40</sup> TVSH. 7 March, 1998.

<sup>41</sup> Warren Zimmerman, The Demons of Kosova. p.7.

The first meeting of foreign officials with the members of KLA was 'accidentally' meeting of American ambassador Hoolbroke in.<sup>42</sup> This meeting have made inspiration for young Albanians to be member of KLA because of feelings that they have support from USA. For short time the KLA become a very important factor in Kosova/o, most important for finding solution in Kosova/o crisis. Thus in Conference of Rambuillet-France they have been <sup>31</sup>invited and head of Kosova/o's delegation was leader of KLA.<sup>43</sup>

KLA is a result of permanent violence of Serbian forces against the Kosovars, also is a result of long time unsuccessful peaceful policy, and over whole is a will of Kosovars, especially the youths to live free and independent from Serbia despite the sacrifices. "Wee learned that violence works. It is the only way in this part of the World to achieve what you want and get the attention of the international community. <sup>44</sup>

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<sup>42</sup> TVSH, 'Bujku', 'Koha Ditore'.

<sup>43</sup> See: Informations about the Conference in Rambuillet.

<sup>44</sup> Deklarata e nje eprori anonim te UCK dhene ne gazeten 'Bujku' mars 23 1998. (In English: Declaration of one unamed leader of KLA given to "Bujku" March 23, 1998.)

<sup>43</sup> See informations about the Conference in Rambuillet

<sup>44</sup> Deklarata e nje eprori anonim te UCK dhene ne gazeten 'Bujku' mars 23 1998. (In English: Declaration of aone unamed leader of KLA given to "Bujku" March 23, 1998.)



### 3. 2. Reaction of the international community

Policy must fulfill his duty, like what has said Maurice Diverger: "the main priority of policy is elimination of violence, the bloody conflicts must replace with other softy manner of war, policy is war, at same time is limitation of war by force".<sup>47</sup>

Kosova/s potential to create a humanitarian disaster and destabilize European security has been widely understood since Yugoslavia fell apart in 1991 The conflict in Kosova/o may led and will probably lead into a wider Balkan conflict, involving Albania, Macedonia, Greece, Bulgaria and Turkey, as well as the USA and Russia.<sup>48</sup> In the event of ethnic fighting in Kosova/o, the conflict will be more difficult to isolate than in Bosnia. The full out from ethnic conflict in Kosova/o may also be damaging to the peace process in Bosnia.

These were some of reasons why after the recent events, there 'candle was it' and the powder keg was about to explode and it pushed the awareness of the international community. There were individual reactions of the states like it was the case with Albania, Turkey, USA, France, Germany etc. but as well collective reactions of the international community, most notably that of the Contact Group, the OSCE, Council of Europe, European Union, NATO and lastly the United Nations.

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<sup>47</sup> Maurice Duverger, Uvod u politiku. Savremena administracija. Beograd,1996.p.102. ( In English: Entrance to politics. Temporary administration. Belgrade, 1996.p.102.)

<sup>48</sup> Ysemin Dobra-Manco, Albanian democracy takes root. "Turkish Review of Balkan Studies"..Annual 1996/97. Vol.3 p.21.

community, most notably that of the Contact Group, the OSCE, Council of Europe, European Union, NATO and lastly the United Nations.

Both Serbs and Albanians watch and analyze every US diplomatic move in the Balkans, often reading for more into actions than was ever intended by the individuals concerned.<sup>49</sup>

The United States has maintained the 'outer wall' of sanctions, excluding Yugoslavia from international financial institutions, but until the Drenica massacre in early March 1998, did not apply and forceful pressure to resolve the Kosova/o issue. The official position of Washington and Western Europe has been to call for enhanced status within the FRY while proctoring the rights of the Albanians in accordance with the Organization for security and Cooperation in Europe and the United nations Charter principles. After the massacre, the US called for something between autonomous and republic status for Kosova/o within Yugoslavia.

The only option that would cause Milosevic to address the Kosova/o issues seriously and immediately is direct US military intervention.<sup>50</sup>

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<sup>49</sup> Kosova Spring. p.94

<sup>50</sup> Tihomir Loza, Kosova Albanians. p.35.

Secretary of State Madeleine Albright and deputy secretary of State Strobe Talbot, in particular, been outspoken in their criticism of Serbia, and especially Milosevic, since the upsurge of violence. Miss. Albright has warned Milosevic that he will pay a high price, saying; "We are not going to stand by and watch the Serbian authorities do in Kosova/o what they can no longer get away with doing in Bosnia".<sup>51</sup> She believes that :the one thing (Milosevic)truly understands is decisive and firm action on the part of the international community. Talbot has gone even further, ordering Serbia to 'cease its brutal repressive campaign which involves ethnic cleansing, summary executions and mass expulsions', and warning that: "Belgrade will bear full responsibility for bringing the viability of their own state into jeopardy".<sup>52</sup>

In other hand, Turkish President Sylejman Demirel wrote to his Yugoslav counterpart Milosevic saying: "Leaders are persons who are invited by their people to come forward with remarkable courage and wise initiatives in the hard days of history".<sup>53</sup> Turkey has strong historical links with Kosova/o and has forged close military ties with Albania since the end of the Cold war. As during the Bosnian war, Russia has adopted a obdurate, proserbian position. Russia considered Kosova/o to be an internal Serbian matter.

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<sup>51</sup> Reuters,7 march 1998

<sup>52</sup> Reuters,18 march 1998.

<sup>53</sup> Reuters,9 march 1998

For the first time, the Contact Group convened on 9-march 1998 to address the issue of Kosova/o only. In its statement, the Contact group asked, inter alia, to immediately start the negotiations between the FRY(Serbia and Montenegro) and the representatives of the Kosovar Albanians, within the days and without preconditions. Former Spanish Prime minister, Filipe Gonzales, was appointed as a special EU-OSCE and the Contact group envoy to mediate the crisis.<sup>54</sup> Contact Group 'supports an enhancement status for Kosova / o within the Federal Republic of former Yugoslavia and recognizes that this must include meaningful self - administration. The Contact Group supports neither independence nor the maintenance of the status quo.

The UN Security Council adopted a Resolution on 31 march 1998. This was the second time<sup>55</sup> that UN Security Council discusses the issue of Kosova/o, first time being in the 1993 whereby it asked for the unconditional return of the OSCE monitoring missions for Kosova, Sandjak and Vojvodina. The resolution of SC of 31 march 1998 is based in stance of Contact Group ( France, Germany, Italy, Russia, England and USA) meeting of 9 and 25 March 1998 and in the OSCE Permanent Council meeting of 11 march 1998 when the main point was arms embargo.<sup>55</sup>

By this Resolution called FRY immediately to take the further necessary steps to achieve a political solution to the Kosova/o issue through dialogue.(Point 1 of Res.). Claimed turn

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<sup>54</sup> Deklarata e Grupit te Kontaktit. "Informatori ditor", 9 mars 1998. ( In English: Declaration of Contact Group. "Daily News", 9 March 1998.)

<sup>55</sup> See: Security Council Resolution 1160 (1998) Adopted by the Security Council at its 3868th meeting, on 31 March 1998. Published in International community and Kosova/o. Collection relevant documents. Helsinki Committee for Human Rights in Serbia (ed). November, 1998, Beograd .

back of OSCE long-term missions of the OSCE and EU, Filipe Gonzales.(Point 7 of Res.).Withdrawn the special police units and ceased action by the security forces affecting the civilian population.(point 16 par. of Res.).Allowed access to Kosova/o by humanitarian organizations as well as representatives of Contact group and other embassies.(point 16 par.).Urges the office of the Prosecutor of the International tribunal established pursuant to resolution 827(1993) of 25 may 1993 to begin gathering information related to the violence in Kosova/o that may fall within its jurisdiction, and notes that the authorities of the Federal republic of Yugoslavia have an obligation to cooperate with the tribunal.(point 17 of res.). In the end of Resolution they made remark for FRY if she fall to make constructive progress towards the peaceful solution of the situation in Kosova/o will lead to the consideration of additional measures.(Point 19 of Res.)

This Resolution of the UN Security Council (1160) has political rather practical effects. Serbs have considered the main point of this Resolution about the arms embargo as a joking. For, as one unnamed Serb diplomat said in an interview with the Belgrade based newspaper "Nasa Borba": "We have to much weapons to flight in Kosova/o", or one other said; "it is like to ban oil import to Saudi Arabia".

The leadership of Kosova/o has make efforts to fulfill the obligations from the Resolution, they have created the group for negotiations(23 mars 1998).<sup>56</sup>, but in other hand the Serbian side have continue with their old games. Thus in 23 April they have make

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56 Informatori ditor. Nr.1831. ( In English: Daily news No.1831.)

referendum about the interfering of international negotiators to resolve the Kosova's /o problem. They have considered Kosova/o as a external issue.

The obligations from the 1160 Resolution of SC hasn't been respect by Serbian regime. As the spiral of conflict in Kosova/o continues, the process of increasing internal intervention in the crisis also gains momentum.

That time is considered as a proper time. "The time to act is now, before large-scale violence makes any settlement impossible. We missed our opportunity to prevent the war in Bosnia, and we and Bosnia have paid the price. Leaving the issue, to the parties, as for Pentagon wants, is a formula for violence" said Ambassador Morton Abramovitz, a member of the Balkan Institute Executive Council.<sup>57</sup>

Serbia's escalation of violence in Kosova threatens peace in the region. It is the worse violence in Kosova/o since the second World War. This violence must be ended if there is to be any chance of a settlement in Kosova/o. This means that the US and NATO must become involved in the crisis.

US representative Christopher Hill(he was one of many members of Richard Holbrookes's team who engineered the Dayton agreement and he was a US ambassador in FYROM),

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57 Statement of the Executive Committee of the Balkan Institute, March 5, 1998 Washington)

During the summer 1998 Serbia forces have undertake the big attack against the Albanians, especially in the areas when the KLA was present. Attacks are undertake with aim to destroy KLA but around 2000 civilian were killed and percent of material damages were very high. Despite of this action during that time international community didn't undertake any activity, only any usually meeting, which have been a routine at that time in Kosova/o.

The most notice activity of international community at that time was the Resolution 1199(1998) of SC of UN.<sup>59</sup> This Resolution, like resolution of Mach 1998.is based in stance of Contact Group meetings of 12 June 1998 and 8 July 1998,esspecialy in Resolution 1160,which didn't achieve any concrete result to change the situation in Kosova/o, despite the situation was more worse. The especial attention by this Resolution was on humanitarian disaster of 250.000 settled Also the claim for dialog without precondition and with international involvement.**(point 3 of the Res.1199).**Demands further obligation for Yugoslavia, in addition to the measures called for under Resolution 1160 (1998),implement immediately the following concrete measures towards achieving a political solution to the situation in Kosova/o as contained in the Contact Group statement of 12 June 1998.

Also this Resolution has had a same fate of Resolution 1160,without any concrete result. This is announced in official meeting of Holbroke-Milosevic for signing the agreement.<sup>60</sup> The agreement Holbrooke-Milosevic was a result of very long

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<sup>59</sup> Resolution 1199 (1998) Adopted its 3930 meeting on 23 September 1998. Published Inter.comm.and Kosovo.

<sup>60</sup> Announced in Belgrade on 13 October 1998. Published in Kosova/o and Internat. Communittee.

conversions between them and direct threat of NATO. By these agreement, Milosevic is obliged: full compliance with UNSCR 1199 implementing a cease-fire; withdrawing deployed military and special police forces from Kosova/o and returning the rest to garrison; immediate access by humanitarian relief workers to Kosova/o, and cooperation with war crimes investigation.

Acceptance of an intrusive verification regime including OSCE 2000 monitors on the ground and unrestricted NATO surveillance in the airspace over Kosova/o.

Agreement on a specific timetable for completing talks with the Kosovar Albanians that will give Kosova/o self-government and its own local police.<sup>61</sup> With the aim of concretization of Agreement in 15 October 1998 in Belgrade came NATO Secretary General Javier Solana accompanied by Chairman of the Military Committee, General Naumann and SACEUR, General Wesley Clark. Solana in press conference in Belgrade, said: "I have come to Belgrade today, to deliver a simple but strong message to President Milosevic. He must comply fully and immediately with the requirements of the UN Security Council Resolution 1199" and continue: "Let there no doubt: We will keep the situation in Kosova/o under the closet scrutiny...We will remain ready and willing to act if these obligations are not met"<sup>62</sup>

The main points of the NATO-Yugoslavia agreement were: 1. Serb forces must be withdrawn and refugees allowed to return home; 2. International monitoring by land and air; 3. Timetable for autonomy talks.<sup>63</sup>

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<sup>61</sup> See: Haolbroke-Milosevic Agreement, on 13 October 1998. Published in Kosova.o and inter.com,

<sup>62</sup> NATO Secretary General visit to Belgrade, Highlights of his press conference held on 15 October 1998. Inter.comm.and Kosovo ...p.37.

<sup>63</sup> Key points of NATO-Yugoslavi Agreement. Inter.comm.and Kosova/o...p.39.



Between the Government of FRY and OSCE signed in Belgrade on 16 October 1998 one agreement about the role of Kosova/o verification mission. This agreement has held five main part: 1.Establishment and termination; 2.General responsibilities and missions; 3. Specific terms of reference; 4. Composition and facilities; 5 Field presence.<sup>64</sup> The formal decision about this mision is aproved by OSCE Permanent Council in 25 October 1998.<sup>65</sup>

The Agreements, Holbrooke-Milosevic, NATO-FRY, OSCE-FRY were included formally in Resolution of SC 1203 (1998) which was ratification of mentioned agreements and repealing of decisions from Resolutions 1160 and 1199 of SC.<sup>66</sup> In respect of these international activities, KLA in October 1998 declare unilateral cease-fire..<sup>67</sup> It is important to mention that in all these Agreements the Albanian side didn't be involved directly, despite of facts that all agreements would implemented in Kosova/o. By these, international community have recognize FRY sovereignty over Kosova/o. They have damage the international subject of Kosova/o one of main aim of Kosovars.

These agrements were the serious acts of international community to deal with Kosova/o crisis. But still is not enough, because the OSCE weren't able to resolve the

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<sup>64</sup> See: Agreement on the OSCE Kosovo Verification Mission between the government of FRY and OSCE. In Inter.comm. and Kosova/o...pp.42-49.

<sup>65</sup> See: The OSCE decision No 263. In Int.com.and Kos. p.51.

<sup>66</sup> See: Security Council Resolution 1203 (1998) Adopted by the Security Council at its 3937<sup>th</sup> meeting, on 24 October 1998. Published in;Inter.comm.and Kosovo. p.35.

<sup>67</sup> Komunikate Nr. 46 e SHP te UCK-se."Bujku" 16 tetor, 1998. ( In English: Statement No. 46 of HQ of KLA. "Bujku". October 16, 1998.)

Kosova/o crises without the implemented force. They were unarmed persons and rarely exposed the serbian violation. The Kosovo Verification Mission has protested to Yugoslav authorities over attacks on its members by Yugoslav Army soldiers and Serb policemen.<sup>68</sup>

Despite of presence of OSCE mission the conflict is increased again in beginning of 1999. Thus, in 20 March 1999 international community has take decision to withdraw the OSCE mission to left place for other international forces, such are NATO-s, because only them can be successful in such difficult crisis. Maybe in benefit of people of Kosova/o, international community and itself Serbia, the involving the NATO-s must be first.

After the offering of 4 Plans from international community through the ambassador Hill, which have be more test for opinions in Kosova/o and Serbia, in February 1999 become the most serious activity was Conference in Rambuilled, France from 6-23 February 1999 organized by Contact Group. The copresident was Robin Cook-foreign minister of England and Huber Vedrine-foreign minister of France. Mediators were ambassadors Hill-USA, Petrich-EU and Majorski-Russia.

In these Conference were present the representatives of parts in conflict, representatives from Kosova/o and Yugoslavia. Representatives from Kosova/o were from all political and military parts and were the high level of representation. We must notice that Kosovar's have make one mistake because they didn't include in

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<sup>68</sup> Odraz vesti. B 92. 022499/1. ( In English: Daily News Service. B92. 024299/1.)

their delegation members of national minorities, especially Turks and Muslims, whose support aspirations of Albanians. In other hand, mostly minorities from Kosova/o composed the Yugoslav delegation, which apparently show unseriously taken by them.

The first phase of Conference was from 6-23 February 1999, when was one maximal activity of international community especially by USA. USA Secretary of State Madeleine Albright, during these time was two time actively present.

The main claims of Kosova's delegation were three: 1. Guarantee for Referendum after interim phase; 2. NATO troops to come in Kosova/o; and 3. Preservation of structure of KLA as a defense force of Kosova/o.<sup>69</sup> In other side these claim were unaccepted points for Yugoslav delegation. Both side in one or other manner have accept the status of Kosova/o within the FRY.

In 23 February is finished first phase of Conference, the aspect of implementation will be discussed at 15 March. Representatives from Kosova/o have accept the offered project from Contact Group, but signing will be after two weeks, after the consultations with the political and military factors of Kosova/o. Yugoslav delegation didn't accept the offered plan.

After these begun the reaction from international community about Conference. Thus US President Bill Clinton described the talks as having produced more progress than

had been seen in the decade since Kosova/o was stripped of its autonomy.<sup>70</sup> The Head of OSCE, Wollebek emphasizes that now exist one political framework for future status of Kosova/o.<sup>71</sup> EU expresses their assurance that agreement will be signed at 15 March and called sides in conflicts to due that. Who sign will benefit, who not will be punished.<sup>72</sup> Also same request has had General Secretary of NATO. The Conference of Rambuillet, respectively the end of first phase has two side, in one side, she couldn't resolve crises, in other hand, give possibility for finding solution next meeting.

The conference came to an end, with what international mediators are describing as a partial peace deal, although nothing has been actually signed.<sup>73</sup> According to the agreement the Conference continue work at 15 March 1999 in Paris. The Kosovar representatives have declare that they accept the offered Agreement for interim solution of Kosova's crisis and is able to sing.

Kosovars have sign Agreement at 18.3.1999.<sup>74</sup> In other hand, the Yugoslav side didn't accept the offered Agreement and claim for continuing of negotiations. This claim was unacceptable for Kosovar's and international community. Thus at 19.3.1999 publicly is declared that Conference on Kosova/o has fall with the responsibility of Yugoslavs.<sup>75</sup>

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<sup>69</sup> Informatori Ditor Nr. 2333b dt.8.2.1999. ( In English: Daily information. Np.2333b dt.8.2.1999.)

<sup>70</sup> B92. No. 022499/1 dt.24.2.1999.

<sup>71</sup> B92 No. 022499/1. Dt. 24.2.1999.

<sup>72</sup> Deklarata e EU mbi Konferencen e Rambujes. Informatori ditor Nr.2341a, dt. 24.2. 1999. QIK. Prishtine. (In English: EU Statement about the Conference in Rambuillet. Daily Information. No.2341a. Dt. 24.2. 1999. KIC. Prishtina.)

<sup>73</sup> B92. No. 022499/1. Dt.24.2.1999

<sup>74</sup> Daily Information. No.2363C. dt.18.3.1999.

<sup>75</sup> CNN, BCC, Reuters dt. 18.3.1999.

The last attempts of international community to pursue Milosevic were through special envoy of USA Holbroke. After failing long negotiations Holbroke declare: "I've mentioned to Milosevic about the consequences, he knows all, but he didn't accept".<sup>76</sup> After failing the negotiations, in 23.3.1999. around 24 o'clock General Secretary of NATO, Javier Solana, declares: "I've give order for strike against Yugoslavia."<sup>77</sup> In the evening of 24.3.1999. around 21.09 min. beginning NATO strike against Yugoslavia. NATO strikes have been for 78 days long with success. This strike prove the words of USA President Clinton: "If Milosevic have no will to create peace, we have will to stop his war".<sup>78</sup>

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<sup>76</sup> CNN 23.3.1999. BCC dt. 23.3.1999.

<sup>77</sup> CNN, BCC dt. 23.3.1999. 23:55 h.

<sup>78</sup> CNN, BCC from the US President, Clinton, addressation to American nation. dt.23.3.1999. 17:00 h.

## CHAPTER V.THE FOUNDATIONS OF THE KOSOVAR ALBANIANS CLAIM TO INDEPENDENCE

### 1. The right to self-determination for Kosova/o

The principle of self-determination represents one of the most important principles of temporary international law. From the appearance of this principal, self-determination have dream and hope for million persons around the world, which were under pressure. Only after the Second World War this principle begun to be reality. The right of national self-determination is attractive therefore ,because it appears both to recognize the right of people to live according to there own culture and to be consistent with required by or synonymous with the principle of democracy.<sup>1</sup>

Until the years 1989-90,the principle of self-determination ('expression of the free will') had been dormant and were meant to be applied only within the colonial context and the practice of the time shows that this was in fact the case. This does not mean that there were no legal bases for its application outside the colonial context. Witness

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<sup>1</sup> Michael Freeman, National self-determination, Peace and Human rights. 'Peace Review'. Vol.10. No.2 June, 1998. p.162.

to this is the 1970 Declaration that provided for its application even within existing states not representing the will of the entire population.

The collapse of communism elsewhere reactualised the principle in its harshest version. In democratic states case of realization of self-determination are solved easy. Thus, was the cases of divided between Norway and Sweden, Checkolovalia etc. The independence has been by the political will of people, and it is solved without any troubles. In other hand, in despotic and hegomonistic states, the political will of peoples for independence is pressed by arms, like in Soviet Union, Yugoslavia etc.

Besides its legal aspect, the issue of self-determination invariably involves the other sides of the story: it's political, geostrategic, and security aspect. In fact the last aspect of the issue a intrinsic part of the political principle of self-determination and its real exercise in practice. Aware of its very heavy political nature, the international community after the Cold War tried to sort of impact its future ramifications by giving some guidelines on how the political principle of self-determination should be exercised and at the some time, denying the right to those ethnicity's that exercised it in a different way from that provided for them.

Unfortunately, Kosova/o during the Cold War, was under communist state. Following of this fact the will of people of Kosova/o for self-determination is merged by communist's standards. In these countries, it was believed that the classical Marxist

thought had been very mindful about the principle and the right of all peoples to self-determination.<sup>2</sup>

The ideas of Stalin and Lenin on the 'class-type' right to self-determination of peoples had great impact upon the models for solving the national questions within former communist countries.<sup>3</sup> Based on this, there had been set up the legal-political and constitutional-dogmatic concepts regarding the various forms for solving of the national questions in these countries, such as the federal-type republics and other legal-political entities not of a federal-type nature (autonomous republic, autonomous provinces and autonomous regions). The communist parties, as avanguards of the working class, decided on who was to be a nation and who a "nationality" (in fact minority), that is, who was entitled to the federal-type republic and who to that of non-federal-type entity (autonomous republic, autonomous province and autonomous region).<sup>4</sup> The right to self-determination "up to secession" was deemed to belong only to the federal-type republics, notwithstanding whether that right was provided expressly in the Constitution of a given country. In some cases, that right was explicitly foreseen (former Soviet Union and Czechoslovakia), while in the others not (former Yugoslavia).

In the latter's case, the right to self-determination and its exercise during the Second World War was considered to have brought into being the former (Communist)

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<sup>2</sup> Petric Ernest, Pravica do samoodlozbe. Maribor-Slovenia. 1984. pp. 241-247.) In English: Petric Ernest, The right for self-determination. Maribor-Slovenia. 1984. pp. 241-247.)

<sup>3</sup> Ibler Vladimir, Pravo naroda na samoodredjenje I zloupotreba tog prava. "Politicka misao". Vol. XXIX No. 2/92. Zagreb. pp. 53-55. (plot).

<sup>4</sup> Cf. Krykov, Michael, Self-determination from Marx to Mao. "Ethnic and Racial Studies". Vol. 19. No. 2 April, 1996. pp. 352-357.



Yugoslavia as a common state of equal nations and nationalities, its republics and the autonomous provinces of Kosova and Vojvodina.<sup>5</sup>

The self-dissolution of former Communist federation after the end of Cold War has exactly been attributed to the anti-democratic and repressive nature of the regions based on Communist values as a described above. To prevent the effects of an anarchy caused by the action of centrifugal forces within these States, the central governments at the outset attempted to legally 'regulate' this process of self-destruction whereby there came to for a the hegemonic tendencies on the part of a bigger nations, especially in the former Soviet Union(the Russians) and Yugoslavia(the Serbs).<sup>6</sup>

The said attempts for a "constitutional self-destruction" were completely based on the classical interpretation of the communist values about the self-determination of the peoples and their right to independent statehood, whereby only the federal-type republics enjoyed that right notwithstanding their ethnic composition and the way they were established.

The principle of self-determination has been differently interpreted, by the international community in its response to the process of self-destruction in communist countries. The European Union(the than European Community)had been the first to got involved. It based its initial response to the dissolution of former communist federations on the political principle of self-determination. The right to

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<sup>5</sup> The Preamble of the Constitution of 1974 of the former Yugoslavia and its articles 1 and 5.

<sup>6</sup> Cassese, Antonio, Self-determination of peoples and the Recent Break up to USSR and Yugoslavia.Essays in Honor of Wang Tieya.1994. by Kluwer Academic Publishers. pp.131-141).

"expression of a free will", as a reference point to solving the self-determination disputes, was according to the EU deemed to belong only to those living within the federal-type republics. The other entities were denied the right to "expression of the free will" meaning the independent statehood.

This EU stance was sanctioned in the opinions of its Arbitration Commission, at the outset named as a Committee, set up within the framework of the Hague Conference on Yugoslavia.(September 1991) and in the Guidelines on Recognition of New States in Eastern Europe and in the Soviet Union of 16 December 1991.<sup>7</sup> From these documents, there could be inferred that the EU considered the principle and its application to be compatible with the rule of law, democracy and human and minority rights. Practically, this meant that its application short of independent statehood on behalf of the non-federal type entities was designed to provide for nothing more than right to a certain special status regime. Thus, EU in one manner has accept the facts foreseen by communist constitutions. This is notice in the first opinion of the Badinter Commission of November 1991,expressed;"the Constitution is only a mere fact". From these conclusions of EU is demanded the right of Albanians from Kosova/o for self-determination.

From the time of division of Kosova/o from Albanian, the Albanian people of Kosova/o have aspirated always for their identity, for equal status or for national unification. After the Albanian nation was divided in 1912-13 a new Albanian state was eventually forced living outside its borders almost half of its population that

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<sup>7</sup> For full text of the Badinter's Commission opinions available in Snezana Trifunovska, Yugoslavia through documents...pp.415-418; 474-481; 634-640.

constituted a majority in the areas they lived. Albanians were the largest minority, even larger than one of the constituent nations of the Kingdom of SCS (the Slovenes).

After the Second World War, there were held an Assembly in the Prizren city of Kosova in such it was decided that Kosova be a part of the Federal Serbia. And was so-called 'political territorial autonomy' in 1946. The legal- political status of Kosova changed during the time Communist Yugoslavia existed. The changes were made in 1963 and, after it, in 1974 whereby Kosova/o was granted a wide political autonomy from Belgrade, meaning wide status competencies and right almost identical with those of the former Yugoslav republics.<sup>8</sup> Yet, the right to secession was not granted to it, since that right was not granted to the others federal units.

By the Constitution of 1974 Kosova did have its own identity, own territory(article 5 of the Constitution) and in the field of international relations(article 271 of the Federal Constitution).Kosova/o did conclude two international type-agreements with the than German Democratic Republic and the World Bank respectively.<sup>9</sup> Kosova/o was entitled to establish "national Bank (art.262) to levy taxes (art.265) etc. In addition to these extensive rights, Kosova/o was equality represented within the organs of the Federation, including the than Federal Presidency(art.321).

A new Kosovar Albanian identity way to establishing their own identity, legal and political started on July 2,1990 whereby the Kosova/o Assembly passed

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<sup>8</sup> See more chapter III

<sup>9</sup> Texts of the agreements and related acts were published in the Official Gazette of Kosova/o. No.12/72; 3/77; 24/77 and 34/78.

Constitutional declaration, requiring that Kosova/o and its majority population be treated as equal as the others in former Yugoslavia. Few months after words, on 7 September 1990, Kosova/o Assembly adopted a new Constitution of the Republic of Kosova/o, based on the political principle of self-determination and sovereign equality. A year later, on 26-30 September 1991, the majority of the Kosova/o population held referendum as an expression of the free will, that is, in accordance with the political principle of self-determination.

It was shortly afterwards that the then EC, through the then Badinter Committee, and the UN recognized the fact that former Yugoslavia was in the process of dissolution. Kosova/o as well, together with others wanting independence, submitted its application for international recognition on 21 December 1991, respecting the procedure required by the EU Guidelines of 16 December 1991. yet, no positive response was given.

In theory, it is written that the rejection of Kosova/o application for independent statehood was due to its non-fulfillment of the basic international criteria for independent statehood, that is, the lack of effective control over Kosova's territory by the majority population and their governmental structures set up on the eve of former Yugoslav's dissolution.<sup>10</sup>

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<sup>10</sup> Cf. Warbrick, Collin, Current developments. Public International Law. Recognition of States. "International and Comparative Law Quarterly". Vol.41 Part.2 April 1992 .p.480.

From Badinter's opinions and the other international documents regarding the crisis in former Yugoslavia can be drawn a conclusion that the entities with a clear territorial bases at the time of dissolution would have been recognized if they had a firm control

over their territory. This stance was based not as much on legal-moral arguments as on geostrategic and political ones, that is, to prevent the violent unraveling of the crisis and its impact on neighboring countries.<sup>11</sup>

The international community must take into account the rise and fall of former Yugoslavia its internal structure and units that composed. Also former Yugoslavia has case to exist and the right for succession hasn't recognize any former republics of former Yugoslavia, not also to new state of FRY created in 1992. This fact is declared also by the main international organizations ,such are,UN. EU and World Bank. Also the FRY(Serbia and Montenegro),including the former Autonomous province of Vojvodina, held no referendum as an 'expression of the free will of the population'.

Albanians from Kosova/o historically appeared as one particular ethnic colectivity. They have had always their compact ethnic territory with the majority of Albanian populations

In legal aspect the independence of Kosova/o after the dissolution of former

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<sup>11</sup> Cf. Weller, Marc, The international response to the dissolution of the Socialist Federal Republic of Yugoslavia. American Jurnal of International Law;Vol..86 No.3 July, 1992. pp.569-607.

recognized by the all legal acts of federation at that time. The right for self-determination of one people within the defined territory, like Kosova/o is not only natural right, but also ethnic and democratic right according to the temporary principles of international law. Current insistence of Kosovar Albanians for independence are based on the democratic majoritarian principle, as well as on their residence in Kosova/o for more than a millenium.<sup>12</sup>

The right of Kosovar Albanians for self-determination up to secession must see three main issue: First, how this people has entered under jurisdiction of other state, Serbia, by will of forcedly? Second, how has been treatment of this people from this state, human or repressive? Third, this people have express own free will to remain under that state or for separation?<sup>13</sup> Serbia conquers Kosova/o in 1912 after the Balkans Wars forcibly, by occupation. In Kosova/o during the 87 years of Serbian domination the treatment of Kosovar Albanians has been repressive and genocidal.

From history is known that nations wont to divide where the national pressure can made live together absolutely unacceptable. In such case the denying of right for self-determination up to secession of these nations, is attempt to preserve the privileges of conquered nation by the police methods in place of democratic one.<sup>14</sup> Serbian regime by its brutal violation and genocide, especially last time, has lost any rights to lead with Kosova/o and their people.

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<sup>12</sup> Warren Zimmerman: The Demons of Kosova... p.5.

<sup>13</sup> Blerim Reka, Pravo na samoopredeljenje albanskog naroda na Kosovo, Prishtine, 1998. p.5. ( In English: Blerim Reka, The right for self-determination fo the Albanian people of Kosova/o. Prishtina, 1998. p.5.)

<sup>14</sup> Zejnullah Gruda, E drejta e vetevendosjes se popujve. "E drejta". Nr. 2. 1996 Prishtine. p.8. ( Zejnullah Gruda, The right of people for self-determination. "Law". No.2. 1996. Prishtina. p.8.)

In Kosova/o, Albanian people in 1991 by Referendum, massively and publicly is declared for independence. Thus, national, demogrp hic and territorial reality of Albanians of Kosova/o and their historic, geografic and political identity can justified the reason for equality and freedom in their independent state.

Kosova/o and his people forcefully have remain under Yugoslavia, because of lack of force and lack of willingness of international community to support them. When Kosova/o created force able for secession and when international community will support political will of Kosovar's for independence, then dream of Kosovar's can be reality.

A major argument for secession is based on the notion that a people who did not consent to be included in particular state has the moral right to decide by itself and for itself whether it wants to stay within the imposed boundaries.<sup>15</sup> In the end, in favor of the right of Kosovar's for self-determination is also statement of Le Rio Jones: "The landscape should belong to the people who see it all the time".

## **2. Economic viability of Kosova/o**

Many opponents of the right of secession through self-determination argue that to confer the right of independent statehood o every people, however small, would create

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<sup>15</sup> Benjamin Neuberger, National self-determination: Dilemmas of a concept. "Nation and nationalism". Vol.1 Part.3. November, 1995. p.313.

thousands of non-viable states. Basically, the opponents of small states argue that states lack the military power to defend themselves, have insufficient political standing to make their independence meaningful, and cannot use economies of scale to achieve development and wealth. People cannot live by sovereignty alone.<sup>16</sup> For this aim in short I'll describe the Kosovo's ability of economy for validity where its economy is the source of the other attributes which the state needs for validity.

The Kosovo's economy in the stage after the second World War was developed under the social-economic system of former Yugoslavia. During this time the development of Kosovo was in dependence of political, social and economical state(position). After 1966 and till 1989 Kosovo began the first phase of industrialization, and in that time, Kosovo improved well its political, social and economical state in comparison with the other places of ex-Yugoslavia. After 1960 the initial phase of industry operating began, as the only and important branch of economy. Till then, but and later, Kosovo's wealth has been used in that way that its minerals and the others to serve as the raw material for existing capacities and for export to improve the building all over ex-Yugoslavia or for export to improve the marketing balance and payments of ex-federate Yugoslavia.<sup>17</sup>

Industry and mineralogy show the most important nucleus that is the strongest in forming the social product and the national future, they are the main carriers for the

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<sup>16</sup> B. Neuberger, National self-determination. p.314.

<sup>17</sup> Musa Limani, Politika Ekonomike. Prishtine, 1996. p.59.( In English: Musa Limani, Policy of Economy. Prishtina, 1996. p.59.)



bigger employment and for the higher accumulation.<sup>18</sup> Industry and mineralogy show the main complex in Kosova/o's economy. Kosova/o's industry and mineralogy have the short history of development. Although in this stage from two decades, in words complex become known for ex-Yugoslavia and for the world.

The geological searching till now made a fact that Kosova/o is wealthy with so many kinds of minerals and the other underground wealth. We'll name only some of the most important minerals that Kosova/o has:

**Coal-**Kosova/o is very wealthy with coal. From the newest geological searching, its considerate that reserves of coal in Kosova/o are about 12-15 billion tone.<sup>19</sup> From this natural wealth ,in Obiliq(near Prishtina) are built termocentrales "A" with instalate capacity of 794 MWh and termocentral "B" with instalate capacity of 6761 MWh. Exploitation of coal is still on the surface. Lead and zinc-Kosova/o is quite wealthy with these minerals. In Kosova/o is the biggest mine in Europe for this kind of metals.

This minerals are exploit in Mitrovica, in known factory "Trepca". The other most known mines are,Stantergu, Ajvalia, Kishnica and Novoberda. Kosova0/o has had 50% of all balanced reserves of lead and zinc in ex-Yugoslavia..<sup>20</sup>.In "Trepca" also explode and minerals of silver and gold Nickel-From the searching, it is thought that reserves of nickel are about 20 million tone.<sup>21</sup> This mineral exploit in Kosova/o after

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<sup>18</sup> Nysret Gacaferri, Ekonomia. Prishtine, 1997. p.23.( In English: Nysret Gacaferri, Economy. Prishtina, 1997. p.23.)

<sup>19</sup> Musa Limani, Politika Ekonomike. p.72

<sup>20</sup> Nysret Gacaferri, Ekonomia, p.43.

<sup>21</sup> Kadrush Berisha, Mineralet e Kosoves. Prishtine, 1996. p.24. ( In English: Kosova/o's minerals. Prishtina, 1996. p.24.)

building of “Feronikel” factory in Glogovc, near Prishtina. Also Kosova's wealthy with mineral of Bauxite, Chromium, metal., magnesium etc

Supporting on raw materials and on installation capacities, the development of industry and mineralogy, Kosova/o has real conditions and space for further development, it means that till now has just begin to exploit the elementary possibilities without achieving the nearest optimum.<sup>22</sup>

**Agriculture** - Kosova/o includes a surface of 1.1 million-hectare (10.908 km<sup>2</sup>). Farm surfaces are about 553.046 ha or 50.3%.<sup>23</sup> Kosova's agriculture is characterized with extensive degree of producing. Land present an important wealth, because position and pedologic composition, make possible high products. There exists a good natural condition for developing a modern intensive form. Animal husbandry the same has a tradition in Kosova/o because there exists conditions for developing this farming branch.

**Silviculture**-as an economic branch in Kosova/o it doesn't show any particular economic potential. From the general found of forests of this branch 81.4% are leafless forests, and only 18.6% conifer forests, that doesn't show any good potential for developing wood industry.

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<sup>22</sup>Instituti Ekonomik(ed), Perspektivat e zhvillimit ekonomik te Kosoves Prishtine, 1998. p.79. ( In English: Economic Institute (ed), The Perspectives of economic development of Ksova/o. Prishtina, 1998. p.79.)

<sup>23</sup> Bajrush Kabashi, Bujqesia. Prishtine, 1995. p.12. ( In English: Bajrush Kabashi, Agriculture. Prishtina, 1995. p.12.)

**Water**-in Kosova/o is very important element to organize the economic life and for farm producing. Kosova/o is poor with surface water, though exists some rivers, especially in Plain of Dugagjini. To complete lack of water, some artificial lakes are built. It is known "Iber-Lepenc" and "Radoniq" system.

**Tourism**-Kosova/o doesn't have good conditions to develop the summer tourism, because it doesn't have sea, but it has some other natural conditions that offer an possibility for developing winter tourism sport and recreative (forests of Sharr, Alpet Shqiptare etc.) and other cultural, ethnographical and historical monuments etc. On Albanian Alpa's side that belongs to Kosova/o, and on Sharer are about 20 localities with paths capacity about 130 thousand skiers.<sup>24</sup>

From attractions can be mentioned Gryka e Rugoves (Rugova's Canyon), source of Drini I Bardhe, Shpella e Mermerit (Marble Cave) in Gadime near Prishtina, waterfalls of Mirusha's river etc. Kosova/o has sources of termominerals water that offers tourists possibilities like Peja's, Kllokot's and Mitrovica's spas, which have quality of water that can be comprised with the most known spas and the same in the region.

**Craftwork and art**-in Kosova/o have had their tradition from the antique time and had shown the important economic activities. Their role were bigger after the second WW then when developing of industry was low, in which case craft did the filling of

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<sup>24</sup> Economic Institute, Perspectives...p.89.

some industrial products, and the forming tools. Today craft show interesting branch in Kosova/o's economy.

**Diaspora**-it's a big source of Kosova's economy. During the years from 1990, it was a carrier of economic life in Kosova/o. Solution of Kosova's problem would make that rich people from Diaspora invest in Kosova/o, in their place, with whole their capacity of capital.

Because of the big natality and the structure of the youth ages the active people in Kosova/o is on the increase population. Kosova/o with its natural wealth and with its population capacity is enough source for economic validity and for good and bigger prosperity of region.

### **3. Security and legal-political aspects of the claim**

The matter of Kosova/o today is known as a matter with the height tension about peace and the war in Balkan and elsewhere. After several years of on unstable status quo, during the past two years the Kosova/o crisis entered a dangerous phase as a consequence of several factors. Kosova/o has become a burning issue not only for the stability of the south Balkans, but also for the credibility of European security and the

future of the Atlantic alliance. Kosova/o remains the center of crisis in southeastern Europe, which threatens to spark regional conflagration.<sup>25</sup>

To understand the importance of the Kosova/o matter today and in the future as well, should understand the whole importance between the Albanian and Serbia nation in Balkan, as two largest nation among Balkan relations with less importance than the other nation relation in Balkan for peace, stability and corporation with this part of the south eastern Europe.

The Kosova/o importance for peace and stability on the region can be seen from its geostrategic position to which was already historically present. At the end of the last century the Serbian geographer and ethnologist Jovan Cvijic had given a conclusion having a good look at the Balkan map: "Who owns Kosova/o controls not only Serbia but the whole central region of Balkan, we have to do with one of the most strategic positions of Balkan".<sup>26</sup> Cvijic's attitudes on the Kosova/o importance in the Serbian geopolitics affected on and security the Serbian national program during the 19th century and furthermore.

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<sup>25</sup>Jansuz Bugajski, Kosova between war and independence: Implications for international security. Speache in the International conference: "Democratic, security and regional stability". Tirana. February, 1999.

<sup>26</sup>Jorgos Smakos, Athina zbulon sekretin e luftes ne Kosove. Gazeta "Fakti". 24 Dhjetor, 1998. Nr.219. Shkup. p.10. ( In English: Jorgos Smakos, Athens discover the war secret of Kosova/o. "Fakti" .24 December, 1998. No.219. Shkup. p.10)

dimensions on the bases of the human rights and on the bases of the international peace and security defense<sup>27</sup>. The war for the independence and self-determination should considered the United Nations interest on protecting the peace and security as well as the other rights that come out of the UN acts. This is the reason for the Kosovar Albanian demands of this matter.

On the solution of the Kosova/o problem and on its realization of it's rights for self-determination three factors have the primary role: Kosova/o Albanian, Serbia and international community, which can achieve on optimal results on this crisis. The interests of the three factors should be considered on the problem's solution. In the literature and on the practice on the post cold war years is said that the Kosova/o independence will put in danger the peace and security on the region. Up to date reasons for not knowing Kosova/o as on indepenent country based on the peace and stability protection on the region.

Among the potential risky regions from the Kosova's independence FYROM as taken the main peace on the international agendas. The fear from the Macedonian destabilize should leave once forever based on the simply fact that the lost of Kosova/o Albanian will probably have as the consequence the new FYROM risk. Looking from the terminal juridical-aspect the self-determination of the Kosovar Albanian for the Sovran and independent country from the result of the 1991 Referendum any person or subject is not allowed to decide or ask for any other

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<sup>27</sup> Lubivoje Acimovic, Princip somoopredeljenja I problem Kosova. Beograd, 1998.p.6. ( In English: Lubivoje Avcimovic, The principle of self-determination and Kkosova/o's problem. Beograd, 1998.p.6)

solution then the first one. The same is valid for smaller request as well. With that Referendum, respectively with the recognition and respecting its results nobody in the region or in FYROM will be on risk.

The peace and stability protection on the region with not knowing Kosva/O as an independent country meaning very day is turning on its contrary more and more.

Exactly not knowing the Kosova independence represent the main destabilize. From different reasons under the shadow of the regional stability protection the full Kosova/o independence can be postponed for some time, but it can hardly be deleted the Kosova matter on this direction as an essentially democratic solution in Balkan.<sup>28</sup>

With the rights for self-determination of Kosova's in front of the countries around juridical philosophy thought can be linked: **"Qui iure suo utitur nemin facit iniuram"**

The Albanian nation of Kosova/o now is asking only the rights for their own peace in Balkan and to live free out in harmony with his neighbors.<sup>29</sup> The core of the temporary problem of national self-determination is that the political world is still organized by the principle that its primary agents are states and its primary purpose is peace.<sup>30</sup>

The long term and stable solution of the Kosova/o matter doesn't result only on the limitation of the "peace oaza" matter but with the closed cooperation with the justice.

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<sup>28</sup> G.Zajmi, Vepra 1, p.180.

<sup>29</sup> Edith Durham, Brenga e Ballkanit, Tirane, 1991.p.426. ( In English: Edith Durham, Balkans Concern. Tirana, 1991. p.426).

<sup>30</sup> Michael Freeman, National Self-determination. p.160

Peace doesn't have an meaning without justice as that is, it is fragile and imposed. The insisting of the Serbian regime was through Kosova/o to hold almost half of the Albanian nation in Balkan under political domination with the wider repression it exaggerates the Albanian-Serbia conflict decision in Balkan and represents the permanent source of the destabilize on the region. It's the Milosevic's policy the one who did destabilize and goes on holding the region like that. It should be clear that Milosevic remained the principal obstacle to a solution and that no agreement can be possible as long as he remained in power.<sup>31</sup>

At the last time after the Serb aggression on Kosova/o and it's armed resistance of it's population begin, the idea that the recognition of the Kosova/o independence in the only way to stop the serbian explosion and the destruction of the project for the great Serbia started to be crystallized.

The permanent self-confidence deployment is necessary on Serbian society that Serbia with Kosova/o is not a great and strong Serbia, but weak Serbia in the democratic aspect as well in the international prestige. The Kosova/o division from Serbia would help in the Serbian democratization as well, otherwise the appetites for military activity is one criminal organization with increase every day.<sup>32</sup> "When the ordinary Serbs learn to think more critically and humanly about Kosova/o, and more critically about some of their national myths, all the people of Cassava/o and Serbia will benefit-not least the Serbs themselves".<sup>33</sup>

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<sup>31</sup> Warren Zimmerman, The Demons. p.11.

<sup>32</sup> Jansuz Bugajski, Kosova between war and independence. p.5.

<sup>33</sup> N.Malcolm, Kosovo A Short Hstory. p.356.



The literature writes that on the 100 year war between France and England, Han Dark had said: "As for the peace with English, the only way is for them to return back into their place in England".<sup>34</sup> If it can be paraphrased and adopted this saying on the concrete conditions of the present relation between Serbia and Kosova/o, it could said that as for the friendship between this two countries the only way to achieve it is for the serbian authorities based on the political wish of the dominant majorities of the Kosova/o population, to withdrew from Kosova/o and recognized it as one independent and Sovran country of all its citizens. This action will have a great effect on peace and stability on the region. (**Cesante causa, cessat effectus**).

Serbs will never understand the nature of Kosova/o questions unless they recognize first the territory conquered in 1912 already had a majority non-serbian population and, secondly that the experience of alien, colonial rule is precisely what serbian policy inflict on that majority population during most of the next eighty-five years.<sup>35</sup>

The idea for a short time transit solution of Kosova/o which understands some sort of international protectorate the Albanian civic institutions and fully withdrawal of the military and police serbian forces could create stability on the region. This option is directly linked with the situation after the NATO bombing. This is one form for creation of the stability of the region and the real way for the fulfillment of the NATO-s aim. Otherwise, the option for the recognition of the Kosova/s right for statehood is must be the option for the last solution of the Kosova/o's crisis.

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<sup>34</sup> Bernard Joseph, Nationality-its nature and problems. London. Copyright © George Alen. 1990. p.190.

<sup>35</sup> N.Malcolm, Kosovo A Short History. p.356.

In context of the realization of the right for self-determination in front of the regional stability, are useful the words of the Serbia Academic Dobrica Cosic, who is considered as the father of serbian nation, which said: "Self-determination is the first principle of the any democratic solution...until this value is not respect, we will have war and unforeseen tragedy".<sup>36</sup>

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<sup>36</sup> Borba, 20-21. March, 1993.

#### **4. Arguments against Kosova/o's right for statehood**

The right of the Kosovar Albanians for self determination and secession primarily was opposed from Serbia trying to find base for this negation on the Law and international principles. Here will compare the thesis of negation of the Kosovar Albanians for the right of self-determination and the right of Kosova to be sovereign and an independent state, answering with the contra arguments in the same time.

I. Kosova is a Serbian territory and do not have the right for secession.

First, this thesis have no basis on the actual national structure, either in the past. This statement mainly is referred to the history and even in this direction has no ground. Having in mind a authoktony of the Albanians in Kosova as a direct descendents of the Illirians, in other hand the Slavic movement into the South, including here and a Serbs, this possessive stand is with no base in the aspect of historical material truth. Historic notes are talking always about the majority of the Albanians in Kosova. If the history would be a criteria, regardless contemporary national-territorial realities, Hungary would have the right on the Yugoslav part of Panonia, Bulgaria and Hungary would be expanded till near the Belgrade, Greece will take Istanbul, Albania the town of Yannina in Greece, etc.

Kosova have had it's own legal-constitutional, national and territorial individuality in the former Yugoslavia. Kosova was as a "corpus separatum" , it wasn't part of Serbia, but it was under her constitution. Such a political and constitutional solutions are not identical. In fact, instead of the "secession" could be only "disassociation" .<sup>37</sup>

The second thesis, Kosovar Albanians are national minority and they have no right of the self-determination and statehood.

Albanian people of Kosova comprised nearly half of the Albanian nation in the Balkans and is divided by force in the Balkan Wars. Albanians in Kosova are not only some thousands or ten thousands, but they are two million. In a former Yugoslavia, they have been among the biggest nationalities, after the Serbs and the Croats, Albanians have

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<sup>37</sup> Gazmend Zajmi, Vepra.....p.22.

behind third. With number and with territorial condense they can not be qualified as a minority, when they comprised a absolute majority of the population in one territory with the distinguished characteristics national, historical, geographical, individuality.

Third, Kosova haven't been a unit, political entity by the decisions of the AVNOJ, when was created the second, communist Yugoslavia.

This thesis was popular during the dissolution of the former Yugoslavia. Regarding to this thesis, only those who were creators, those have the right for dissolution, secession. It's true that Kosova wasn't mentioned in the AVNOJ documents, with the intention find resolution later. Kosova/o's territory also was not included in anyone federal units in the AVNOJ's decisions, so neither was included in a Serbia. From the theoretical and empiric aspect, it is no important for a federal or confederal unit, participated or not in a creation of that unit. However, constitutionally legally it's no important did existed or not as a political entity during the creation of the federation or confederation. USA during its creation were 13 units, now 53, Canada had 4, now 10. Soviet Union in the time of the creation through a federal contract of the 1922 had 4 units, then had 15 republics and during the dissolution all of them had a right for independence. Individualism and equality are limited only within the short period of the constitution of one federal state composition.

Forth, Kosova/o will adjoin to Albania

Historical, ethnic-national collectivities in a multiethnic states never gave up from their national aspirations for individuality and national equality. Such a case is also and the effort of Kosovar Albanians. Is no doubt that Albanian national unity has priority through democratic ways of the new organized order and the integration of Europe. To illustrate such priority we are giving an example about the Serb National Question from the Belgrade newspaper "Politika" . "It has been always a natural right of every people to live together, or at least to try to live together in a joint cultural and a state territory."

Fifth, One people can not have two states

This thesis that "one people can not have more than one state" opposed simply the case of Germany and Italy before the unification's, or cases such are Germany, Austria, Luxembourg, both Koreas, Vietnams, Jemens, Romania and Moldavia, Greece and Cyprus, Turkey and Cyprus, Bangladesh and West Bengal. The existence of the state of Albania doesn't represent obstacle for Kosovars to have the second republic. There where they are a majority, or adjoin to the existed state, or as a independent state.<sup>38</sup>

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<sup>38</sup> Radovan Pavic, Resenje za Kosovo, Rilindja, 5.VIII.1990. (In English: Radovan Pavic, Solution for Kosova/o. Rilindja. 5 August, 1990.)

The fact that Kosova wasn't in position to make independence in practice, thus was hot dispute which push the international community and Serbia to think and propose solutions disregarding independence. During recent years international bodies were more oriented to "special status" rather recognizing the political will of the Kosova/o's people for independence of Kosova.

It is no doubt that " special status " means better position for life of Kosova/o's population, but even this solution can not resolve Kosova/o's question for a long term period, or in a stable way. In this case, if Kosova/o should belong, or include to one state, or another, so why Kosova shouldn't be included in Albania when we have interethnic relations Albanian-Serb 10:1 in Albanian favor.<sup>39</sup>

As other proposal is the restitution of Kosova/o's autonomy. The offer of autonomy is no offer at all. It has outdated for a long time and more over, it would not guarantee the respect of Kosova Albanians civic and national rights.<sup>40</sup> Kosovars believe autonomy has already been tried and was found wanting because it is insufficient to ensure Albanian rights and runs the risks of unilateral and illegal revocation by Belgrade regime as in 1989. The restitution of Kosova/o's constitutional position under the Constitution of 1974 and whatever kind of autonomy is not anymore possible, because now doesn't exist the institutional framework of the multiethnic

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<sup>39</sup> (Gazmend Zajmi;Op;cit.p.61).

<sup>40</sup> (Fehmi Agani;LDK vicepresident, Bujku, December 1997).

Yugoslav federation. The problem can not be resolved with autonomy, but simply might be postponed in time.<sup>41</sup>

A proposal with origin in Serbian unofficial circles is for partition of Kosova. Kosovar Albanians has the increasing birthrate, Serbs decreasing. because of a fear that Serbs in a next century might be minority even within Serbia, the chairman of Serbian

Academy of Sciences and Arts, Alexander Despica called in June 1996 for a public debate on the idea of negotiating a "peaceful and civilized secession" for Kosova.<sup>42</sup>

After a option of controlling the all territory, partition of Kosova it seems to be more acceptable for Serbian circles. Lord David Owen say this in his book "The Balkan Odyssey", perhaps based on Serbian sources, that Serbs would agree on the partition of Kosova based on where the resources are and disregarding on a monuments.<sup>43</sup>

Every attempt on partition of Kosova has no base on a real ethnic-territorial partition, because Albanian majority is represented in all macrozones and the high density of population, which can cause other problems. This option is supported only by some Serbian circles but not and from relevant international institutions. Meanwhile this option for Kosovar Albanians occurred to be as worst one.

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<sup>41</sup> Jorgo...op.cit.p.11)

<sup>42</sup> NIN, 17 June 1996

<sup>43</sup> David Owen, The Balkan Odisey, 1996, p.42). 127



Father of America's independence John Adams write: "Independence wasn't our goal since the beginning. English injustice were pushed us to take arms in our hands... Hopeless that we would enjoy the King's goodness, who are you, what you can be under English authority, except hostage beyond the law?"<sup>44</sup> Such situation is also and for Kosovar Albanians if they will remain under Serb-Yugoslav jurisdiction. The Kosovars preferred a settlement without doubt - independence from Yugoslavia.<sup>45</sup> -

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<sup>44</sup> Cf. Zejnullah Gruda; The right for self determination - Actual issues, Belgrade, 1998,p.6).

<sup>45</sup> Kosova spring... p.108)

## CHAPTER VI: CONCLUSIONS

Kosova/o has a central geographic position in the Balkan Peninsula. A small territory though, the geographic landscape of Kosova/o has always been of great geopolitical and geostrategic importance.

Kosova/o has an ethnic homogenous composition: The majority of the populations is Albanians, 90 %. Others are Serbs, Turks, Montenegrins, Romas etc. The Albanian people is one of the oldest in Europe. The Albanians are decedents of the Illyrians. They comprise one third of the Albanians living worldwide. Kosova/o and the Albanians of Kosova/o are the main pillar of the national center of the Albanians in former Yugoslavia. In Kosova/o live about 8 % Serbs. They have come to Kosova/o when the South Slavs moved into the Balkans. They are different from the Albanians, including their origins, language, culture and the history.

There have been many battles and wars in Kosova/o over the centuries, but until the last 100 years or so none of them had the character of an " ethnic " conflict between the Albanians and the Serbs. The history among Albanians and the Serbs can be described as a history of conflict.

The Albanian people in their ethnic land in the former Yugoslavia throughout the history lived and functioned as an ethnic community with other parts of the Albanians in the Balkans.

On the crossroads of the Balkan Wars, half of the Albanian nation and more than half of its territory was put outside the Albanian state. They were placed under the occupation by the neighboring Balkan States, mainly Serbia. The occupation of Kosova/o by Serbia was done by force and against the will of the Kosovar Albanians. During the Serbo-Croat-Slovene Kingdom, the territory of Kosova/o remained one administrative part of the State without any specific legal status, i. e. the Albanians were not recognized even as a national minority. Kosova/o after the Serb occupation in 1912 was a place of human hardship for the Kosovar Albanians who were threatened with extermination. The colonization program was a complex phenomenon serving a variety of aims, with its long term purpose of changing the national composition of the population of Kosova/o.

The Albanians who were reunited with Albania, during the Second World War, won some of their national rights. For Albanians it was a liberation from the brutal regime of Serbo-Croate-Slovene (later Yugoslav) Kingdom. After the Second World War, there was a difference in Kosovar Albanians position as compared to the prewar Yugoslavia.

This time official status of the Albanians and Kosova/o had been recognized by the 1946 Constitution, although the policy of mass expulsion and repression continued unabated until 1966. A turning point in the status and the position of the Albanians in Yugoslavia came in 1966 with the fall of Rankovic, a leading proponent of Serb-centralism. The limited measures of liberalization following Rankovic's dismissal were asked for the Kosovar Albanians who pressed for greater autonomy. According to the constitution of the former Yugoslavia of 1974, Kosova/o was a constituent element of the Yugoslav Federation with similar rights and duties as other federal units.

Miloshevic's coming to power was a result of his claim against the Albanian rights for equal status within Yugoslavia. The abolishment of Kosova/o's autonomy (1989) and the destruction of former Yugoslavia came as a result of his expansionist policies. His policy has made the tragedy of Yugoslavia and its people.

The Socialist Federal Republic of Yugoslavia entered into its final phase of dissolution by mid 1991 when Slovenia and Croatia enforced their declarations on independence and when the Yugoslav People Army intervened in order to preserve the territorial integrity of the country. The Kosova/o-Serbia conflict is not the main factor for dissolution of multinational federation of Yugoslavia, but it was the initial factor of its dissolution.

In the constitutional sense, on the other hand, the unilateral changes to the status of Kosova/o and Vojvodina mark the beginning of the process of Yugoslavia's violent disintegration. It marked the beginning of the radical change in the balance of power between the federal units in the former Yugoslavia with the open hegemonic tendency on Serbia's side.

The dissolution of former Yugoslavia and the creation of new circumstances was the most convenient political moment for the articulation and realization of the historic and legitimate aspirations of Kosova/o Albanians. The Albanian desire to break off from Serbia is not an aspiration born within the context of Yugoslavia's breakdown. The roots of Albanian-Serbian mistrust run deep. Since 1912, when Kosova/o was occupied by Serbia after the Balkan Wars the Albanians always wanted to escape from Serbian rule and fought for it.

The National Referendum on Kosova/o as an Independent and Sovereign State presents an act of democratic, political self-determination of the Albanian people redefining the constitutional and political status of Kosova/o after the dissolution of the former Yugoslavia.

Following the abolition of Kosova/o's autonomy in 1989, ethnic Albanians refused to

accept the legitimacy of the Serbian rule, proclaimed Kosova/o as an Independent Republic and strongly advocated a peaceful strategy to resolve the Albanian - Serbian conflict. Since the early 1990s, the Albanians have been able to make decisions over a wide range of political, economic, social and cultural issues without interference from Serbia.

It is ironic that the Dayton Accord of 1995, which produced the uneasy peace to Bosnia, was the signaling event in the formation of an armed insurgence in Kosova/o. KLA is a result of permanent violence prepared by Serbian forces against the Kosovars, as well a result of a long time unsuccessful pursued peaceful policy. The will of Kosovars, especially the youth, to live freely and independently from Serbia despite all the sacrifices should be taken into account as well. The appearance of the KLA on the political scene, raised hopes among the Albanians for liberation of Kosova/o from the Serbian regime.

“ We learned that violence works. It is the only way in this part of the world to achieve what you want and get the attention of the international community”. This was the Declaration of an unnamed leader of KLA, which unfortunately was true. The United States has maintained the ‘ outer wall ‘ of sanctions, excluding Yugoslavia from international institutions, but until the Drenica massacre in early March 1998, did not

apply any forceful pressure to resolve the Kosova/o issue. Europeans did less than this to force the peaceful solution of the Kosova/o crisis.

The principle of self-determination represents one of the most important principles of the contemporary international law. Besides its legal aspect, the issue of self-determination invariably involves the other side's story: its political, geostrategic and security aspect.

Kosova/o during the Cold War was under the Communist state. Following this fact, the will of the people of Kosova/o for self-determination was measured by communist standards. The rejection of Kosova/o application for independent statehood, made after the end of the Cold War, was due to its non-fulfillment of the basic international criteria for independent statehood, that is, lack of effective control over Kosova/o's territory by the majority population and their governmental structures set up on the eve of former Yugoslav's dissolution. International community must take into account the rise and fall of former Yugoslavia its internal structure and units that composed it if it is to solve the issue in a proper way.

A major argument for secession is based on the notion that a people who did not consent to be included in a particular state has the moral right to decide by itself and for itself whether it wants to stay within the imposed boundaries. The Albanian nation of Kosova/o

is now asking only the rights for their own peace in the Balkans and to live free and in harmony with its neighbors. This should be respected by others.

The idea for a short time and transitional solution to the issue of Kosova/o which includes some sort of international protectorate over it, Albanian civic institutions and full withdrawal of the Serbian military and police forces could create stability on the region. Yet, it is not the definite solution to the problem. The proper solution, if it is to be a long-lasting and stable one should take into account the will and the interests of the majority population living in Kosova/o, that is, the will and the interests of the Kosovar Albanians.



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