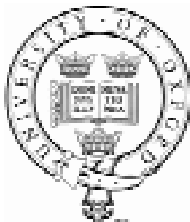




RSP Working Paper No. 1

The Kosovo Crisis

*Papers from a Workshop held on 18 May 1998
at Green College, University of Oxford*



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The Workshop Programme

List of Acronyms

CSCE	Conference on Security and Co-operation in Europe (now OSCE)
CSO	Committee of Senior Officials (of CSCE)
ECMI	European Centre for Minority Issues
FRY	Federal Republic of Yugoslavia (Montenegro, Serbia)
ICFY	International Conference on the Former Yugoslavia
ICG	International Crisis Group
IHF	International Helsinki Federation
JUL	Yugoslav United Left
KLA	Kosovo Liberation Army (in Albanian: UCK)
LDK	Democratic League of Kosovo
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OSCE	Organisation for Security and Co-operation in Europe
PPK	Parliamentary Party of Kosovo
SDPK	Social Democrat Party of Kosovo
SFRY	Socialist Federal Republic of Yugoslavia (Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia, Slovenia)
UCK	See KLA
UNHCR	United Nations High Commissioner for Refugees

Foreword

MICHAEL BARUTCISKI

On 18 May 1998, the Refugee Studies Programme hosted a workshop entitled 'Preventing a Humanitarian Crisis in Kosovo' which was funded by the Department for International Development and the Foreign & Commonwealth Office. To ensure an in-depth discussion, participation was limited to twenty-three, all experts on the region and/or minority protection. The participants included practitioners (United Nations, Non-Governmental Organisations, Government) and academics from several disciplines, which allowed for a variety of viewpoints and concerns to be expressed and useful contacts to be established. 'Chatham House rules' applied throughout the day which made it possible to engage in frank and sincere discussions.

The workshop was opened by Mr. Ivor Roberts who spoke about his experiences as British Ambassador in Belgrade during the critical years 1994-1997 and acted as Chair for the day. Dr. Stefan Troebst (Director, European Centre for Minority Issues) began the discussion period with an overview of the recent mediation efforts conducted by international non-governmental organisations. The following three speakers briefly outlined the consequences of a regional spillover. Dr. Ljubomir Frckoski (former Minister of Foreign Affairs and Interior of the Former Yugoslav Republic of Macedonia) and Dr. Zvonimir Jankuloski (human rights activist) spoke about the aggravation of tensions between Albanians and Slavs in Macedonia in the event of an inflow of Kosovar Albanian refugees, while Mr. Daniel Endres (UNHCR, Geneva) spoke about UNHCR's contingency plans for potential refugee flows in the region. The remaining two speakers (Dr. Zarko Korac and Dr. Gazmend Pula, human rights activists from Belgrade and Pristina respectively) outlined elements that they believe are crucial to possible solutions to the current conflict.

Several basic objectives were accomplished in the workshop. Firstly, it provided a forum in which influential guests from the Balkans could exchange views on the current situation. Given that there is currently limited dialogue of a constructive and co-operative nature between the actors in the conflict in Kosovo, the importance of gathering individuals from the region who are politically active and recognised for their work in the field of human rights cannot be overestimated. The Balkan guests generally presented moderate views concerning the regional ethnic tensions and were able to communicate the prevailing public moods within their respective communities. Secondly, the workshop allowed the participants to

explore elements of possible political arrangements that take into account the human rights of the local Albanian population and the legitimate concerns of the Serb people and Yugoslav government. Two international principles guided most of the discussion throughout the day: the right to self-determination, and respect for the territorial integrity of states. Participants generally accepted the view that it is not possible for the Kosovar Albanians unilaterally to separate from Yugoslavia, although they would have to be granted an enhanced form of local autonomy. This view essentially corresponds to the position adopted by the European Union and the United States. Partly due to the announcement that Serb and Albanian officials had agreed to meet in Pristina for an initial round of negotiations around the time of the workshop, the majority of participants appeared to be hopeful that the political climate still allowed room for compromise from all sides. Thirdly, the workshop contributed to the launching of a research project at the Refugee Studies Programme to provide policy makers with analytical research that can contribute to attenuating the tensions in Kosovo and dealing with refugee outflows. Within a framework based on the principles outlined above, the project will analyse and propose measures that can help the international community deal with a new large-scale humanitarian crisis in the Balkans. The workshop provided the project with useful insights that will guide the initial phases of research and highlighted key themes that need to be further developed if preventive solutions are to be found:

1. Recent violent events in Kosovo are actually part of a crisis related to an independence struggle that has existed for a number of years. Since it is unlikely that the tensions underlying the conflict will suddenly disappear, analytical research is needed on preventing an aggravation of the conflict and preparing for the consequences of increased violence.
2. In focusing on the appropriate level of autonomy that should be granted to the Albanians in the province of Kosovo, lessons must be drawn from the various low-key mediation efforts between the parties to the conflict.
3. There is a gap in the academic literature in that the discreet four-year UN deployment in the region and its adaptation to the evolving situation in the field has not been studied. More specifically, the UN's contingency plans should be analysed to assess whether they adequately address concerns about a regional spillover in a manner that respects basic standards of refugee protection.
4. Any precedent regarding international involvement with secessionist movements should be established in a responsible manner that is applicable in other contexts and regions of the world.

The Refugee Studies Programmes has put together this working paper which includes several of the contributions from the workshop and a contribution from one of the invited speakers who could not attend the workshop, Mr Desimir Totic, formerly a member of the Federal Republic of Yugoslavia, and currently Vice-President of the Democratic Centre, and President of the European Movement in Serbia. We hope this collection of essays contributes to helping observers understand some of the complexities of the Kosovo conflict.

Introduction

IVOR ROBERTS

It is a commonplace, and has been for 10 years, that Kosovo was a crisis waiting to happen. In a sense it has been waiting to happen since 1912 when Serbian soldiers reoccupied Kosovo for the first time in over five hundred years. In their own eyes they arrived as new Crusaders, an army of liberation. But for the majority population they were seen as colonialists and very quickly as oppressors. The atrocities committed in Kosovo would have been shocking indeed were it not for fact that they took place in the context of the Balkan Wars. During the first and second Balkan Wars, appalling incidents took place almost daily, leading the first Carnegie report on the Balkans of 1913/1914 to describe the situation as 'well nigh hopeless' ... 'millions of human beings systematically degraded by their own doing, corrupted by their own violence. The burning of villages and the exodus of the defeated population is a normal and traditional incident of all Balkan wars and insurrections. It is the habit of all these peoples. What they have suffered themselves, they inflict in turn upon others.' The history of the last 86 years in Kosovo has not improved matters. The repeated Serb attempts to colonise Kosovo all failed. Indeed the Albanians now constitute probably something approaching 90 per cent of the population although definitive statistics are, unsurprisingly, hard to come by. If this crisis has been waiting to happen for so long why has it burst upon us now?

There are three reasons. After the Dayton conference, there was a keen sense of disappointment among the Kosovar Albanians. Then, they had been led to believe erroneously that Dayton would be a conference of the Congress of Berlin type, which would settle all the outstanding questions of the Balkans. It was not to be. Dayton only narrowly succeeded, and had it been burdened with the exquisitely difficult questions of Kosovo it is unlikely that it could have borne the burden. It was a question of not allowing the best to be the enemy of the good.

A second cause of the crisis bubbling up to the surface was the recognition of the borders of the Federal Republic of Yugoslavia by almost all members of the international community in 1996. This had a devastating impact on the Kosovars, who had been led to believe that the FRY would not be recognised before the Kosovo question had been solved. The British and most other European countries' position is quite straightforward: recognition of borders is a factual matter reflecting reality, not conferring moral or other respectability. For some years now Britain has recognised states, not governments. The corollary of that is that if the state

exists behind borders which we believe it is justified in defending, and if there is central control of the majority of the territory inside those borders, then that state should be recognised. In fact, although Britain announced its recognition of the FRY in April 1996, recognition itself dated back to the creation of the new state. For the Albanians, of course, these legalistic quibbles hold little interest and no attraction. Why, they say, should we be the only prisoners left in the remnants of the old Yugoslav state, the Socialist Federal Republic of Yugoslavia (SFRY)? If the Slovenes and Croats, Macedonians and the Bosnian Muslims, who are all Slavs, have all been permitted to leave the SFRY, why is that we Albanians who are not Slavs - indeed cordially dislike the Slavs (a dislike fully reciprocated) - are forced to remain in the prison of the new Yugoslavia?

The third factor, trivial itself but cumulatively important, was the failure to implement the education agreement concluded in September 1996 with the help of the Comunità di Sant'Egidio organisation to bring Albanians back into the formal education system.

Taken together, these factors militated against the prolongation of Rugova's peaceful Gandhian policy and acted in favour of the rise of the Kosovo Liberation Army. Even before the present upsurge in violence, the KLA had been killing more people in Serbia (Albanian and Serb alike) than had been killed in any other recent world terrorist hot spots with the exception of Algeria and Kashmir. Kosovo is a peculiarly difficult question because it is at the same time a border or territorial problem compounded by one of human rights. The border question which pits the international community and the Serbs against the Albanians basically invites the international community to revisit the decisions taken at the London conference in 1913 which led to the adjudication of the present border between Serbia and Albania. The international community at the time was understandably obsessed with the need to avoid a major European war - having barely avoided one over the Austro-Hungarian empire's annexation of Bosnia, they were determined they would not have to face one again over the borders of the new Albanian state only five years later. Ironically, the Great War broke out only months after the London conference; however, the decisions of that conference were respected and reaffirmed at the Versailles conference at the end of the First World War. Yet it was already evident that decisions taken for whatever great geo-political reasons which left the majority of Albanians living immediately outside the borders of their own new state were hardly likely to be a recipe for long term stability and security. The Albanian delegates to the London conference left it with the parting words: 'when spring comes, we will manure the plains of Kosovo with the bones of Serbs, for we Albanians have suffered too much to forget.'

If those remarks were true then they are even more so today. Over the last 10 years, human rights have been comprehensively trampled upon by the Belgrade

regime. Without respect for human rights, the elements in a society that dissolve it will flourish. Respect for these rights for all a society's citizens provides the glue which holds a society together. What are the options?

The Albanian position is straightforward enough. It has been ratified by the referendum held at beginning of the decade. They want immediate independence. This, however, the international community refuses to countenance. The Badinter Commission stated that the administrative borders of the six Yugoslav republics should become the international borders of those countries formed from the ashes of the Socialist Federal Republic of Yugoslavia. This was in a sense an avoidance of the issue by the Badinter Commission, who believed that opening up the territorial divisions to question would be opening Pandora's Box. They therefore resorted to the legal formula of 'hold on to what you have' and made no mention of the territorial demands of minorities behind those republican borders. The international community's support for this position is logical, as to support independence for Kosovo would almost inevitably lead to demands for independence from the substantial Albanian minority in Macedonia, a situation which would dangerously destabilise an already fragile country. Moreover, if Kosovo were to become independent, the international community would have created a second Albanian state in Europe. If the Albanian Macedonians wanted to create a third and were allowed to do so the only alternative to this proliferation of mini-nation states would be the creation of a series of Greaters - Greater Albania, Greater Serbia, Greater Croatia - an option which most Western leaders regard with repugnance as dramatically opposed to their ideals of multi-ethnic nation states. A fallback position for the Albanians might be UN trusteeship but this again is not possible without the consent of the ruling power, in this case the Federal Republic of Yugoslavia. Trusteeship has been used traditionally to prepare a country for full independence - which is, of course, why the Albanians favour it and equally evidently why the Serbs do not.

The Serb position is equally straightforward: they want Kosovo to remain in Serbia. They do not want it to be a third Republic within the FRY. That would give rise to the same problems as those created by the 1974 constitution which implicitly allowed republics to secede from the federation. It would also mean that Serbia could be outvoted on federal matters by a combination of Kosovo and Montenegro. As Serbia without Kosovo would still be over three times the size of Kosovo and Montenegro together in population terms, such a situation would be seen as unacceptable by the Serbs.

The international community wants enhanced status or autonomy for Kosovo but no change of borders for the reasons mentioned. Such an outcome would make neither side happy. It is worth remembering that back in 1981, the Albanians demonstrated massively against the 1974 constitution which the international com-

munity now holds up as a model. If the 1974 constitution was unacceptable to the Kosovars as far back as 1981, and given the Belgrade regime's extreme hostility to the confederalist nature of that constitution, it is hard to see how these views can be reconciled. On the other hand it is equally hard to see in the long term on what basis Kosovo can be kept locked into Serbia or Yugoslavia against the wishes of the overwhelming majority. But if Kosovo were allowed to secede, the Bosnian Serbs would be bound to ask what was the justification for keeping an unwilling Bosnian Serb Republic locked into Bosnia against the wishes of the overwhelming majority of its population.

Other alternatives include partition. This is favoured neither by the international community, nor the Serbs, nor the Albanians, although some Serbian political figures and academics have floated the idea, generally to a hostile audience. In the long term it might provide a solution, since the demographic trends in Serbia suggest that within 25 years, Serbs will be a minority in Serbia as a whole, not just in Kosovo. If the present international mediation efforts fail to make real progress, it might become necessary to try to engineer a new international conference. It may be premature to call such a conference at this stage, but the alternative of allowing the region to slide into war again suggests that we should be ready to look at radical political steps, rather than commit ourselves to be largely passive observers at another chapter in the Balkans tragedy.

International Mediation in the Kosovo Conflict, 1992-1998

The Issue of Education

STEFAN TROEBST

Concern is not a policy.
International Helsinki Federation, January 1998¹

Introduction

The fact that the South-western corner of the Republic of Serbia within today's Federal Republic of Yugoslavia is inhabited predominantly by ethnic Albanians became a pressing political problem immediately after the death of Tito in May 1980, when Kosovo Albanians demanded an upgrade of their autonomous province to the seventh Yugoslav republic. Not only was this demand rejected, but in 1989 Serbian President Slobodan Milosevic eliminated what was left of Kosovo's political autonomy. This included the closing of the Albanian University of Pristina and all institutions of Albanian secondary education. Since then, only elementary education in Albanian has been carried on partly in school buildings; all other educational activities in the Albanian language have been confined to the 'parallel schooling system' taking place in private premises and lacking adequate educational material and financing. In 1996, more than 27,000 Albanian primary school pupils, 60,000 secondary school pupils, 20,000 university students and 20,000 teachers were forced into this improvised 'parallel system'.²

Up to the Dayton Peace Accord of November 1995, the Kosovo Albanian response to Belgrade's apartheid-like regime was non-violent. However, a radicalisation process among the younger generation of Kosovo Albanians produced a massive student movement as well as a small, but efficient, militant underground. Since the fall of 1997, inter-ethnic tensions in Kosovo have been increasing at a rapid pace, and in early March 1998 the Special Anti-Terror Units (*Specialne antiteroristicke jedinice*) and the Special Task Police Units (*Jedinice posebne namjene policije*), both of the Ministry of the Interior of the Republic of Serbia (*Ministerstvo unustrasnjih poslova Republike Srbije*), cracked down on the Kosovo Albanian guerrilla movement in the central Kosovo region of Drenica. The Drenica massacre triggered off armed resistance by a 'Kosovo Liberation Army' (*Ushtria Clirimtare e Kosoves*, UCK) and caused intergovernmental organisations and international NGOs alike to step up their efforts to facilitate a non-violent solution to the Kosovo conflict.³

The first attempts at such an internationalisation of the Kosovo problem go back to 1992 when the war in Bosnia-Herzegovina began. The International Conference on the Former Yugoslavia (ICFY) as well as the Conference on Security and Co-operation in Europe (CSCE) made efforts to bring about Serbian-Albanian negotiations by focusing on educational issues. Yet, when Belgrade resisted this initial wave of third-party engagement concerning Kosovo in mid-1993, the problem was dropped from the international community's agenda. Accordingly, the Dayton Peace Accord did not deal with Kosovo. The Kosovo Albanian tactics of non-violent resistance to Serbian oppression were interpreted by Europeans and Americans alike as a guarantee against escalation into armed conflict. From early 1996 on the 'Forgotten of Dayton' (the Kosovo Albanian leaders) laboured to put their problem back onto the international agenda. As soon as some of them called for more activist tactics ('intifada') and others even turned to violence, the Kosovo issue figured again prominently on the agenda of international organisations. This caused virtually all international players to voice their 'deep concern' over what was going on in Kosovo and to stress the urgency of the matter. This revitalised interest in Kosovo in the diplomatic sphere was paralleled by an intensification of NGO activities. The result was a considerable number of policy recommendations and a comparatively high degree of co-ordination among international players in tracks 1 and 2⁴, culminating in the so-called Education Agreement of 1 September 1996 brokered by an NGO, the US-backed *Comunità di Sant'Egidio* of Rome, and supported by other international actors.⁵ The agreement was, however, never implemented and thus did not contribute to the prevention of the outbreak of inter-ethnic warfare of March 1998.

The collective memory of international actors dealing with the Kosovo issue has been weak. Therefore, the following text attempts to document the efforts by ICFY, CSCE and the *Comunità di Sant'Egidio* to mediate in the Kosovo conflict from 1992 up to the Drenica events by focusing on the educational issue.

The International Conference on the Former Yugoslavia

At the London Conference of 26-27 August 1992, the European Community's Conference on Yugoslavia established in 1991 was enlarged and transformed into the International Conference on the Former Yugoslavia (ICFY) in Geneva, run jointly by the United Nations and the European Community. A UN and an EC Co-Chairman presided over a Steering Committee and several working groups. After initial plans to focus on Kosovo, this topic was sidelined along with the problems of Serbian-populated Krajina in Croatia, Albanian-populated Polog in Macedonia (Tetovo-Gostivar region), the Sandjak, and Vojvodina.

In the fall of 1992, ICFY's Working Group on Ethnic and National Communities and Minorities, headed by German Ambassador Geert Ahrens, set up a Special Group on Kosovo, and by means of silent diplomacy tried to mediate between Belgrade and Pristina. The fact that on 14 July 1992 a US businessman of Serbian origin, Milan Panic, with the help of the newly elected FRY President Dobrica Cosic, had become Prime Minister of the Federal Republic of Yugoslavia provided a window of opportunity for such talks. In August 1992, Panic met with Rugova in London. He promised the restoration of self-rule for the Kosovo Albanians, the readmittance of Albanians to Pristina University, the reinstating of Albanian professors, freedom for the Albanian press and free elections.⁶ On 9 October 1992, Panic also brought about the release from prison of Rexhep Osmani, the Minister of Education of the 'shadow government'.⁷ According to a proposal by the Kosovo Albanian side, the focus of these talks was on educational issues.⁸ On 14 October 1992 the Serbian-speaking Ahrens succeeded in having representatives of the Kosovo Albanians and of the Federal Government agree on a common statement:

1. Representatives of the Government of the FRY and Serbia led by the Federal Minister of Education, Mr. Ivic, and representatives of the Albanians met in Pristina on 13 and 15 October with the participation of the Geneva Conference Special Group on Kosovo, under the Chairmanship of Ambassador Ahrens. A representative of the CSCE mission was also present.
2. After detailed discussion of the problem of education in the Albanian language, the participants agreed that the present situation must be changed. They further agreed on the urgent desirability of the return to normal working conditions for schools and other educational institutions.
3. It was agreed that, to achieve this, it would be necessary to adopt a pragmatic approach requiring urgent resolution, without prejudice to the positions of the parties on broader political issues.
4. The Albanian representatives agreed to provide a list of schools and other educational institutions to be covered by the measures mentioned in (2); as well [as] a list of teaching plans and programmes.
5. The Group agreed to meet again in Belgrade on 22 October. At that meeting discussions will be held on all the issues mentioned with the aim of reaching the necessary decisions for immediate actions.⁹

On 22 October 1992, the sides even agreed that the term 'education' should cover the four levels of pre-school, elementary school, secondary school and higher education. Still, 'no agreement could be reached so far on conditions under which school buildings should be opened, teachers should be reinstated and entrance

examinations should be handled.’¹⁰ Nevertheless, the reopening of elementary and secondary schools was scheduled for 2 and 3 November.¹¹

In late 1992, Belgrade’s position on matters related to Albanian-language education hardened¹² since Panic had been the subject of severe criticism by Milosevic and ultimately had to leave office after having lost the elections. Still, the Belgrade-Pristina dialogue on education did not collapse completely. According to Miranda Vickers,

During the first half of 1993 talks on the issue of education in Kosovo were held at intervals in Geneva (attended by both Federal and Serb representatives) but yielded no results. The talks were supposed to concentrate on education policies but moved towards more substantial political issues such as autonomy. It was agreed to proceed step by step. First, a pragmatic approach was to be adopted on immediate and urgent issues without prejudicing the position of the parties on the broader ones. But in spite of apparent good intentions and an encouraging start, the talks broke down almost immediately on the difference between the Serbian and Albanian school curricula and the issue of minority status for the Albanians. This destroyed the format of the talks, which above all were supposed to help improve the general political climate so that dialogue could eventually begin on a permanent solution to the status of Kosovo.¹³

Yet, when Serbian police arrested the rector of the Albanian underground university, Ejup Statovci, the dialogue finally collapsed.¹⁴ From mid-1993 on, Milosevic boycotted any mediation in this regard by the ICFY for the next two years.¹⁵ In June 1995, however, Ahrens was instrumental in bringing about an informal roundtable on inter-ethnic relations in the FRY at Belgrade, which was attended by the deputy chairman of Milosevic’s Socialist Party, Goran Percevic, as well as by the Vice-Chairman of the Democratic League of Kosova (LDK), Fehmi Agani, in Belgrade. Despite considerable willingness to compromise on the side of Agani and a certain degree of flexibility demonstrated by Percevic, no result was achieved.¹⁶

The Conference on Security and Co-operation in Europe

Among the first international bodies to deal with the Kosovo issue was the Conference on Security and Co-operation in Europe (CSCE; since 1 January 1995, Organisation for Security and Co-operation in Europe - OSCE). At the CSCE Meeting of Experts on National Minorities which took place in Geneva from 1 to 19 July 1991, i.e., parallel to the military events in Slovenia, Serbia was heavily criticised for its Kosovo policy.¹⁷ In early May 1992, a rapporteur mission under the Swiss legal expert Thomas Fleiner-Gerster had visited Serbia and recommended

the sending of monitors to Kosovo, Sandjak and Vojvodina. The discussion of the mission's 'reports of the grave situation of ethnic Albanians in Kosovo and the denial of fundamental freedoms to them' as well as of 'the military situation in Kosovo' in the CSCE's Committee of Senior Officials on 18-20 May 1992 caused heated exchanges with representatives from Belgrade.¹⁸ The Fleiner-Gerster Mission was followed by a fact-finding mission under Canadian Ambassador David Peel in late May. On 10 June 1992, the Committee of Senior Officials installed a task force on the former Yugoslavia which was ordered to 'prepare recommendations [...] on the role that further CSCE missions, of either short or long duration, might play in promoting peace, averting violence and restoring respect for human rights and fundamental freedoms in Kosovo, Vojvodina and Sanjak.'¹⁹

At its Helsinki Summit in July 1992, the CSCE not only adopted a Declaration on the Yugoslav Crisis calling for 'immediate preventive action' in Kosovo and urging 'the authorities in Belgrade to refrain from further repression and to engage in serious dialogue with representatives from Kosovo, in the presence of a third party,'²⁰ but also provided the diplomatic tools to do so. At the same time, on 8 July the CSCE temporarily suspended the membership of the disintegrated SFRY which since May 1992 had been claimed by the newly proclaimed FRY.

Another CSCE exploratory mission under Swedish Ambassador Jan af Sillén was sent to Kosovo, Sandjak and Vojvodina in early August, and on 14 August 1992, following the strong advice of the USA, the Committee of Senior Officials decided 'to establish, in co-operation with the relevant authorities, a continuous presence in Kosovo, Sanjak and Vojvodina, in the form of missions of long duration:'

The missions will:

- promote dialogues between the authorities concerned and representatives of the populations and communities in the three regions;
- collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems;
- establish contact points for solving problems that might be identified;
- assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.²¹

From 2 to 8 September 1992, the Head of Mission, Norwegian diplomat Tore Bøgh and his personal advisor Kære Eltervag, also from Norway, carried out a reconnaissance trip and on 9 September negotiated with authorities at Belgrade to set up a mission coordination centre there. On 11 and 12 September the two diplomats proceeded to Kosovo.²² On 17 September 1992, the Committee of Senior Officials requested Bøgh to 'begin immediately with the establishment of a continuous pres-

ence in the three regions.’²³ Accordingly, outposts in Pristina under Canadian diplomat Philip Hahn (from early February 1993 on with a permanent presence in the Kosovo towns of Peja/Pec and Prizren), in Novi Pazar (with a branch in Prijepolje), and in Subotica were set up and manned by 12 mission members.²⁴ Close coordination with ICFY’s Kosovo activities was ensured. At the same time as the CSCE Mission of Long Duration to Kosovo, Sandjak and Vojvodina, a CSCE Spillover Monitor Mission to the former Yugoslav Republic of Macedonia was sent under US diplomat Robert Frowick to Skopje.²⁵

The decision to let the missions into the FRY was made by Panic, and during all of the so-called ‘Panic Interlude,’ conditions for CSCE mediation in Kosovo looked rather promising. On 26 September 1992 mission members Robert Norman and Peter Mulrean, both from the US, reported to Bøgh on a trip to Pristina:

On September 24-25, members of the CSCE Mission of long duration met in Pristina, Kosovo, with leaders of the Albanian opposition and the Serbian Republic Government in Kosovo.

Both sides expressed a willingness to engage in dialogue. It was clear, however, that for now they are entrenched in diametrically opposed positions on the fundamental political questions of the status of Kosovo in Serbia.

There is some hope as to developing dialogue on the current stand-off in the education system. Teaching of an Albanian curriculum with Albanian as the language of instruction has been outlawed by Belgrade and has been replaced by a Serbian curriculum. This is unacceptable to the Albanian students who are boycotting the school system at all levels.

The federal government last week proposed a 14-point plan to the Albanians to resolve the educational crisis. Albanian leaders told us the political framework of the proposal was unacceptable - it includes a statement that Kosovo is an integral part of Serbia and refers to Albanians as a minority population - but indicated some of the points left room for discussion. We urged them to respond to these points. They promised to prepare either a response to the federal proposal or a counter-proposal, which we offered to communicate to the federal government.

The Serbian Republic officials promised full cooperation with the CSCE mission, offering an open invitation to visit prisons, hospitals, police facilities, factories, etc.

The visit of the Mission to Kosovo was reported in the local and national media, as well as in the Albanian opposition newspaper.²⁶

On 28 October 1992, Ambassador Bøgh signed a Memorandum of Understanding with the Federal Government in Belgrade regulating mission activities and prerogatives. Although the ‘Panic Interlude’ had ended in December 1992, in a Protocol of 29 April 1993 the FRY, still under the Cosic Presidency, agreed to extend the

missions' initial six-month mandate until 28 June 1993. Already in early 1993, the Kosovo branch of the missions had been enlarged by eight more members.

In July 1992, Vienna and Belgrade had agreed that the suspended participation of the FRY in the CSCE would be reconsidered if the missions did not report major human rights violation during the first twelve months of their operation. In light of Belgrade's support for the Bosnian Serbs' ethnic cleansing campaign, the CSCE considered re-admittance of the FRY to be a wrong political signal - despite the fact that the missions of long duration indeed did not report gross violations by Serbian authorities in Kosovo, Vojvodina, and Sandjak. Having succeeded in forcing the Federal Assembly on 1 June 1993 to remove the independent-minded FRY President Cosic and to replace him by the compliant Zoran Lilic, Milosevic had free hands to use the CSCE's intransigent stance as a pretext to get rid of the missions of long duration. On 2 July he forbade extending the visas of mission members, and by 28 July the missions had to leave the country.²⁷

In his last report of 29 June, the Head of Mission gave a gloomy picture of the achievements and failures of the Kosovo branch of the missions:

It is abundantly clear that Belgrade has not been able to cope with the crisis in Kosovo, a long-standing problem which it has exacerbated with its own actions. In the circumstances some government circles, after initial hesitations, have expressed increasing satisfaction with the presence and activities of the CSCE Missions of Long Duration there. Its mandate to promote dialogue with recalcitrant Albanians provides another avenue to influence more moderate Albanians and to pursue opportunities for an eventual accommodation under a regime of increased autonomy. [...] Albanian leaders have not been greatly concerned about CSCE efforts to promote dialogue with Serbia. In drawn-out educational talks and more recently in the negotiations to retain an independent press, they have been less flexible than their Serbian counterparts. The latter have offered significant concessions but asked in return for some form of acknowledgement of Serbian law and order. The former rejected all conditions that in the narrow and at times inconsistent perception of their people could be interpreted as acceptance of Serbian sovereignty over Kosovo. They perceive their benefit from the CSCE presence in terms of exposing and ameliorating human rights violations committed by the Serbian administration. Albanians see some benefit in the Missions' work but not nearly enough in terms of their needs. Sustained police criminality as well as numerous other instances of Serbian discrimination and disrespect of law and order at Albanian expense, have become nothing but proofs that Serbia has lost all claim to their province.

It is clear, of course, that Serbian authorities face a dilemma. If they eliminate police repression the separatist opposition will quickly get out of hand by mounting unpalatable initiatives such as convoking the parallel assembly that is waiting in the wings. If they continue human rights violations their claim along

with their capacity to govern the province will continue to erode. Albanian leaders doubt the long term prospects of Serbian rule and welcome any CSCE contribution helping them to expose internationally the incapacity of Serbia to fulfil minimum obligations towards its Albanian citizens in Kosovo. Thus some Serbians and many Albanians, each for very different reasons, perceive important benefits from CSCE missions and welcome their presence in Kosovo.²⁸

The departure of the Kosovo branch of the missions had an immediate and negative impact on the human rights situation in the region: former local staff of the mission and other Kosovo Albanians who had been in contact with the mission were interrogated, detained, and beaten.²⁹

Since the summer of 1993, the missions' activities have at least formally been carried out on a provisional basis by the ambassadors of CSCE Participating States in Belgrade, in particular by those of the CSCE Troika. Information thus submitted to an *ad hoc* Working Group on Kosovo is reported weekly to the CSCE 'Vienna Group' (now OSCE Permanent Council). Since then, the CSCE/OSCE Chairman-in-Office is formally Head of the CSCE Missions of Long Duration to Kosovo, Sandjak and Vojvodina.³⁰ During the years 1993 to 1996, at CSCE/OSCE Summits and other high-ranking meetings 'the unconditional return of the CSCE Mission of Long Duration to Kosovo, Sandjak and Vojvodina' was routinely demanded.³¹ In addition, the CSCE/OSCE Parliamentary Assembly kept monitoring the situation in Kosovo by dispatching delegations there almost annually.³² And at the OSCE Lisbon Summit of December 1996 heads of states and governments of the participating states declared:

We welcome the OSCE's continuing focus on the Federal Republic of Yugoslavia. We express our expectation that the OSCE Mission of Long Duration to Kosovo, Sandjak and Vojvodina will be able to resume its work as soon as possible. In fulfilling its mandate, such a Mission should actively contribute, among other thing, to following developments and fostering dialogue with a view to overcoming the existing difficulties. Other forms of OSCE involvement would also be desirable. They should include efforts to accelerate democratisation, promote independent media and ensure free and fair elections. Recalling our previous declarations, we call for the development of a substantial dialogue between the Federal Authorities and the Albanian representatives of Kosovo in order to solve all pending problems there.³³

On 22 January 1997, a car bomb in Pristina seriously injured Radivoje Papovic, the hardline rector of the (Serbian) University of Pristina. The assassination attempt was carried out by what turned out to be an organised military structure, the UCK, which quite obviously was focusing on the educational field. This develop-

ment caused the Danish OSCE Chairmanship on 6 February 1997, to nominate former Dutch Foreign Minister Max van der Stoep as Personal Representative of the Chairman-in-Office for Kosovo. His task was 'to closely examine the situation in Kosovo and to explore the possibilities for ways and means of reducing existing tensions as well as preventing potential tensions from building up.' In addition, he was asked 'to explore the possibilities for a constructive dialogue on these issues between the authorities of the Federal Republic of Yugoslavia and representatives of Albanians in Kosovo.'³⁴ He was, however, handicapped by the fact that Belgrade did not allow him to visit Kosovo. There had also been reservations against him in Pristina: his main function of OSCE High Commissioner on National Minorities provoked criticism among the Kosovo Albanians who explicitly consider themselves not to be a national minority but the majority.³⁵

Comunità di Sant'Egidio

The most concrete political result of international NGO activities concerning Kosovo has been an Agreement providing for 'the return of the Albanian students and teachers back to schools' brokered by the chairman of the Catholic Laymen Organisation *Comunità di Sant'Egidio* of Rome, Monsignor Vincenzo Paglia. Secret negotiations were carried out in Rome with the involvement of the Yugoslav ambassador who according to ICG 'is an active member of JUL, the political party headed by Milosevic's wife, Mira Markovic.'³⁶ The Agreement was drafted in Italian, then translated into Serbian and Albanian, and signed on 1 September 1996 simultaneously in Belgrade by the 'President of the Republic of Serbia, Slobodan Milosevic' and in Pristina by 'Dr. Ibrahim Rugova.'³⁷ An English translation distributed in Belgrade on 1 September 1996 read:

Since some years now, the educational system of Kosovo - from elementary schooling to university - does not work in a normal way.

By mutual consent the undersigned, Mr. Slobodan Milosevic, President of the Republic of Serbia, and Dr. Ibrahim Rugova have agreed to proceed to the normalisation of the educational system of Kosovo for the Albanian children and youth.

On this line the agreement reached foresees the return of the Albanian students and teachers back to schools.

Because of its social and humanitarian value the present agreement is above any political debate. The concern which both undersigned feel very strongly for the future of the Albanian children and youth of Kosovo has led them to reach such an agreement.

Both undersigned thank their joint friends of the Community of S. Eudigio [*recte*: Egidio] for the generous commitment, help and support they have given to the dialogue.

Both undersigned are furthermore certain about the commitment of all those who are in charge in the implementation of the agreement for the normalisation of the educational system. There will be a mixed group (3+3) established for the realisation of this agreement.

When young people seriously commit themselves to their educational and cultural formation, so to become responsible citizens, the victory of civilisation itself will prevail instead of the victory of ones over the others.

Dr. Ibrahim Rugova President of the Republic of Serbia

Slobodan Milosevic³⁸

The news of the signing of the Agreement considerably improved the atmosphere in Kosovo. It soon turned out, however, that the Agreement was flawed with technical mistakes and political weaknesses. While an Albanian translation explicitly mentioned ‘pupils and students’,³⁹ the Serbian version had only ‘pupils’ (*ucenici*), not, however, ‘university students’ (*studenti*). This was due to the Italian original which mentioned ‘studenti e [...] insegnanti’⁴⁰, meaning ‘pupils and teachers’, not, however, ‘university students’ (*studenti di università*). This allowed Belgrade to deny that the agreement provided for readmission of Albanian undergraduate and graduate students to the University of Pristina. The Kosovo Albanian side on the other hand interpreted the Agreement as providing for the reopening of the *Albanian* University of Pristina which in 1990 had been turned into a Serbian institution of higher education. Yet also regarding elementary and secondary education the Agreement was interpreted in fundamentally different ways by the two sides. According to Belgrade, it provided for the return of the Albanian pupils to the state system of education (‘re-integration’), while the Kosovo Albanians were of the opinion that state-owned school buildings would be turned over to them. A particularly dangerous source of friction was the application of the principle of double-shift teaching in state-owned school buildings - Serbs in the morning, Albanians in the afternoon. The Agreement did not address such central, yet controversial topics like curricula, recognition of diplomas, and funding. A particular flaw of the Agreement was that it did not include a timetable for its implementation.⁴¹

The reason for the diverging interpretations of the Agreement was the fact that a thirteen-paragraph Memorandum annexed to the Agreement and called ‘First Measures of Normalisation of the Education System in Kosovo’ was not made public. Contrary to what Serbian human rights sources supposed, it did not only contain ‘a list of school facilities to which Albanian students are to be given access’⁴², but named explicitly university premises:

[I]t was negotiated and decided what follows: I. That normal academic activity of school and university will recommence [...]. II. That all school and university

premises and other connected spaces will be used again like they were used before the interruption of the common utilisation without any conditions. Those will have to be made available in proportion with the number of pupils and students. This means that will be made available [...] the premises of the seven post-secondary schools and of the 13 faculties, hereafter enumerated, with the annex spaces: the university and public library, the institutes, the dormitories, the canteens and the gyms.⁴³

An annex to this Memorandum contained ‘a list of 24 primary schools, 66 secondary schools, seven post-secondary schools and 13 faculties of Pristina University, to which ethnic Albanians are to be given access.’⁴⁴

As it soon turned out, the Education Agreement was ‘yet another irrelevant diversion’ staged by Milosevic⁴⁵. He now had something to ‘prove’ his goodwill towards the international community, and at the same time, Rugova had implicitly acknowledged that it was the President of the Republic of Serbia, not the Federal President, who was the Albanians’ counterpart in any negotiations with Belgrade. At the same time, Rugova’s reputation was severely damaged by this recognition of Serbian authority which ran parallel to Serbian non-recognition of his own as ‘President of the Republic of Kosova’.

The fact that Belgrade did not undertake any steps to implement the Agreement as well as the increasing activities of the UCK and a newly emerging movement of Kosovo Albanian students, led Mgr. Paglia and his advisers Roberto Morozzo della Rocca and Paolo Rago to a renewal of their mediation efforts in the summer of 1997. They succeeded in making the 3+3 Group meet on 9 October 1997 in Pristina and on 10 October in Belgrade where, however, the talks collapsed.⁴⁶ Here the Albanian side was represented by the LDK’s Vice-Chairman Agani, Abdyl Ramaj, Member of the LDK Presidency, and Osmani, Minister of Education in the ‘shadow government’ and Member of the Board of the LDK, as a replacement for Xhavit Ahmeti, also Member of the LDK Presidency, who had died in 1997 in a car accident. The Serbian side was represented by Percevic, Ratomir Vico, Minister without Portfolio in the Government of the Republic of Serbia, and Jovo Todorovic, Minister of Education of the Republic of Serbia, who in 1998 was replaced by Dobroslav Bjeletic, director of the Serbian Textbook Publishers.⁴⁷

In mid-February 1998 the 3+3 Group met again under the auspices of *Comunità di Sant’Egidio* to discuss curricula, textbooks, and other highly controversial topics related to the implementation of the education agreement.⁴⁸ On 23 March both sides signed a document listing measures to implement the agreement and providing for a gradual re-entry of Albanian students into schools and faculties.⁴⁹ According to an observer from Pristina,

The document failed to address the issues of curriculum and financing, but the impli-

cation was a deal whereby Serb authorities would not interfere with Albanian programs but would not finance them either. The two sides agreed that the faculties of Architecture, Electrical Engineering and Mechanical Engineering will be open for the Albanian students as of 30 May.⁵⁰

The signing was followed by fierce protests by Serbian nationalists led by Serbian rector Papovic.⁵¹ Those few university buildings that were handed over to the Kosovo Albanians in accordance with the new agreement were in extremely bad shape and according to observers resembled 'empty shells'.⁵² In the spring of 1998, the repeated ill-implementation of the educational accord of 1996 was, however, no longer a major issue. The Drenica massacre and the follow-up raids in Western Kosovo had completely destroyed the atmosphere for any progress, and that not only in the crucial educational matters. Thus, the efforts by the international community to prevent the Kosovo conflict from breaking out by defusing the time-bomb of the educational issue had definitely failed.

* * *

In September 1997, Ahrens's indirect successor, German Ambassador Martin Lutz, then chairing the Working Group on Ethnic and National Communities and Minorities which in 1995 had been transferred from the dissolved ICFY to the newly created Office of the High Representative at Brussels, put the self-critical question whether the international community's focus on the educational issues was indeed a promising start for mediation in the Kosovo conflict. Would a focus on health care or media issues not have yielded better and earlier results?⁵³ Even with the benefit of hindsight, this question cannot be answered. One thing, however, is certain. In an extremely 'young' society like the Kosovo Albanian one, with at least half the population under the age of 25 and a birthrate of 2.31 per cent (1997), in a situation where tens of thousands of children and youngsters for years in a row are denied proper education as well as any chances for professional careers - in such a situation the issue of education becomes decisive. The eager response by young Kosovo Albanians to the call to the arms by the 'Kosovo Liberation Army' is a direct result of the catastrophic shape of all branches of education in Kosovo since 1989.

¹International Helsinki Federation, 'Kosovo: Urgent Appeal for Courage, Leadership, and Cooperation,' Belgrade, Pristina, Podgorica, 21 January 1998, at <http://www.ihf-hr.org>.

Rights Developments in 1996 (Vienna: IHF, 1997), p. 295. Cf. also Denisa Kostovicová, *Parallel Worlds: Response of Kosovo Albanians to Loss of Autonomy in Serbia, 1986-1996* (Keele European Research Centre Research Paper: Southeast Europe Series, 2) (Keele: Keele University, 1997), and Stefan Troebst, 'Still Looking for an Answer to the "Albanian Question,"' *Transition*, vol. 3, no. 4, 7 March 1997, pp. 24-27.

³Stefan Troebst, *Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998* (Flensburg: European Centre for Minority Issues, 1998) (ECMI Working Paper 1).

⁴Cf. the documentation by Troebst, *Conflict in Kosovo*, pp. 21-103.

⁵According to the ICG, the *Comunità di Sant'Egidio* 'is partly funded by the US government through the US Institute for Peace.' *Kosovo Spring. The International Crisis Group Guide to Kosovo* (Brussels: ICG, 1998), p. 52.

⁶Fabian Schmidt, 'Kosovo: The Time Bomb That Has Not Gone Off,' *Radio Free Europe/ Radio Liberty Research Report*, vol. 2, no. 39, 1 October 1993, p. 24.

⁷*Ibid.*

⁸Cf. 'Background Briefing on 6 October 1992 by Ambassador Geert Ahrens,' *The International Conference on the Former Yugoslavia - Official Papers*, ed. B. G. Ramcharan, Vol. 2 (The Hague, London, Boston: Kluwer Law International, 1997), pp. 1603-1608. See also Geert Ahrens, 'Praktische Erfahrungen bei der ausländischen Vermittlung in Minderheitenkonflikten im früheren Jugoslawien,' *Weltweite und europäische Sicherheit im Spannungsfeld von Souveränität und Minderheitenschutz*, eds. Ekkehard Hetzke and Michael Donner (Berlin, Bonn, Herford: E. S. Mittler & Sohn, 1994), pp. 77-89; Geert-Hinrich Ahrens, "'Das Augenmaß auf dem Balkan nicht verlieren": Die Albaner im Kosovo und in Mazedonien,' *Das Parlament* 46 (1996), no. 16-17, 12 April 1996, p. 11; and 'Bertrand de Rossanet' [= B. Ramcharan?], *Peacemaking and Peacekeeping in Yugoslavia* (The Hague, London, Boston: Kluwer Law International, 1996), pp. 24-33.

⁹'Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia [11 November 1992],' *The International Conference on the Former Yugoslavia - Official Papers*, ed. B. G. Ramcharan, Vol. 1 (The Hague, London, Boston: Kluwer Law International, 1997), p. 558.

¹⁰*Ibid.*, p. 559.

¹¹Schmidt, 'Kosovo: The Time Bomb That Has Not Gone Off,' p. 24.

¹²'Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia [24 December 1992],' *ibid.*, pp. 597-599; 'Report of the [United Nations] Secretary-General on the International Conference on the Former Yugoslavia: Recent Activities of the Working Groups [30 March 1993],' *ibid.*, pp. 761-762.

¹³Miranda Vickers, *Between Serb and Albanian. A History of Kosovo* (London: C Hurst & Co., 1998), pp. 271-272.

¹⁴Gordana Igric, 'Education Is the Key in Serb-Kosovar Negotiations,' *Transitions*, vol. 3, no. 4, 7 March 1997, p. 21.

¹⁵'Chairman's Report of 14 September 1993 to the Steering Committee on the

Former Yugoslav Republic of Yugoslavia,' *The International Conference on the Former Yugoslavia*, Vol. 2, pp. 1612-1614; and 'Letter Dated 25 January 1994 from the [United Nations] Secretary-General Addressed to the President of the Security Council,' *ibid.*, Vol. 1, pp. 918-919; 'Letter Dated 29 December 1994 from the [United Nations] Secretary-General Addressed to the President of the Security Council,' *ibid.*, Vol. 1, pp. 993-995; 'Letter Dated 27 July 1995 from the [United Nations] Secretary-General Addressed to the President of the Security Council,' *ibid.*, Vol. 1, p. 1107; and 'Letter Dated 2 January 1996 from the [United Nations] Secretary-General Addressed to the President of the Security Council,' *ibid.*, Vol. 1, p. 1160. Thorvald Stoltenberg, co-chairman of ICFY, reports in his memoirs, however, that 'in the spring of 1995' Milosevic accepted his proposal to meet Rugova in order to discuss educational, health, and cultural issues. The meeting did not take place since Milosevic was not willing to accept international mediation. See Thorvald Stoltenberg and Kai Ende, *De tusen dagene: Fredsmeklere på Balkan* (Oslo: Gyldendal Norsk Forlag, 1996), pp. 325-326.

¹⁶Fabian Schmidt, 'Strategic Reconciliation in Kosovo,' *Transitions*, vol. 1, no 15, 25 August 1995, pp. 18-19.

¹⁷For the reaction of the Serbian delegation see Miodrag Perisic, 'On the State of Affairs in Kosovo and Metohija,' CSCE/91-07-17.DOC/3, reprinted in Christine von Kohl and Wolfgang Libal, *Kosovo: Gordischer Knoten des Balkans* (Wien, Zürich: Europaverlag, 1992), appendix 4. The 'Report of the CSCE Meeting of Experts on National Minorities' of 19 July 1991 is published in *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, ed. Arie Bloed (Dordrecht, Boston, London: Kluwer Academic Publishers, 1993), pp. 593-602. *Ibid.*, p. 604, also the 'Interpretative Statement by Yugoslavia' on 'the separatist behaviour of a part of one national minority' in Serbia and 'its claim to the right of self-determination' is reprinted.

¹⁸'Eleventh CSO Meeting, Helsinki, 18-21 May 1992. Statement on the Former Yugoslavia, Interpretative statement by Yugoslavia,' *ibid.*, pp. 942-945.

¹⁹'Twelfth CSO Meeting, Helsinki, 8-11 June 1992, Decisions of the Committee of Senior Officials, paragraph 7 (b),' *ibid.*, p. 948. While the CSCE headquarters at Vienna used the form *Sanjak*, the missions themselves used *Sandzak*. Recently, OSCE has been using the form *Sandjak*. The actual Serbian spelling is *Sandpak*, derived from Turkish *sancak*: 'Banner,' meaning an administrative unit in the Ottoman Empire.

²⁰'Declaration on the Yugoslav Crisis, Adopted by the CSCE Summit, Helsinki, 10 July 1992,' *Yugoslavia Through Documents. From Its Creation to Its Dissolution*, ed. Snezana Trifunovska (Dordrecht, Boston, London: Martinus Nijhoff, 1994), doc. no. 225, p. 648.

²¹'Fifteenth CSO Meeting, Prague, 13-14 August 1992, Decision on Missions of Long Duration,' *The Conference on Security and Co-operation in Europe, 1972-1993*, p. 959.

²²Tore Bøgh, 'Interim report from Head of Mission to Kosovo, Sandzak and Vojvodina,' Belgrade, 27 September 1992.

²³'Sixteenth CSO Meeting, Prague, 16-18 September 1992, Decision on missions of

long duration,' *The Conference on Security and Co-operation in Europe, 1972-1993*, p. 968.

²⁴The CSCE Missions to Kosovo, Sandzak and Vojvodina,' *Fortnightly Report* no. 1/93, Belgrade, 7 January 1993.

²⁵Cf. Stefan Troebst, *Die KSZE-Spillover-Monitormission in Makedonien, 1992-1993: Präventive Friedenssicherung durch internationale Beobachtermissionen?* SWP-AP 2830 (Ebenhausen: Stiftung Wissenschaft und Politik, 1994).

²⁶Special report by mission members on visits to regions, Kosovo, Annex 1 to Tore Bøgh, Interim report from Head of Mission to Kosovo, Sandzak and Vojvodina,' Belgrade, 27 September 1992.

²⁷Cf. 'Helsinki Declaration of the CSCE Parliamentary Assembly, Helsinki, 9 July 1993, CSCE Missions in Kosovo, Vojvodina and Sandjak,' *The Conference on Security and Co-operation in Europe, 1972-1993*, p. 1062.

²⁸CSCE Missions to Kosovo, Sandjak and Vojvodina, Special Report: Kosovo – Problems and Prospects, Belgrade, 29 June 1993.

²⁹The conflict in Yugoslavia – a chronology,' *The 'Yugoslav' Crisis in International Law: General Issues* (Cambridge International Document Series, vol. 5). Part I, eds. Daniel Bethlehem and Marc Weller (Cambridge: Cambridge University Press, 1997), p. xlix.

³⁰Cf. 'Mission to Kosovo, Sandjak and Vojvodina, Annual Report of Secretary-General 1995,' *The Conference on Security and Co-operation in Europe: Basic Documents, 1993-1995*, ed. Arie Bloed (The Hague, London, Boston: Martinus Nijhoff Publishers, 1997), p. 57.

³¹Budapest Summit 1994, Annex 2: Draft, Bosnia-Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro) and the situation in the region,' *Ibid.*, p. 142. See also 'Twenty-Third CSO Meeting, Prague, 21-23 September 1993, Annex 2: Decision on former Yugoslavia (Missions of Long Duration),' *ibid.*, p. 237.

³²See, for example, 'CSCE Parliamentary Assembly Delegation to Zagreb, Belgrade and Pristina 14-17 June 1994, Report to the Third Annual Session Vienna 5-8 June 1994,' at <http://osceprag.cz/inst/parlamen/yugo94.htm>.

³³Lisbon Document 1996, Lisbon Summit Declaration, Lisbon, 3 December 1996,' *OSCE Decisions 1996, Reference Manual* (Vienna: OSCE, 1997), p. 16.

³⁴Chairman-in-Office Appoints Personal Representative for Kosovo,' *OSCE Newsletter*, vol. 4, no. 2, February 1997, p. 2.

³⁵Cf. Matthias Rüb and Oliver Hoischen, 'Wut und Enttäuschung auf dem Amselfeld,' *Frankfurter Allgemeine Zeitung*, 15 August 1997, p. 6.

³⁶*Kosovo Spring*. P. 52.

³⁷Laura Silber, 'Milosevic in accord to end Albanian boycott of schools,' *Financial Times*, 3 September 1996; and Gordana Igric, 'Education is the Key in Serb-Kosovar Negotiations,' *Transitions*, vol. 3, no. 4, 7 March 1997, pp. 19-23. On Sant'Egidio see Sergei Startsev, 'OON iz Trastevere: Mirotvortsy, kotorye prosty, kak golubi, no ostorozhny, kak zmei,' *Nezavisimaja gazeta* [Moscow], 27 November 1997, enclosure 'NG-Religiia', p. 5; and Andrea Bartoli, 'A Mediation Model beyond the United Nations,' *Crosslines, Global Report*, vol. 3, no. 1 (March), 1995, at <http://www.ichr.org/>

xlines/31/un31.html.

³⁸‘Memorandum of Understanding,’ English translation, distributed in Belgrade on 1 September 1996. This text was reprinted by Thanos Veremis, ‘The Kosovo Puzzle,’ in *Kosovo: Avoiding Another Balkan War*, eds. Thanos Veremis and Evangelos Kofos (Athens: ELIAMEP and University of Athens 1998), pp. 40-41. There is, however, another English translation in use among international actors which runs: [t]he Agreement, signed by Serbian President Slobodan Milosevic and Dr. Ibrahim Rugova on 1 September 1996, is as follows:

For several years, the educational system in Kosovo from primary school to university level has not been functioning normally.

On the basis of mutual agreement, the undersigned, President of Serbia Slobodan Milosevic and Dr. Ibrahim Rugova have agreed to commence normalisation of the educational system for Albanian children and young people in Kosovo.

This Agreement envisages the return of Albanian school children and teachers to schools.

Because of its social and humanitarian importance, this Agreement supersedes any political debate. The concern felt by the undersigned for the future of Albanian children and youth has led them to arrive at this Agreement.

They are also grateful to their mutual friends from the humanitarian community of Sant’Egidio for the assistance and support they have given to bringing about dialogue.

The undersigned are convinced of the readiness of all those responsible for implementing the Agreement on a normalisation of the educational system. A mixed group (3 and 3) will be set up to implement this Agreement.

When young people take a serious approach to their own education and cultural advancement in order to become responsible citizens, there will be a triumph of civilisation, not a triumph of one over the other.

Text, distributed by Ambassador Martin Lutz of the Office of the High Representative at the Conference ‘Strategies and Options for Kosovo’, held by the Bertelsmann Science Foundation and the Research Group on European Affairs, Thessaloniki, Greece, 20-21 April 1998.

³⁹‘Deklarat, Prishtin, Beograd, 01. 09. 1996,’ Albanian text distributed in Pristina on 1 September 1996.

⁴⁰According to ICG, the whole sentence read in the original Italian text: ‘I questa linea, l’accordo raggiunto prevede il ritorno degli studenti e degli insegnanti negli edifici scolastici’ (*Kosovo Spring*, p. 53n).

⁴¹Martin Lutz, ‘How to implement the school agreement?’ paper given at the Conference ‘Strategies and Options for Kosovo’, held by the Bertelsmann Science Foundation and the Research Group on European Affairs, Thessaloniki, Greece, 20-21 April 1998.

⁴²Humanitarian Law Center, ‘Education of Kosovo Albanians,’ *Spotlight Report* no. 24, 16 October 1997, p.5.

⁴³*Kosovo Spring*, p. 53. The Italian original read: ‘E stato negoziato e deciso quanto

segue: I. che riprenda la normale attività scolastica delle scuole e dell'università [...]. II. che ritornino a essere usati tutti i locali scolastici, universitari e ambienti circostanti, come lo erano sino all'interruzione dell'utilizzo comune, senza alcuna condizione. Essi dovranno essere messi a disposizione in proporzione al numero degli alunni e studenti. Questo significa che siano resi disponibili: [...] le costruzioni delle 7 scuole parauniversitarie e delle 13 facoltà, di seguito elencate, con ambienti annessi: la biblioteca universitaria e popolare, gli istituti, i convitti, le mense, le palestre, ecc.' (*Ibid.*, p. 53n).

⁴⁴*Ibid.*, p. 54.

⁴⁵Vickers, *Between Serb and Albanian*, p. 306.

⁴⁶'Kosovo Talks Collapse,' *Radio Free Europe/Radio Liberty Newslines*, no. 137, pt. II, 13 October 1997.

⁴⁷Cf. Humanitarian Law Center, 'Education of Kosovo Albanians,' *Spotlight Report* no. 24, 16 October 1997, pp. 5-7; and 'Measures Agreed on Implementation of Educational Accord', *Kosova Daily Report* no. 1380, 23 March 1998, item 1, at <http://www.hri.org/news/balkans/kosova>.

⁴⁸Cf. 'Albanski djaci u drjavnim zgradama,' *Nasa borba*, 17 February 1998, p. 1; 'Serbian-Albanian Talks Begin,' *RFE/RL Newslines*, vol. 2, no. 36, pt. II, 23 February 1998; and Matthias Rüb, 'Washington kündigt Lockerung der Sanktionen gegen Belgrad an,' *Frankfurter Allgemeine Zeitung*, 25 February 1998, p. 2.

⁴⁹Matthias Rüb, 'Schulabkommen unterzeichnet Vereinbarung zwischen Kosovo-Albanern und serbischer Regierung', *Frankfurter Allgemeine Zeitung*, 24 March 1998, p. 6. For the text of the implementation agreement see 'Agreed Measures for the Implementation of the Accord on Education of September 1st 1996', Pristina, 23. 3. 1998, signed by Agani, Ramaj and Osmani for the Albanian side, by Vico, Percevic and Bjeletic for the Serbian side and by Mgr. Paglia for Sant'Egidio. Cf. also 'Measures Agreed on Implementation of Educational Accord', *Kosova Daily Report* no. 1380, 23 March 1998, item 1, at <http://www.hri.org/news/balkans/kosova>.

⁵⁰Astrit Salihu, 'An Education in Profit,' *Transitions*, vol. 5, no. 5, May 1998, p. 23.

⁵¹Guy Dinmore, 'Serb fury at Kosovo school deal,' *Financial Times*, 24 March 1998, p. 2.

⁵²Anna Husarska, 'Milosevic Shows His True Colors on Education Accord,' *International Herald Tribune*, 5-6 September 1998, p. 8.

⁵³Lutz, 'How to implement the school agreement?'

Why Macedonia Matters: Spill-over of the Refugee Crisis from Kosovo to Macedonia

ZVONIMIR JANKULOSKI

I will start with the words of Michalis Papaconstantinou, the former Greek Minister of Foreign Affairs: 'Centuries in the Balkans do not follow one another; they co-exist', and 'old ideas never die, and if they are dead, they are never buried'.¹

It seems that the nations of the Balkans have never learned from history; they have never learned from their mistakes in order to avoid making them again. The history of the Balkans is, in its simplified version, one of ancient tribal hostility; failure of imagination, sophistication, political skills, and perceptions; poor analysis and obstinacy. The nations of the Balkans are the prisoners of their memories and their unrealistic strategic goals. Everybody in the Balkans still thinks of old international treaties and remembers old intentions.

From the very beginning of the Yugoslav crisis in the 1980s, it has been an axiom of most Western commentators and diplomats that the Yugoslav crisis will end in Kosovo. Why Kosovo? Maybe for reasons of history, memories and national pride. For almost two decades Kosovo has remained a centre of potential crisis in the southern Balkans, threatening to undermine the peace and stability of the region. Kosovo is a good example of how pursuing the policy of short-term stability could result in far greater instability. Deep divisions in values, attitudes and expectations between Serbs and Albanians have not allowed the necessary skills of ethnic accommodation to be developed in Kosovo. Neither side has been prepared to make concessions. Instead, they have treated the other side as an enemy, resulting in the recent eruption of open violence.

From the Serbian point of view, the problems of Kosovo have not arisen from any legal discrimination against Albanians, but stem from other sources. One source of tension among the most militant and nationalistic groups of Albanians was the creation of autonomous provinces, undoubtedly influenced by the presence of a high percentage of minorities. The creation of these provinces was intended to result in a gradual process of full independence which could lead to exercise the right of self-determination, including secession.

This impression was strengthened by the 1974 Constitution of the Former Yugoslav Republic, which elevated the autonomous provinces to direct participants in the government of the federation. Accordingly, a climate was created in the province of Kosovo, which suggested that it 'belonged' to Albanians, and systematic pressure was applied to non-Albanians to leave. This climate has been worsened by the permissive attitude of the Kosovo authorities and their tendency

to favour the Albanian language over the official language on road signs, school certificates, and broadcasting. Gradually, candidates for official positions and jobs were expected to be bilingual, which was interpreted as discrimination against Serbs and Montenegrins in Kosovo. This led to an accumulation of dissatisfaction in Serbia. After changes to the Serbian Constitution in 1989, there was a counter-reaction on the part of many Albanians, who felt that their gains had been suddenly abrogated.²

From the Albanian perspective, the Serbian state forcibly and unilaterally abolished Kosovo's autonomy. It was a unique act of 'internal' annexation of one of 'eight equal units' of the former Yugoslav federation. It was precisely this Serbian state that created a system of parallel 'Serbian' institutions in Kosovo, under the direct control of the government and the regime in Belgrade.³ Albanian political actors in the Balkans have the distinct feeling that they have missed the historical chance which the Slovenes, Croats, Macedonians and, with a tragic outcome, the Bosnian Muslims have seized.

In the parallel Serb and Albanian states that exist side by side in Kosovo, without ever interacting, the most celebrated virtue is total commitment to one's community. Both sides have become prisoners of their own strategies in developing segmentary communities of their own race and culture. Nationalism, accompanied by unaccomplished wishes and promises, goes back centuries in Kosovo. Albanians have used nationalism as an outlet for their discontent for a long period of time, thus provoking and increasing Serb nationalism. When the national issue was raised to the top of the agenda by politicians on both sides, the crisis in Kosovo erupted.

After years of fragile peace, the situation in Kosovo has been radicalised. When the attempts to establish contact and make certain compromises were torpedoed by the activities of the Albanian extremist circles (so-called Kosovo Liberation Army), the Serbian authorities sharpened their regime and increased the effects of the repressive apparatus in Kosovo. People have been killed, and both sides blame each other for breaking the peace. All the while, repression is getting worse. Is it important who bears the responsibility for the escalation of the crisis in Kosovo if events spiral out of control? Certainly not. All those in the region are in danger if the situation in Kosovo escalates.

Why is Macedonia so frightened by the escalation of the situation in the province of Kosovo? How can the spill-over of the ethnic conflict in Kosovo into Macedonia destabilise the region and become the overture for a new Balkan war? It has long been feared that the war in Kosovo would be the cause of escalating ethnic tensions in Macedonia, and would lead to armed conflict. Macedonia's location in the heart of the Balkans makes it strategically critical. It has been argued

that a Macedonian war would lead to a 'third Balkan war'. Such a war would be between states and would therefore be, by definition, an international conflict.

Macedonia, for most Western countries, is an obscure land associated with ancient history. Macedonia is an economically fragile, militarily weak and land-locked nation buffeted by the politics and problems of its neighbours. The Macedonian question has been crucial in shaping the course of relations between all of Macedonia's neighbours. At the beginning of this text, I mentioned that old dreams and unaccomplished wishes never die in the Balkans. Macedonia is still an apple of discord, with unresolved problems regarding the country's name, language, national identity and religion. But the main threat to the future prosperity of the Republic of Macedonia is deep internal ethnic and religious divisiveness. Usually, when the international community spotlights inter-ethnic relations in Macedonia, it looks only at relations between the 'Macedonian people' as the majority and the 'Albanian nationality' as the minority. This seems reasonable, given that the Albanian minority represents a significant part of the population in Macedonia (22.9 per cent according to official government statistics), and given that the main problems that undermine internal stability are generated by the demands of the Albanians.

In recent years, inter-ethnic relations in Macedonia have been shaped by the changes in the political life of its northern neighbour. In the period following Macedonian independence, the behaviour of Albanian political figures in Macedonia underwent a complex metamorphosis. At the beginning of the Yugoslav crisis, the Albanian minority actively supported Macedonian efforts to create an independent, sovereign state, hoping that in that way the strong anti-Albanian influence from Belgrade would be eliminated, or at least diminished. Subsequently, in the more relaxed atmosphere in Macedonia (because in Macedonia there were no bad memories about life together in the previous period and because Macedonia succeeded in staying out of war in Bosnia), the leaders of the Albanian minority (mainly their political leaders who came from Kosovo) transplanted their frustrations and unrealised demands from Kosovo to Macedonia. They started with demands to participate in political and social life in Macedonia as a 'constitutive people'. Regarding this demand, they insisted on changes in the constitutional system and legal regulation of the Macedonian Republic that would comply with the 'new' status and position of the Albanian population. They disregarded the principle of majority rule in the creation of the new Macedonian democratic plural society, and when their demands were rejected they applied the tactics of 'political abstention'. At that moment, their efforts were concentrated on the building of a parallel self-organised Albanian society, like the one which was built in Kosovo.

The creation of illegal and semi-legal educational, military and political organisations was the way in which they hoped to realise their long term national

aims and ideals: all Albanians in one state. The activities taken in this direction are aimed to federalise Macedonia and to give the Albanian area virtual self-rule. How else can one explain their actions in proclaiming what is called the Autonomous Republic of Ilirida in Western Macedonia, creating and persistently demanding legalisation of the so-called Albanian University in Mala Recica-Tetovo, proclaiming the Albanian language as the official language in the municipalities where they are in power, insisting that their language has equal legal standing to the Macedonian language for all practical and official purposes, and using the Albanian flag together with or in place of the Macedonian one?

During the last few years, Albanians have participated in government coalitions, which gave them the opportunity to work towards achieving their long-term political and national aims by legal means. But still, if we analyse their recent political moves, we cannot escape the impression that they are well co-ordinated with the Albanian movement in Kosovo and with the foreign policy of Albania in the region. As the crisis in Kosovo erupted, the demands from Albanian political parties in Macedonia became more and more aggressive and the means of their realisation became more radicalised and tended to run out of political control.

What is peculiar regarding the position of Albanians in Macedonia is that the people who represent the Albanian minority are mostly politicians. They believe that they are the only ones who can make a valuable judgment on the position of the Albanian minority in Macedonia, who can evaluate the adequacy of human rights protection, and who can spread the truth about the discrimination suffered by their people. They take the right to speak in the name of the group, sometimes denying the right of the members of the group to speak for themselves. If we know that most of the radical political leaders of the Albanian parties, as I previously mentioned, have come from Kosovo, then it is not surprising that we have such an obvious transfer of the Kosovo crisis to Macedonia. The 'rights' and 'wrongs' of the situation in Macedonia in their polemic do not emerge from the facts of the case, but simply from the prior prejudice and political frustrations. They have not only learned to be vocal, they have also discovered how easy it is to tear the flimsy fabric of Macedonian democracy. They misused the unsolved problems of Kosovo, namely the threat that ethnic conflict erupting there could spill over into Macedonia, Bulgaria and Albania, to demand more and more. Also, they believe the more extreme they sound, the more they will get.

But it could be a double-edged sword. They have forgotten that this behaviour can provoke a harsh and oppressive reaction among majorities. Many Macedonians fear that the main threat comes from an increasingly radicalised Albanian minority. They share the same fears as Serbians about the Albanians of Kosovo. History supports both fears of Albanian irredentism. It cannot be forgotten that

during World War II, Albania, with Fascist Italy's blessing, annexed Albanian areas of Macedonia and Serbia.

The defence of the rights of members of minorities is certainly a litmus test of liberty and the rule of law. More than that, it is in a sense what they are about. It is very sad to say that the friends of liberty in Macedonia could easily find themselves defending the rights of the majority when those who needed the protection of the forces of freedom and the rule of law, turned themselves into modern tyrants. Nobody can and nobody should blame minorities for seeking their rights and putting pressure on the government to improve their position in society. But nobody will accept and support politicisation of the concept of rights which sacrifices the individual and his possibility for self-realisation in society. Following the concept of rights with militant words is a hypocritical use of rights, without any real and sincere wish for their full implementation. Hopefully, the fear of war and the awareness of how fragile Macedonia is during this process of transition has made the general public (by which I mean individuals on both sides) willing to reduce tensions and look for better and more acceptable solutions to the Albanians' demands. Duncan Perry, director of the Analytical Research Department of Radio Free Europe, has stressed that 'tolerance has been practised and ethnic and religious minorities have been welcomed to live in the Macedonian state with constitutional protection.'⁴

If we go deeper into proposing adequate solutions of the Albanian question in the Balkans, two alternatives represent the best and worst scenarios of what might happen in Kosovo: the long uncertain path of negotiation and agreements, *versus* the start of an ethnic war (whether a long exhausting war, or variant of *blitzkrieg* with an uncertain outcome for both sides).⁵ Nobody wants to see a violent solution to the Kosovo problem, but I cannot escape thinking about it, knowing how close to Macedonia the war will be. If the war starts in Kosovo, inevitably there will be a flow of refugees into Macedonia and possibly into Albania. The probably large number of refugees from Kosovo would be both an economic burden and a proximate cause of escalating ethnic tensions in Macedonia, possibly leading to armed conflict. On one hand, Macedonia as a country dedicated to the implementation of the universal obligations of human rights, particularly in the field of protection for refugees, cannot close its border. But on the other hand, by opening its borders, Macedonia will face an immediate security risk. Refugees from Kosovo, if they are not kept in special refugee camps, will very quickly change the demographic structure of the Republic, particularly its western part, producing further ethnic divisions and tensions similar to those that led to the eruption of the crisis in Kosovo.

How to open the border and host the refugees from Kosovo without disrupting the fragile peace in Macedonia? A reasonable solution might be through offer-

ing temporary protection for a limited number of refugees from Kosovo, or the use of a predetermined Macedonian territory as a transit area. In the case of temporary protection, Macedonia should guarantee physical safety (if it is possible), *non-refoulement* and the treatment of refugees in conformity with international humanitarian standards. For that reason, the Macedonian government must determine whether people who are fleeing to Macedonia will be granted temporary protection, how many refugees can be accepted and when the temporary protection will expire. During the processing of applications, the refugees must be kept in specially designated refugee camps that will be organised and managed by the Minister of the Interior.

I am afraid that states which are unwilling to host refugees within their territories (mostly European and much richer than Macedonia) will support the Macedonian government's efforts to accept and host a respectable number of refugees from Kosovo. I believe they will support Macedonia both politically and financially, even though it could increase internal ethnic tension and undermine its peace and stability. Why do I say this? Because I bear in mind the European response to the refugee crisis in the former Yugoslavia. For instance, Macedonia hosted almost 40,000 refugees from Bosnia while France and the United Kingdom admitted a total of only about 3,000 refugees. Burden sharing remains a live issue in Europe, particularly today with growing fears of a large influx of refugees from Kosovo.

Because Macedonia will be geographically very close to the area of conflict, the best solution for the potential refugee problem from Kosovo would be the determination of the Macedonian territory as a transit area. The President of Macedonia has proposed designating a special safety corridor for the refugees from Kosovo, which would allow them to use the country as a transit area only. His proposal addresses the current situation in Macedonia: the high level of inter-ethnic tensions that undermine stability and safety of the state, its economic situation with the highest levels of unemployment in Europe, and the fear of war in Kosovo.

Macedonia could easily be in the centre of a new, third Balkan war, in which Albania, Bulgaria, Greece and even Turkey could be involved militarily. In the event of war in Kosovo, Macedonia will not be able to ensure the physical security of refugees (as Macedonia can easily become a war zone), and will not be able to provide the fiscal support for their basic needs. The proposal of a transit area is very pragmatic regarding security risks, economic development, population density, demographic structure and inter-ethnic relations in Macedonia. When proposing these measures, the President was fully aware that they cannot be carried out without the involvement of international peacekeeping forces. Macedonia's army alone cannot secure the safe passage of the refugees through such a corridor.

It can be done only with the assistance of UN or NATO forces.⁶ The idea of a corridor raises many security problems, such as: is it possible to control the entry of the refugees from Kosovo to Macedonia? Can the whole border area be controlled in order to avoid dispersion of the refugees? Where would the refugees be directed? Should the whole border with Albania be controlled in order to stop refugees from Kosovo crossing it? Nevertheless, this idea seems to me acceptable if it is supported by the international community and carried out with the help of UN or NATO troops.

* * *

Western public opinion views Macedonia and Kosovo through the lens of the Bosnian tragedy. In the public view, the Kosovo crisis risks working itself out through the same logic as previous Balkan conflicts. I believed that the lesson from Bosnia had been learned by the nations in the Balkans and that they would do everything to avoid an explosion of violence in Kosovo. But they have not.

It seems that the people of the Balkans are working to support Samuel P. Huntington's proposal that the post-Cold War World is fracturing along a 'civilisation line'. As he sees it, especially difficult is the clash between Muslim civilisation and Western and Slavic/Orthodox civilisation.⁷ Obviously, if we are not prepared to overcome our ancient mistrusts, to build alliances among ourselves and live together, then nobody, certainly no power from outside will give us an adequate solution. Once again, war is knocking on our doors.

¹ M. Papaconstantinou, Address at the Propoller Club. Athens, 1994.

² M. Paunovic, 'Nationalities and Minorities in the Yugoslav Federation and in Serbia' in: J. Packer and M. Kristian (eds.), *The Protection of Ethnic and Linguistic Minorities in Europe*, Institute for Human Rights, Abo Akademi University, 1993, 159.

³ S. Maliqi, 'Parallel Worlds' in: *War Report, Bulletin of the Institute for War and Peace Reporting*, no. 58, 1958.

⁴ B.S. Paula, *The Woodrow Wilson Report*, April 1994.

⁵ S. Maliqi, above note 3, 57.

⁶ UN peacekeeping forces have been deployed in Macedonia since 1992. The main task of these forces in Macedonia was 'to monitor and report any developments in the borders area which could undermine confidence and stability in Macedonia...or threaten its territory.' The initial mandate stated that the UN soldiers were merely armed observers, not defenders as many Macedonians would have had them be. Since 1995, the mandate of UN peacekeeping forces has been changed and more oriented to the internal sources of violence and instability.

⁷ P. S. Huntington, 'The Clash of Civilisations?', *Foreign Affairs*, 72 (Summer 1993), 3.

Possible Solutions for Kosovo

GAZMEND PULA

In the second half of the 1990s, and after the Dayton peace in Bosnia, the issue of Kosovo has evolved into one of the most intractable and dangerous unresolved international issues of the Balkan area in post-Cold War times. Therefore, when speaking of realistic solutions for Kosovo, one needs to examine closely a whole range of aspects related to the issue, from the ethnic and historical to the economic, if worthwhile conclusions are to be reached. However, before addressing this framework, it is appropriate to first relate some of the most recent and current developments in Kosovo, since events have been moving rapidly and might actually become turning points in the Kosovo crisis.

Within these considerations, and before considering the substantive arguments and framework referred to above, the question that imposes itself from the outset is whether the first ever and unexpected meeting of Yugoslav President Milosevic with the Kosovo Albanian leader Rugova that was held on 15 May 1998 in Belgrade,¹ has led to any kind of a breakthrough or a turning point in dealing with the Kosovo crisis. In other words: has a serious window of opportunity opened as a result of that meeting? What are the genuine effects of such a meeting for the prospects of finding a stable solution for Kosovo? How will that affect the internal Albanian political scene, especially the emerging and fast growing insurgent guerrilla movement calling itself the Kosovo Liberation Army (KLA)?² What are the related scenarios that could potentially move developments in Kosovo towards armed confrontation on a large scale, causing a humanitarian crisis there?

Effects of the Rugova-Milosevic Meeting on the Prospects for Resolving the Kosovo Crisis

Prevailing reactions from ethnic Albanians in Kosovo, both to the mere announcement of the meeting,³ and after the meeting itself, were negative and condemned Rugova for agreeing to meet Milosevic.⁴ The condemnation and criticism came on various grounds, ranging from the lack of international mediation; the need for prior withdrawal of the Serbian special forces in Kosovo involved in combat against the Albanian population on the pretext of fighting the KLA; Rugova's unpreparedness for the meeting; and the lack of information or consultations about it even with the Counselling and Negotiating Group which Rugova had recently appointed - the so called G-15.⁵ The requirements for international mediation and prior withdrawal of Serbian forces, besides being Rugova's long-held and frequently declared commitments that were ignored in

his meeting with Milosevic, were also partly demanded by the Contact Group Meeting in London on 9 March 1998,⁶ and as such were disregarded in the meeting.

In addition, Rugova's agreement to present himself at Milosevic's palace at Belgrade, dropping his earlier demand for a neutral meeting place, has given him the appearance of just one of Milosevic's subjects in the eyes of his rising number of critics in Kosovo.⁷ Rugova's critics maintain that meeting with Milosevic and negotiating with his team, a meeting brokered by the US envoys without international mediation,⁸ will keep the conflict an internal Serbo-Yugoslav issue. As such, the outcome of negotiations would inevitably be prejudged negatively *vis-à-vis* Albanian declared interests. In addition to being handled within that framework, it would render impossible any outside help in facilitating substantive negotiations and/or overcoming stalemates (i.e. intentional or unintentional stalling, which due to the imbalances of power could ultimately be defeating for Albanians).

Such condemnations of Rugova have come from key political groups in Kosovo such as Demachi's PPK and Qosja's LRDK, calling it 'Rugova's capitulation',⁹ or Beqiri's SDPK, calling it 'scandalous' and 'containing ominous indications of capitulation',¹⁰ as it spares Milosevic and others from the 'stick' (i.e. tightening of sanctions) and instead rewards him with a 'carrot' (i.e. their announced lifting). All this while Serbian paramilitary forces in Kosovo continue their activities unabated.¹¹ There were strong critical tones even from certain inside fractions of the LDK around its propaganda apparatus or from the heads of the LDK diaspora branches,¹² not to mention the underground LPK that aspires to be the political arm of the KLA. The KLA, as an autonomous agent for the time being, had not reacted directly to the meeting at the time of writing, but a few days earlier had reaffirmed its commitment to 'continuing armed struggle against the Serbian occupier' and not to accept any solution in the defining of which it did not participate.¹³

It should also be noted that two members of the G-15, Hidajet Hyseni, former Vice President of Rugova's LDK, and Bujar Dugolli, head of the Student Union, resigned in protest at Rugova's acceptance of the meeting under the given circumstances. After Dugolli's resignation, the Student Union came out with a statement condemning Rugova in the strongest terms and declaring its outright opposition to such talks. The Student Union has otherwise been the motor behind the dynamisation of the entire Albanian movement with the organisation of the massive student protests during autumn 1997.¹⁴

The other two factors that contributed to the major acceleration of developments in Kosovo leading to localised warfare in spring 1998, as triggered and caused by the unabated and intensified Serbian state repression, are

the emergence of the KLA, and the collapse of law and order in Albania in summer 1997. In fact, the KLA first came to public notice in April 1996 immediately after the EU recognition of the Federal Republic of Yugoslavia, when it assumed responsibility for the almost simultaneous killings of five Serb policemen and Serbian civilian targets in Kosovo.¹⁵

It is interesting to note, however, that two actors in the Kosovo drama have supported, one conditionally, the other unconditionally, Rugova's acceptance of talks. The exiled Prime Minister of Kosovo Albanians, Bukoshi, has called the move 'a gesture of good will by the Albanian side' which further will 'depend on the behaviour of the Serbian side on the field'.¹⁶ The Albanian Government has for its part greeted the top level Yugoslav-Kosovo meeting as 'the first step towards a peaceful solution for Kosovo' and in line with the official policy of Tirana for a negotiated peaceful solution.¹⁷ These two important and independent agents could be expected to encourage moderation in the further positioning of more radical groups on the Kosovo political and non-political scene.

While Rugova's earlier commitments about the dialogue and negotiations are of major relevance, they are not necessarily applicable to what seems to have been an 'offer he could not refuse'. The offer was apparently about making very visible gestures of goodwill and establishing preliminary political and personal contact between the leaders of the two conflicting sides. It seemed aimed at testing the political readiness of the two sides for substantive and responsible discussion on the merits of the issue of Kosovo. Some explanation along these lines did seem to quieten down reactions to the dialogue which were strongly negative among the Kosovo Albanian political groupings, if less so among the Kosovo public.

It seems likely that the negotiating *process* between Pristina and Belgrade will fall into three rather clean-cut phases:

1. the initial stage of talks about establishing preliminary political contacts that seems to have just been successfully initiated in Belgrade;
2. the intermediate stage of working out the modalities, the procedures and the closer framework of negotiations;
3. the substantive stage of negotiating and working out concrete solutions of substance for the political status of Kosovo within the FRY.

The 90 minute meeting between Milosevic and Rugova on 15 May appeared to have greater success than expected; diplomatic sources in Belgrade were quoted as having feared that the meeting could come to an abrupt end even after ten first introductory minutes, as a bad reaction was expected from

Milosevic to Rugova's anticipated reference to independence for Kosovo (which was made and discussed, as was claimed immediately afterwards off the record by some of the Albanian participants).¹⁸

For his part, Rugova judged afterwards that at the 'top level meeting' 'there was understanding and a tolerant atmosphere' and that 'there exists a mood for creating mutual trust in resolving the issue of Kosovo.'¹⁹ Members of Rugova's delegation also praised the meeting as an 'important step and political dialogue that will be continued as negotiations' despite the 'existence of great differences'.²⁰ Similarly affirmative and positive were assessments of the meetings by the Belgrade officials. Thus, the statement issued from Milosevic's presidential office stated that the talks went on 'in a spirit of openness'; that 'through political means (i.e. direct political dialogue) one can come to peaceful, humane, just and durable solutions of the problem'; and that 'the president has emphasised that the joint future of all citizens of Kosovo and Metohija is in the equal interest of all, and that violence and terrorism is their common enemy.'²¹

It is interesting, and very indicative, to note also that both before and after the meeting with Milosevic at his 'Beli Dvor' (White Palace) residence, where he receives foreign dignitaries, Rugova and his delegation had a meeting with the American *chargé d'affaires* in Belgrade. Rugova then met once again with him and other ambassadors of the Contact Group countries in Belgrade.²² On that occasion Rugova also had a telephone conversation with Holbrooke. This indicates the Americans' indirect supervision of the talks and considerable involvement in them. Clearly, the efficiency of their 'good services' and those of the CG countries, later referred to as 'assistance' by Rugova, can hardly be doubted. Given Milosevic's popular Serbian referendum on refusal of outside (i.e. foreign) mediation in the talks, this 'assistance' seems to be as close to international mediation as currently possible, with Holbrooke and Gelbard being as good mediators and diplomatic brokers as anyone could be.

Despite the initial success of the first phase of the negotiating process of establishing political contact and displaying gestures of good will, flexibility and tolerance, even with agreement about proceeding the following week with official meetings of the two negotiating delegations, most of whom had already been appointed, it is realistic to assume that viable solutions can hardly be achieved only between Rugova and Milosevic (i.e. the two conflicting sides alone). That seems to be borne out by the discouraging composition of the six-member Serbian negotiating team appointed by Milosevic, which is essentially the same Serbian delegation that was unacceptable for Albanians earlier.²³ The team is again to be headed by the Deputy Serbian Prime Minister Ratko Markovic, with Milosevic's personal envoy in the delegation in the person of Vladan Kutlesic, currently holding the post of the Federal Deputy Prime Minis-

ter. This Belgrade negotiating delegation has already been boycotted by the Albanian side some 15 times when they appeared repeatedly in Pristina, allegedly for dialogue with the Albanian side, but appeared to be taking a non-serious and propagandistic rather than political approach to the issue.

The discouraging indication resulting from the composition of the Belgrade delegation has been mitigated by the Kosovo negotiating team stating that the Albanian side will negotiate with any delegation appointed by Milosevic; this apparently was aimed to emphasise the personal responsibility that he as federal president assumed when accepting the Holbrooke-Gelbard initiative. Another discouraging indication was the continuation of violence in Kosovo, with five Albanians being killed on the day of the meeting and a demonstration of Serbian force in Pristina with low flying fighter jets and troop movements in many parts of Kosovo. One should not, however, discount the beginning of the implementation of another stage of the education agreement on the same day.²⁴ The Serbian pattern of 'double track approach', as experienced in Bosnia, with violence applied to match any gestures of good will or forced concessions, seems to be evident here, and will most likely be on future similar occasions in Kosovo as well.

It is highly probable, therefore, that the active involvement of the major international actors, most notably of the US in conjunction with the EU, is essential to working out a stable solution for Kosovo. Furthermore, should the negotiating process which has just begun get stalled, it might only be possible to restart it through a Dayton-type international conference (as the issue of Kosovo was unfortunately omitted at the original Dayton Conference). A more or less openly developed international security umbrella involving the Stabilisation Force (SFOR) in Bosnia, UN Preventive Deployment (UNPREDEP) in Macedonia, likely deployment of international (i.e. NATO) forces in Albania, and perhaps some kind of international monitoring and prevention force in Kosovo itself, could begin to be set up. All that could act as an early warning and conflict prevention system, and safeguard against a potential flare-up of the threatening crisis in Kosovo that could easily spill over in the entire region. In other words, the internationally demonstrated irresponsibility of the Belgrade regime in the 1990s shows that it needs a deterrent (i.e. a formidable security umbrella) in order to get it to comply with the unavoidable realities of the emerging world order, in which ethnicities and their right to self-determination play an ever-increasing role. All the more so as according to the US Friendly Relations Act (1979) and the OSCE Final Act (1975) the focus of the principle of self-determination has shifted especially to the anti-hegemonic and anti-repressive aspect.

In this respect Kosovo, in search of a formula for its stable political status, now finds itself at the transitional point of three historical processes that cannot be stopped and whose evolutionary trends are clear: namely, the transition from one-party totalitarianism to democracy; the transition from minority rule to consensual or majority rule, as for example in South Africa; and third, the tendency towards disintegration of non-viable federal states in favour of increasing re-evaluation (i.e. preference towards self-determination). Within this wider framework, and bearing in mind some specific *sui generis* features that will be set out further in the text, viable solutions for Kosovo could be elaborated in greater conceptual clarity.

Features of Kosovo of Relevance for Determining Its Future Political Status

As has been recognised through various resolutions of inter-governmental organisations such as the UN, the OSCE, and the Council of Europe, the issue of Kosovo represents an international political issue *par excellence*. Furthermore, the issue is one of structural importance not only for the frail architecture of the Federal Republic of Yugoslavia, but also for the fragile stability of the region as a whole, and only as such can it be resolved. In view of this, only an escapist approach could categorise it as a human rights or minority issue in order to intentionally reduce its merits. The issue of Kosovo cannot be settled unless the Serbian abrogation of its earlier status of one of the eight equal federal constituent entities of former Yugoslavia is taken into account in determination of its future political status. The essential feature of Kosovo's status as a federal unit was that it functioned almost entirely like other federal republican entities of former Yugoslavia.

The historical roots of the Kosovo crisis go back to the turn of the century when, during the demise of the Ottoman empire and as a result of the Balkan wars, Kosovo (i.e. about one half of the territories with an overwhelmingly Albanian population) fell prey to the expanding Serbian state of the time.²⁶ These wars created realities that were recognised by the 1913 London Conference, leaving Kosovo and its prevailing Albanian majority under harsh Serbian rule, with the objective of forcible elimination of Albanian identity. However, this Serbian strategic project has failed while a similar one of ethnic identity change has succeeded in Vojvodina, turning it into a prevailingly Serbo-Montenegrin populated entity.

The current crisis in Kosovo unfolded in the early 1980s and 1990s, as Serbia responded with organised and overwhelming state repression to the Kosovo Albanian aspiration for political and national status equal to other constituent nations in the former multinational Yugoslav federation. This aspiration of Kosovars was then formulated in the demand for upgrading the federal autonomous status of Kosovo to a fully-fledged (i.e. equal) federal republican status that the other nations comprising former Yugoslavia enjoyed.

Relevant here is that the number of Albanians living in a compact area in the Balkans amounts to over 6 million people, with 3.5 million in Albania and the remainder principally in Kosovo. Thus, Albanians in Kosovo represent about 40 per cent of the entire Albanian population in the Balkans, as compared to Serbs in Kosovo, who represent some two per cent of the total Serb population in the Balkans. (The relatively high birth rate of Albanians in Kosovo of some 2.8 per cent annually is also relevant here.²⁷) This makes the Albanians a clear-cut case of a divided nation, albeit internationally unrecognised as such due to the implications of such a recognition. Interestingly enough, this fact is not usually recognised even in academic or analytical contexts, in spite of the insight it provides into the essential substance of the issue, the potential dangers in possible crisis escalation, and the prospects of finding a durable remedial approach or solution.

Another important feature of the Kosovo crisis is that the subjugation of Albanians continued during the entire century, with various degrees of intensity, under the pretext of Serbian ‘pacification of a disloyal minority’.²⁸ Consequently, Kosovo Albanians trace to the term ‘minority’ practically all the blame for their ordeal of *pax Serbiana*. Needless to say, the phenomenon of such a political phobia is not confined to Albanians. The war in the former Yugoslavia was started and fuelled with pretexts, justification and fears, real or imagined, of imposed change of political status from ‘people’ or ‘constituent nation’ to ‘minority’.

An awareness of the above is politically extremely important as a psychological factor in avoiding any imposition or application of a *minority framework* in search of viable political solutions for Kosovo. The term has an almost exclusively negative connotation, implying minor rights, inferior status and unavoidable political and other discrimination, if not in the entire region than certainly in all former Yugoslav countries and especially in Kosovo.

Relevant here is that in Albanian political and public opinion the other term and concept perceived exclusively negatively, is the term ‘autonomy’. Due to the status of ‘minority’ imposed on them with all its consequences, the term is blamed for the inferior political status of Kosovo and Albanians and all their historical suffering in the twentieth century. Albanian politicians have therefore to avoid being associated with the term ‘autonomy’ if they expect support for their programmes. In this respect it is much more productive to use terms such as ‘special status’ or ‘special entity’, ‘special unit’, ‘interim status’, ‘transient protectorate’, ‘interim trusteeship’, and of course ‘federal entity’, ‘federal unit’, or ‘federal status’, instead of ‘autonomy’, even if they are ‘extended’ and even if they might mean a larger scope of authorisations than terms containing any reference to autonomy. This despite the very relative and loose internationally valid definitions of most of these terms.

The political and psychological effect of the term 'autonomy' is therefore just as bad as the term 'minority'. Its negative effect in the search for political solutions for Kosovo is multiplied if it is linked with Serbia, as opposed to a negative and difficult, but still bearable, framework of Yugoslavia. This is because the Serbian framework is perceived overwhelmingly as a national(istic) one and as such it does not possess any political capability of fitting in another non-Serb national entity, especially if ethnically so different and with such negative historical experience as the Albanian one. For the current Albanian national and civilisational level of development, this concept and framework is simply unacceptable even if it means being pressed into radical options with the likelihood of confrontation.

Although Albanians clearly perceive it negatively, Yugoslavia as a federal framework is still to a certain extent considered as a vaguely supranational construction. Although Serbian-controlled, it could perhaps still prove to be bearable in this respect, especially under the existing circumstances, including the international positioning on the matter. In short, a hypothetical Serbian framework for the future political status of Kosovo is simply too tight and unacceptable for Albanians, while one within the framework of Yugoslavia can still be rationally contemplated and considered politically.

The previous conclusion gains even more weight as the prevailing ethnic composition of FRY is clearly and rather compactly tri-national (namely Serbs, Albanians as second largest group, and Montenegrins who, with only one quarter of the numbers, have the status of a constituent nation and their own republic). There is, however, a pronounced incompatibility between the tri-national ethnic make-up of FRY and its constitutional structure, comprising the two federal republics of Serbia and Montenegro, with Kosovo and Albanians fully disregarded in this respect. In order to remedy such a structural fault that has resulted in the escalating crisis in Kosovo, the harmonisation of the federal structure of Yugoslavia (i.e. its re-casting as three republics to reflect its ethnic make-up) seems the obvious conclusion. In practical terms, this would mean providing for a federal republican status for Kosovo equal to that of Serbia and of Montenegro within the existing international borders of FRY, with a pronounced subsidiary principle of such a federation. Such an approach would also be compatible with the declared commitment of the international community to the Helsinki principles of no unilateral and forcible changes to international borders. A noteworthy factor in this respect is also Tirana's recently adopted official preference for this option.²⁹

Self-determination is clearly the only framework seen as appropriate by Albanians for realising their desired future political status. Variations of the principle of self-determination applied by some international experts and politicians in Kosovo, to make it compatible with international, political and other relevant internal and external constraints, are seen as so-called internal self-determination.

Such a concept of internal self-determination, especially in view of the Milosevic-Rugova meeting and the insistence of the Albanian side on federal level negotiation, could facilitate the harmonising of the principle of the preservation of territorial integrity of internationally recognised countries with the self-determination principle. It would essentially mean a republic of Kosovo within the current borders of the FRY. This has been supported and proposed as such a number of times by the highest officials of Albania.³⁰

The above approach is of major relevance and is valid also from the point of view of the principles of international law regarding the level of state and constitutional development which an entity has reached. In the case of Kosovo that is federal unit status, which, though it might be suspended in extraordinary circumstances, cannot be downgraded (i.e. the *status quo ante* should be restored in search for stable solutions).

It would, however, be of greatest importance that in such a context several other features be granted. Namely, such a solution should also provide for an internationally acknowledged identity for Kosovo (as in the case of Iceland) that would also ensure international guarantees in the negotiating process.

Needless to say, the Albanian population of Kosovo continues to support the aim of independence, as shown in the referendum of 1991, as the genuine expression of the legitimate right to self-determination.³¹ Such a solution would mean an independent and neutral Kosovo as reflected in the Kachanik constitution of 1992.³²

Classification of the Options for Determining the Future Political Status of Kosovo

The range of options for resolving the future political status of Kosovo is more or less wide, depending on degrees of viability and feasibility, likelihood of applicability in the given circumstances in and around Kosovo, and likely effect on regional stability. They may be classified as follows:

1. radical solutions
2. moderately balanced solutions
3. open-ended correctional and interim cut-and-try solutions

Solutions in the radical set are less likely to be applied, due to the potential humanitarian crisis and catastrophic scenarios which might follow. They would include, listed in order of the assessed probability (i.e. likelihood of occurrence), the following options:

- 1.1. Partitioning of Kosovo (between FRY and Albania - hypothetical unification with Albania or annexation by Serbia being extreme cases of the partitioning option)
- 1.2. Independence of Kosovo
- 1.3. Confederalisation of FRY - Kosovo to have equal confederal status with Serbia and Montenegro³³

The radical set of possible solutions would most likely imply the necessity of providing international contingency planning for a major humanitarian and refugee crisis in Kosovo. The entire set of radical options would likely be accompanied by larger-scale armed confrontation between the Albanian and Serbian sides and would have a high probability of causing waves of Albanian refugees and displaced people, amounting to ethnic cleansing of large parts of Kosovo.

The moderately balanced set of solutions, which are considerably more likely to be applied with a manageable transitory process and would have an enhancing effect on regional stability, could include:

- 2.1. Symmetrical Refederalisation of FRY - Kosovo to have equal federal republic status with Serbia and Montenegro³⁴
- 2.2. Asymmetrical Refederalisation of FRY - Kosovo with non-equal federal republic status with Serbia and Montenegro (the solution could be formulated alternatively as Federal Special Status for Kosovo - possible models: Bosnian entity type of constitutional arrangement)³⁵
- 2.3. Extended Autonomy for Kosovo dualistically within FRY and Serbia (the solution could be alternatively formulated as Special Status for Kosovo - possible models: the scrapped Z4 constitutional arrangement for Krajina in Croatia when it was populated by Serbians)
- 2.4. Regional Refederalisation of FRY - Kosovo with federal unit status in a five-member restructured federation, comprising besides Serbia, Kosovo and Montenegro, two other regional entities of Vojvodina and Sandjak
- 2.5. Sub-regional Refederalisation of FRY - Kosovo with federal unit status in an unspecified multi-member restructured federation.³⁶

All of the above arrangements would have to provide for a constituent nation status of Albanians in the existing FRY. It is to be noted that options 2.1 and 2.2, giving Kosovo a type of asymmetric republican entity status similar to the status of Republika Srpska in Bosnia under the Dayton accord, could have a good chance of

bringing about a longer-term settlement for Kosovo in the given circumstances and international positioning on the matter. Option 2.3 also falls into this category.

The open-ended correctional interim solutions could include the following set of possibilities:

- 3.1. Restorations of Kosovo's *status quo ante*, unilaterally and forcibly abolished by Serbia, in different variations³⁷
- 3.2. Interim international protectorate or trusteeship for Kosovo
- 3.3. Interim condominium solution for Kosovo³⁸
- 3.4. Correctional cut-and-try *status-quo*-plus normalisation of life in Kosovo.

It is to be noted that the set of the interim options listed above could not address appropriately the core substance of the Kosovo crisis and, as such, could only provide solutions of a short-term and transient character.

* * *

It would clearly be pretentious to consider that the spectrum of possible solutions for Kosovo could be exhausted by the listed sets of potentially applicable options. In the existing circumstances each of the options listed has its merits and shortcomings, which will change if circumstances change as they are bound to do. However, it is important to emphasise that potential efforts to impose solutions from the radical set of options for Kosovo are very likely to be accompanied by critical and dangerous confrontations and developments that would result in warfare, ethnic cleansing, destruction and a large-scale humanitarian crisis. Therefore, vigorous preventive international efforts should be made to ensure that the search for a just and stable settlement of the Kosovo crisis does not spiral into a humanitarian nightmare similar to that already experienced in Bosnia.

1 See: Bujku and Rilindja, 'Takim Politik ne Nivelin me te Larte', *Koha Ditore* (Kosovo Albanian daily), Pristina, 16 May 1998; *Nasa Borba* (Belgrade daily), 16 May 1998.

2 *Koha Ditore*, 'A Do ti Ndhmoje Perendimi Milosheviqit qe ta Shkaterroje UCK-ne ne Emer te Ruajtjes se Balancit ne Ballkan', 24 April 1998.

3 *Koha Ditore*, 'Holbrooke: Te Premten - Takimi Milosheviq-Rugova', 14 May 1998.

4 *Koha Ditore*, 'Kosumi: S'esthe Kurfare Fillimi I Procesit Paqesor por koncesion ndaj Politikës Militariste te Milosheviqit', 14 May 1998.

5 *Koha Ditore*, 'Grupi "G-15" Njoftohet per Takimin e se Premtes ne Beograd nga Mjetet e Informacionit Publik', 14 May 1998.

6 Stefan Troebst, 'Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998', European Centre for Minority Issues, May 1998, 42-46.

7 'Juce u Belom Dvoru Razgovarali Slobodan Milosevic i Ibrahim Rugova', *Nasa Borba*, 16 May 1998.

8 *Koha Ditore*, 'Holbrooke: Te Premten'.

9 Ibid.

10 Ibid.

11 Bujku and Rilindja, 'Baballoqi po Sulmohet nga Armet me te Renda' and 'Granatimet dhe te Shtenat nuk Pushojne', *Koha Ditore*, 11 May 1998.

12 *Koha Ditore*, 'Hafiz Gagica: Takimi Rugova-Milosheviq Eshte Rehabilitim I Beogradit', 16 May 1998.

13 *Koha Ditore*, 'UCK: "Asgje Me Pak se Pavaresia"', 16 May 1998.

14 Bujku, *Koha Ditore*, 2 September 1997.

15 G. Pula, 'Modalities of Self-Determination: The Case of Kosovo as a Structural Issue for Lasting Stability in the Balkans', *Südst Europa*, Heft 4/5, München, 1996.

16 *Koha Ditore*, 'Ne Takimet Tjera Pala e Trete Eshte e Domosdoshme', 14 May 1998.

17 Ibid.

18 *Nasa Borba*, 16 May 1998.

19 Ibid.

20 Ibid.

21 Ibid.

22 Ibid.

23 Ibid.

24 *Koha Ditore*, 'Studentet Serbe e Malazeze Ende ne Ndertesën e Fakultetit Teknik', 16 May 1998.

25 Stefan Troebst, 'Conflict in Kosovo'.

26 Duizings, Janjic and Maliqi (eds.) *Kosovo-Kosova: Confrontation or Coexistence* (Peace Research Institute, University of Nijmegen, Nijmegen, 1997).

27 G. Pula, 'Kosovo - Republic in a New (Con)Federation via Refederalisation of Yugoslavia', *Südst Europa*, Heft 3-4, München, 1997.

28 See: V. Cubrilovic, 'Expulsion of Albanians, project in "Greater Serbia": From Ideology to Aggression', CIC, Zagreb, 1993.

29 See: *Koha Ditore*, 'Nano: Kosovo Duhet ta Kete po te Njajtin Status me Serbine dhe Malin e Zi', 22 March 1998; Bujku and Rilindja, 'Meidani: "Per Kosoven Kerkohet Vetevendosje"', *Koha Ditore*, 11 May 1998.

30 Ibid.

31 Stefan Troebst, 'Conflict in Kosovo'.

32 Ibid.

33 See: Adem Demachi's project 'Balkania', a confederal composite state of Serbia, Kosovo and Montenegro in Stefan Troebst, 'Conflict in Kosovo'.

34 G. Pula, 'Kosovo - Republic in a New (Con)Federation'.

35 Options 2.1 and 2.2 interchangeable in the ordering sequence.

36 See the Spanish and German constitutional models.

37 See the Constitution of Yugoslavia, Serbia and Kosovo of 1974.

38 See G. Pula, 'Solving the Kosovo Crisis Peacefully: Deference of the Right to Self-Determination', in: Duizings, Janjic and Maliqi (eds.) *Kosovo-Kosova: Confrontation or Coexistence*, 189-192. It is important to note that Rugova keeps insisting on the protectorate option as a transient one towards independence.

39 See: Transnational Foundation for Peace and Future Research, 'UNTANS: Conflict Mitigation for Kosovo', Memorandum of Understanding between the UN and the Federal Republic of Yugoslavia concerning a United Nations Temporary Authority for a Negotiated Settlement in Kosovo, Lund, 1996.

Kosovo

A Personal Point of View and a Personal Proposal

DESIMIR TOSIC

I must stress that the following thoughts and proposals are my own, and that I do not in any way speak on behalf of the institutions, organisations and movements of which I have been a member or with which I am working at present.

I

The question of relations between Serbs and Albanians in Kosovo is a very old one. Albanian nationalists claim that the Slavs, or Serbs, when they came to the Balkan peninsula in the sixth century, took over Albanian territory. Serb nationalists maintain that there were no Albanians originally in Kosovo, which is holy Serb land where the Serb medieval kingdom was born, and where the most significant monuments of Serb history and culture are situated.

That historical evidence supports neither view is not sufficiently known. In the sixth century there was no 'Albanian territory' in Kosovo. It was just part of the Byzantine empire, and, like all the Balkans, it was being overrun by migrant populations from northeastern Europe. No one knew of Albanians, Serbs, or any other specifically defined ethnic groups or nationalities as we know them today. Nevertheless, Serbia's medieval rulers acknowledged the existence of Albanian 'minorities' in their dominions. Clauses 75 and 80 of Dusan's code of 1349 - to name but the most significant legal document of medieval Serbia - explicitly mentions the existence of two non-Serb groups: Albanians and Vlachs.

II

Starting with the collapse of medieval Serbia - symbolised by the date of 1389 in Kosovo precisely - the situation of the Serb population in that cradle of their original territorial organisations begins to change, a process protracted over four centuries. It is generally held that the balance shifted in favour of the Albanian population in the seventeenth century, with the Islamisation of a majority of Albanians in the Balkans. At any rate, from the abolition of the Eastern Orthodox Patriarchate of Pec in 1766 and right to 1912, Serbs were pressed by the Ottoman-encouraged expansion of the local Albanian population, by their own out-migrations, and by an official view of them as rebellious people. The ethnic structure was thus completely changed in the course of the eighteenth and nineteenth centuries. One can but assume that Serbs were in a majority in the fourteenth century in what was the 'cradle of the Serb medieval realm'. By the time of the census of 1921, they were no more than 40 percent.

Whereas among other ethnic groups in the new state of Yugoslavia after 1918 there was some integration in the state apparatus and among the better educated, between Serbs and Albanians in Kosovo nothing of the kind took place. The conditions simply did not exist for the sort of hopeful, or illusory, multicultural society that existed in Novi Sad, Belgrade and Sarajevo before 1990.

During the important period of development that the Yugoslav nationalities went through between 1945 and 1990, once seen as socialism with a human face, behind that façade there was a development of multiple nationalism. It was not just Serb nationalism. Serb nationalism was actually the last to take off. Albanians had been the first to take up arms in 1944-45 against the new Yugoslav communist regime which its Western admirers believed had 'solved the national problem'. When concentrating blame on the non-democratic and authoritarian regime of Slobodan Milosevic, one should bear in mind that Albanian nationalism operates besides Serb nationalism, just as previously Croat nationalism and Bosnian-Muslim nationalism were also at work. It took Western observers several years to realise that Milosevic's and Tudjman's regimes were really not so different in terms of nationalism and human rights.

Between Tito's last Constitution in 1974 and Milosevic's shelving of the autonomy of Kosovo in 1989, Albanians generally ruled over Kosovo within the framework of the League of Communists of Yugoslavia. Their record on the respect of human rights in the province was not all that good, Serbs felt more and more oppressed, and then came Milosevic's 'revenge'. The alternation of oppression and revenge between the two communities was not new, and Albanians with Ottoman Turks had the upper hand in Kosovo for longer than Serbs or Yugoslavs. Serb or Yugoslav rule lasted between 1912 and 1941, and again from 1945 to 1974.

Terrorism is a world-wide phenomenon, from Indonesia to Latin America, by way of Palestine/Israel, Algeria, Corsica, the Basque country and Northern Ireland. There are differences between the terrorism that represents a minority within a society and in the context of a democratic state, and that which in some way expresses, however indirectly, the feelings of a majority within an ethnic community. Having said that, Albanian terrorism is a specific reaction to the Milosevic regime, but it is also an instance of the more general phenomenon. It is also under some external influence, Albanian and Islamic. I refer here to the findings of the US Congress Group on Terrorism and Non-Conventional Warfare.

III

What are the chances of a solution to the Kosovo problem?

In my view there is only one path - to give the Albanians the effective right of self-determination through a mutually agreed re-drawing of borders between

Kosovo and Belgrade. This will most probably lead to secession from Serbia and Yugoslavia. The process must be planned, and will take time. Although a lengthy process may seem unacceptable to most Albanians, it is the sort of compromise over time that could, with the help of an international guarantee, free most Serbs from the obsessive myth of Kosovo.

The five-year process would be discreetly agreed between the Albanian side and the Serbian-Montenegrin-Yugoslav side along the following lines:

1. Albanian self-rule over Kosovo would be restored according to the 1974 Constitution, but without the right to 'territorial defence', and with the cession of seven of the 28 communes of the province - two on the eastern border, and five on the northwestern border (with the main monuments).

2. After two years, the autonomous provincial authorities would, under Yugoslav auspices and international supervision, organise a referendum on the status of Kosovo. The preparation and the campaign would last at least six months. The whole population would vote whether to retain the status quo, or accede to the status of a republic within the Federal Republic of Yugoslavia.

3. If, as is to be expected, the Albanian majority decided in favour of a Republic of Kosovo, funds would be set up by the Kosovo-Albanian side and by the Serb-Montenegrin-Yugoslav side to deal with the transfer of property of those citizens who wanted to resettle from Kosovo to Serbia and Montenegro, or *vice versa*. This would prevent pressures and speculative sales.

4. After a further two years, there would be another six-month preparation for another referendum, to decide whether the Republic of Kosovo remained in Yugoslavia, or seceded.

If Kosovo seceded, the Federal Republic of Yugoslavia would have to engage actively in trying to bring about close co-operation between Albania and Yugoslavia, which would be both natural and mutually advantageous, while preparing jointly for accession to the European Union.

The plan would remove temptations and accidents leading to a war over Kosovo, and other complications. For Yugoslavia, it would clarify the territorial and ethnic situation, lift the enormous burden of maintaining a state of emergency in Kosovo, and, perhaps most important of all, begin to restore her image in Europe and the world.

Albanians would realise their dream of a 'Greater Albania', the chances of which are far better than those of a 'Greater Croatia', a 'Greater Serbia', or even a 'Greater Bosnia' (an unpartitioned Bosnia under Muslim predominance).

The Albanians would thus exercise their right to self determination. The Serbs would not have to 'give' Kosovo to the Albanians. The borders would be agreed by compromise and not by war, with the help of the European Union.

REFUGEE STUDIES PROGRAMME

**Queen Elizabeth House
University of Oxford**

WORKSHOP

**Monday, 18 May 1998
Green College, University of Oxford**

PREVENTING A HUMANITARIAN CRISIS IN KOSOVO

PROGRAMME

- 10:00 - 11:30 **Introduction by Chair**
Mr. Ivor Roberts CMG
Senior Associate Member, St. Antony's College
Former British Ambassador to Yugoslavia
- Background to Mediation Efforts**
Dr. Stefan Troebst
Director, European Centre for Minorities Issues,
Flensburg
- 11:30 - 11:45 Tea/coffee break
- 11:45 - 13:00 **Regional Spillover**
Dr. Ljubomir Frckoski
Professor, University of Skopje
Former Minister of Foreign Affairs and Interior, FYR
Macedonia
- 13:00 - 14:00 Lunch
- 14:00 - 15:00 **Regional Spillover**
Dr. Zvonimir Jankuloski
Professor, University of Skopje
- 15:00 - 16:15 **Possible Solutions**
Dr. Zarko Korac
Professor, University of Belgrade

16:15 - 16:30 Tea/coffee break

16:30 - 18:00 **Possible Solutions**

Dr. Gazmend Pula

Chairman, Kosovo Helsinki Committee, Pristina

Supported by the Department for International Development and the Foreign and Commonwealth Office. Participation by invitation only.

Participants

Major Bob Churcher	British Army
Mr. Daniel Endres	UNHCR
Dr. Tom Gallagher	University of Bradford
Mr. Maurice Herson	OXFAM
Ms. Claire Morgan	Department for International Development
Mr. David Norman	Ministry of Defence
Mr. James Pettifer	journalist, University of Thessaloniki

Participants (University of Oxford)

Mr. Michael Barutciski	Refugee Studies Programme
Professor Richard Crampton	St. Edmund Hall
Dr. Matthew Gibney	Refugee Studies Programme
Dr. Guy Goodwin-Gill	Institute of European Studies
Sir John Hanson	Warden of Green College, Former Director of the British Council
Dr. Renee Hirschon	Queen Elizabeth House
Professor Adam Roberts	Balliol College
Professor Frances Stewart	Director, Queen Elizabeth House
Dr. David Turton	Director, Refugee Studies Programme
Dr. Eftihia Voutira	Refugee Studies Programme