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## **COLONIZING AGRARIAN REFORM IN KOSOVO – FROM BALKAN WARS TO WORLD WAR II**

*Prof. Dr. Musa LIMANI*  
*European Collage of Kosovo*

### *Abstract*

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The history in Balkan is repeated with surprising regularity. The people of this peninsula never managed to have proper relations between themselves, as the enmity still exists. Thus, the centuries-old enmity of the Balkan people left great consequences, which was also expressed in the wars at the end of the last century and at the beginning of this century. These riots, has been and are actually fatal in relation to Albanians and their ethnic lands. Therefore, it can rightly be said that the past history of the Albanian nation was bitter and tragic. Albanians, in any historical time, were subjected to great injustices, historical distortions, annexations, usurpation, fragmentation, ethnic cleansing and everything else. All of these injustices were expressed in the shrinking of ethnic Albanian territories, caused by the peoples of the neighboring countries, who historically became enemies with Albanians, supported by the Great Powers. Thus, the ethnic occupied and annexed Albanian territories were used by the occupiers (read: neighboring countries) for the expansion and establishment of their great states, such as: Great Serbia, Greater Macedonia, Great Montenegro and Great Greece.

After the London Conference (1913), the Balkan wars even more created favorable political-social circumstances for Slavic-Orthodox states, to realize their hegemonic and chauvinistic dreams and goals towards Albanians and their lands. Surely, the wars between the Balkan countries at that time served the European countries to achieve their interests in this region. At that time, Europe played a very destructive role towards the entire ethnic Albanian territories. Thus, the separation and establishment of the Balkan states according to the interests of the Great Powers and the appetites of the neighboring states separated Albanian ethnic lands and damaged Albanians more than any other nation in the Balkans. The territorial cleansing of Albanian lands has been and remained a Serbian-Orthodox national program, especially of Serbs. The program in question has also been implemented in the Serbo-Croatian-Slovenian Kingdom (SCS), and after World War II. Therefore, based on this program, during the Balkan wars, Serbia and Montenegro invaded Albanian ethnic lands for the purpose of the Slavization of the ethnic Albanian lands. So, this paper will serve to present

the usurpation of ethnic territories from Serbia and Montenegro through colonizing agrarian reform during the Balkan wars.

### **1. Colonizing Agrarian Reform in Kosovo in the Kingdom of Serbia**

Historically, territorial cleansing, annexations and the Slavization of the Albanian territories continued throughout the 20th century. After the London Conference (1913), the Balkan wars even more created favorable political-social circumstances for Slavic-Orthodox states, to realize their hegemonic and chauvinistic dreams and goals toward Albanians and their lands. Indeed, these wars brought great damage for Albanians (Natural Albania), because it had the effect that many ethnic Albanian territories would be separated and given to neighboring countries. The wars between the Balkan countries served the European countries to achieve their interests in this region. At that time, Europe played a very destructive role towards the entire ethnic Albanian territories. First, there was a rivalry between Austria and Italy, which of them would get the most important ports of Albania (1912). To separate Albania, beside the two above-mentioned countries, there were also some Balkan countries interested. Thus, under the auspices of Russia, it was the time for the plan of creating the so-called "Greater Serbia (Velika Srbija), to which Montenegro joined. The London conference, which was held by the six major European countries on the Balkans, fortunately broke the Slavic centuries-old dreams to emerge in the Mediterranean. However, the decisions derived from the London Conference encouraged Serbia to conquer Albania, while Montenegro conquered Shkodra, claiming its expansion in the Albanian lands.

The separation and establishment of Balkan states, according to the interests of the Great Powers and the appetites of the neighboring states, fragmented the ethnic lands and damaged the Albanians more than any other nation in the Balkans. If the establishment of the Balkan states was right also for the Albanians, according to the principle *a nation a state*, there would certainly be no conflict between the Balkan peoples and these countries would freely prosper. The enmities among the Balkan peoples, which were the result of the unfair establishment of the states in this region, are still present, and this made that each nation to be seen with great enmity, even now. Surely, the fragmentation of Albanian lands was made only for the interest of the Great Powers, which are to be blamed regarding this. Therefore, the establishment of Albania in the existing borders was made without the nation will, but was accepted in order to preserve at least some of the Albanian lands, and not to be a victim, such as the Kurds case.

The colonization of Kosovo began immediately after the establishment of the Serbian Kingdom. Therefore, as soon as the Serbian and Montenegrin powers were put in place, the political pressure and the nationalization of the Albanians began with barbarism, namely with the most egregious human methods. At that time, one of the most popular methods for the Slavization of Kosovo was undoubtedly the colonization of Albanian lands with the Slavic element, namely with Serbian and Montenegrin element. The Serbian Kingdom proclaimed the solution of the agrarian issue by destroying the feudal system in agriculture, which would be in the interest of the people. This proclamation also had its political background. Thus, at the end of this insidious and prominent proclamation, which is quite different from what it says, among other things it is mentioned: "we bring freedom, brotherhood and equality to all, with the Serbs".<sup>1)</sup> But, this statement was not applied in practice. All the promises given in this statement were lies, because behind it was the colonization of Kosovo with the Serbian (Slavic) element. This was confirmed when on 20.02.1914, the royal government proclaimed the Decree on Colonization in the "liberated and attached countries of the Serbian kingdom", which was completed on May 9, 1914, but none or the other predicted the secession of feudal relations in agriculture.<sup>2)</sup> With Serbian agrarian reform after the end of the First Balkan War, the aim was to resolve the political issues in the "southern provinces", the Slavic populations of these areas, and "first of all to change the national structure of the population of these parts".<sup>3)</sup> At this time, the Serbian agrarian reform implemented in Kosovo began in 1913, which was led by the Ministry of the National Economy, although there were still no legal norms.

After the Balkan wars, the territories of Kosovo Vilayet, and other parts inhabited by Albanians, created the Serbian and Montenegrin Kingdom. In order to strengthen the power in occupied territories, the Serbian state undertook a range of draconian measures for displacing Albanians from their lands to Turkey and elsewhere. Undoubtedly, one of these methods was the colonization of territories inhabited by Albanians, which aimed at transforming Kosovo into the second "Toplice", which means the territorial cleansing of Albanian lands as they did at the time of the Eastern Crisis in 1878 and later. At that time "The territories between

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<sup>1)</sup> Dr. M. Obradović, *Agrarna reforma i kolonizacija na Kosovu 1918-1941*, Prishtina, 1981, p. 27. Cited by: Limon Rushiti, *social and political circumstances in Kosovo 1912-1918*, Prishtina, 1986, p. 106.

<sup>2)</sup> Limon Rushiti, v. c. p. 106.

<sup>3)</sup> Dr. M. Sekulić, *Kosovo 1912-1918*, (Doctoral subject in script), Prishtina, 1981, fq. 252. Cited by: Limon Rushiti, v. c. p. 108.

Jastrepc and South Morava were then radically cleansed by the Arnauts".<sup>4)</sup> Therefore, to broke feudal relations in Kosovo, the Serbian state led by King Petar Karadjordjevic, giving new impulses to the displacement of Albanians from these "Undesirable" populated areas to the Serb-bourgeoisie since 20 February 1914 issued "the order for the colonization of the" liberated "and annexed Serbian territories. The main purpose of this state action was to convert Kosovo into a Slavic territory, reducing the number of Albanian population and bringing as much Slavic element as possible.

The problem of colonization of Kosovo started immediately after the end of Balkan wars by Serb and Montenegrin invaders. The invasion and setting of the Serbian element (families) in Kosovo started immediately after the First Balkan War. The first colonists were state employees, military officers, who soon grew richer by abandoning the abandoned lands of Albanians who had been displaced to Turkey, Albania and elsewhere. Colonization at this time was done by placing the Slavic element in Albanian "free" lands.<sup>5)</sup> There were no free lands, but the invader by using different pressures from the state bodies (police, tax collectors, foresters, local and central administration bodies, took them. Therefore, in order to accomplish this purpose, the usurping Serbian-Montenegrin government on 20 February 1914 issued the "Order for the colonization of liberated areas (Occupied in 1912, Underlined: ML) and annexed to the Kingdom of Serbia", where colonization became in:<sup>6)</sup>

- a) *free state lands,*
- b) *lands of communes and villages*
- c) *abandoned lands (read: Albanian vacant lands since the pressure had been displaced in Turkey and Albania) and*
- d) *lands abandoned under the colonization plan.*

In the kingdom of Serbia, colonization was led by the Ministry of National Economy through Forest Department. Colonized land for households within a complex could not be less than 5 ha, while for families with males over 16 years they belonged to 2 ha cultivable land. The programmed purpose of the Kingdom of Serbia was to get as much of the Slavic (Serbian and Montenegrin) element as possible, through the colonization of Kosovo, to decrease the number of Albanians as much as

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<sup>4)</sup> Dr. Vasa Čubrilović, *Iseļjavanje Arnauta*. Lecture held in the Serbian Cultural Club, March 7, 1937 (script), Belgrade, 1937, p. 1. Dokumenti: (Stg. Aoll, Arkiv bivše jugoslovenske vojske, br.2-f-4, k 69), AK, XXVII/K-2-31-1937.

<sup>5)</sup> Dr. Hakif Bajrami, v. c. p. 43.

<sup>6)</sup> *Ibidem*, fq. 43.

possible and to displace them completely.<sup>7)</sup> For every Albanian working at a particular job, which granted him the right to seek land, the citizenship was the first thing asked from them, which was rarely conditioned by "the change of religion" which in itself implies the change of the nation, because the transition to the orthodox religion was also understood as transition to the Slavic nation."<sup>8</sup>

According to the Serbian Kingdom legislation, in order to motivate colonists to come to Kosovo, they freed transportation costs for all agricultural equipment, livestock and their family members. In addition, colonists were also assisted in the construction of houses or livestock buildings (stalls, tribes, etc.), providing free construction material. The houses abandoned by the Albanians who had been displaced, were given to colonists. Aiming at placing colonists for a long time, they had no right to sell the land taken as part of colonization until they became legitimate owner. According to the laws in force, it takes 15 years from the day of receiving documents from the local government for colonization, for the colonist to be the owner.<sup>9</sup> All of these measures were intended for the colonist to have safety and to avoid understanding as having a temporary character, but for a long-term, or rather, permanent term.

## **2. Colonizing agrarian reform in Kosovo in the Kingdom of Montenegro**

Montenegro, as well as Serbia, had territorial pretensions to Albanian territories. The main objective for Kral Nikola and his co-workers was the territorial expansion of Montenegro. For this purpose, Montenegro's leaders at that time aimed to occupy the northern parts, Shkodra in Albania and the Dukagjin Plain in Kosovo. In order to achieve this goal, on October 8, 1912, Montenegro declared war on Turkey.<sup>10)</sup> The only reason behind the declaration of the war on Turkey was invading (annexing, occupying) ethnic Albanian territories. For this purpose, on October 30, 1912, the army of Montenegro occupied Peja, On 3 November of the same year the government and the district court in Peja were formed, as well as the municipal court and the police service of this occupying state.<sup>11)</sup> Thus, in 1912, the power of Montenegro in Peja was established, where immediately the pressure and

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<sup>7)</sup> Dr. Hakif Bajrami, Social and Political Circumstances in Kosovo in 1918-1941, Institute of Kosovo History, Prishtina, 1981, p. 45

<sup>8)</sup> Ibidem, p. 45.

<sup>9)</sup> For more, see: Dr. Hakif Bajrami, v. c. fq. 46.

<sup>10)</sup> Limon Rushiti, Social and political circumstances in Kosovo 1912-1918, Prishtina, 1986, p. 32.

<sup>11)</sup> Ibidem, p.34, 35.

barbarian behavior of Montenegrin citizens came to the local Albanians. The weapons collection was the first form of pressure to be used. Montenegro's occupying power immediately started collecting the arms from local Albanians because they were frightened of their reactions and objections to Montenegrin occupiers.

Allegations about the separation of Albanian lands between Serbia and Montenegro started before the First Balkan War. These goals of these two hegemonic states officially started when Montenegro openly discussed the issue of sharing interests with Serbia in the Sandzak, Kosovo and Albania territories".<sup>12)</sup> Since the First Balkan War, Montenegro introduced its own Kosovo Plain, part of the Dukagjini Plain with the half of the city of Gjakova. In 1913, Kosovo was divided between Serbia and Montenegro, where Gjakova remained within the Kingdom of Montenegro.<sup>13)</sup> During that time, in order to have as many territories as possible in Kosovo, there were military incidents from time to time. Both states used different forms of pressure (violence, corruption, etc.) to force the local population to declare that we love Serbia or Montenegro. Montenegro had annexed Peja, Istog, Deçan and Gjakova from the territory of Kosovo. Meanwhile, the leader of Montenegro, Nikola Pasic, on 21 November 1913, declared the unification of Bellopoja, Plevla, Berane (Ivangrad), Rozhaja, Plava, Gucia, Peja, Gjakova and other places with Montenegro<sup>14)</sup>

In order to colonize Kosovo, Montenegro initially formed an Agrarian Commission that would be the bearer of colonization processes. The Montenegrin agrarian commission was formed in November 1912, while began working in December of the same year. This commission in implementing agrarian reform in Kosovo had these main tasks, such as:<sup>15)</sup>

1. *To register all movable and immovable properties,*
2. *To make the inventory of state property that should have been available when colonizing Dukagjin with Montenegrins,*
3. *To register all the assets of mosques, vakufs, churches and monasteries.*

For the purpose of achieving the abovementioned goals, the Government of Montenegro had ordered the Agrarian Commission to define land for the needs of agrarian reform and transferring the colonists from this country to Kosovo. According to the commission's planning, the Montenegrin family colonized in Dukagjini was foreseen to be given 20 plows of arable land. The commission for colonizing purposes of

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<sup>12)</sup> Ibidemp. 46.

<sup>13)</sup> Ibidemp. 46.

<sup>14)</sup> Ibidem, P. 53.

<sup>15)</sup> Ibidem, P.113, 114.

Montenegrin families had shared 650 plows. If this surface of working land were to be divided for 20 plows, then it appears that on an area of 650 plows, there should be placed about 33 families. Montenegrin Government (Cetinje) was not satisfied with these results because on that land there could be placed fewer families than the goal of the Montenegrin state. Therefore, in order to increase the number of families, respectively colonizers, the Government of Montenegro asked from the Agrarian Commission to define much more arable land so that it could be brought much more Montenegrin colonial families than previously envisaged. Thus, in December 1913, the Agrarian Commission was ordered that by September 1914, in the district of Gjakova, to colonize at least 200 families, for which 55 thousand plows of arable land must have been provided.<sup>16)</sup> However, the commission failed to achieve this, because until February of 1914, there were only 26 thousand plows of arable land.<sup>17)</sup>

The government of Montenegro took measures to intensify the colonization of Kosovo with Montenegrin population. So, on 27 February 1914, the Government issued the law on colonization, through which were arranged the relations between the land owner and the state.<sup>18)</sup> In order to have an easier access and avoiding any reaction from the local population, this law served to proclaim the entire land of the local population as state property. If the landowner wanted to sell his land, he was obliged to offer it initially to the Main Council for Colonization. This decision made that in the majority of cases the land was purchased by this Council on behalf of the state. In this way, the state made definitions of large areas for colonization, which then have been given to the colonizers brought by Montenegro. According to this law, each Montenegrin colonizing family benefited 15 to 30 plows of arable land and 4,000 m<sup>2</sup> of land for the construction of the house, and for every male in the family there were also 5 plows of arable land. Meanwhile, according to this law, 6 plows of arable land belonged to the craftsman and 5,000 m<sup>2</sup> of land for construction of the house.<sup>19)</sup> Through this, all Montenegrin citizens and all the others who were not citizens of this country were entitled to come in Kosovo, provided that they get Montenegrin citizenship. In order for colonists to be placed in Kosovo, the Montenegrin Government did not allow the return of any families that were placed as part of the colonization of the Dukagjin Plain. While, regarding their assets in Montenegro, it was regulated by a special law, and could be regulated within 10 years. All this was done by the Montenegrin state in order colonists to be

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<sup>16)</sup> Ibidem, P. 115.

<sup>17)</sup> Ibidem, P116.

<sup>18)</sup> Ibidem, P. 118.

<sup>19)</sup> Ibidem, P. 118.

placed in Kosovo and to avoid returning to their country, thus inhabiting Albanian lands with the Montenegrin population.

At that time, living conditions in Montenegro were difficult. The configuration itself was not suitable for the development of agriculture, while other economic branches were not developed. Therefore, the position and the productive capacity of the land and the other living conditions in Kosovo attracted Montenegrins to massively move to the Dukagjini Plain. They assessed that these conditions in the Dukagjini Plain provided a better standard of living rather than immigrating to the US or Western European countries and elsewhere. Compared to the living conditions in Montenegro, the Dukagjini Plain represented a "paradise", and this is why this part of Kosovo was aimed by Montenegrins. In the Dukagjini Plain, the most preferred part of the Montenegrin colonists were cities as Peja, Deçan, Istog etc., due to the good land productivity and the proximity of the border with Montenegro, but Gjakova was excluded because it was near border with Albania, on the one hand, and the land productivity was not so good, on the other hand. For this reason, some Montenegrins moved from Gjakova to Peja. Regarding this issue, the Colonial Council in Peja complained to the Ministry of Internal Affairs that more than 300 Montenegrin families moved from Gjakova district to Peja, seeking shelter and settlement in this part of Dukagjin.<sup>20)</sup>

Cetinje (Montenegro) was not satisfied with the results of colonial agrarian reform in Kosovo. For the intensification of the process of colonization of Kosovo with Montenegrin population, the Government of Montenegro gave additional tasks to the Agrarian Commission, compared to its early action. The agrarian commission was obliged to measure the state's land, the land that has been taken by individuals who had abandoned their property in 1912 and other landowners, with the aim of increasing the land areas for young colonists to be brought from this country to Kosovo. The land was automatically taken off from all owners who did not have land ownership documents. The Commission in question was obliged to register all the arable and non-arable land (meadows, mountains, mountain pastures, etc.) and thus to establish a substantial land surface fund, which would then be given to Montenegrin colonial families. In addition, the Agrarian Commission also had the task to place colonists in villages, respectively in "state" or abandoned property.

In addition to agrarian reform, conversion to the orthodox religion was used as a measure of pressure that Montenegro applied to Albanian populations with Muslim affiliation to move to Turkey. This form of pressure on the Kosovo Albanian Muslim population began "*with the*

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<sup>20)</sup> Ibidem, P. 122.

*entrance of the Montenegrin and Serbian army in the autumn of 1912, it continued almost until World War I*".<sup>21)</sup> In the context of this it should be said that the pressure for conversion to the orthodox religion was not only in the Albanian population with Muslim affiliation (although this measure was mainly applied to the Muslim population), but also to the Catholic population. Therefore, converting as a measure was used for the entire Albanian population as political pressure on the Albanian population in Kosovo, without taking into account the religious affiliation. In this connection, we can say that the converting presented the most severe political way of nationalization, or the assimilation of the Albanian Muslim population to the orthodox religion. This pressure measure was implemented in the entire occupied territory of Kosovo by Montenegro. Converting was done in a very violent way, by being pressured by the Albanian population to make statements that they would like to pass on orthodox religion. State authorities obliged persons, on behalf of themselves or the entire family, to address the highest state bodies to "be allowed to return to the old religion".<sup>22)</sup> Understandably, there were great reactions from the Albanian population of the two confessors, but those who opposed the conversion were subject to execution. According to some data of that time, in 1914, "Montenegrin bodies had converted some 10,200 people, an imam and a dervish".<sup>23)</sup> Thus, agrarian reform and converting served the Montenegrin invaders as the main and effective measure to displace the Albanian (Muslim) population in Turkey.

### **3. Colonizing agrarian reform in Kosovo between the two World Wars**

When it comes to agriculture, it is necessary to note that the agrarian reforms in the Yugoslav Kingdom, including Kosovo, took place in the period between the two World Wars. At the end of the World War I in 1918, Serbia reoccupied Kosovo and other Albanian lands. Antanta, particularly France, for its own purposes supported the idea of creating a Yugoslav state under the hegemony of the Serbian bourgeoisie. In 1918, the State of Slovenes, Croats and Serbs (SKS) was formed, which in 1929 was renamed as the Kingdom of Yugoslavia, whereby Serbia held under its jurisdiction all Albanian territories that it annexed together with Montenegro in 1913. The Versailles Peace Conference in 1919, without reconciliation, as well as with

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<sup>21)</sup> Ibidem, P. 139.

<sup>22)</sup> Ibidem, P. 143.

<sup>23)</sup> Milorad Ekmečić, *Ratni ciljevi Srbije, 1914*, Beograd, 1973, P. 129. Cited by: Limon Rushiti, v. c. p. 142

the opposition of the Albanians, reaffirmed the separation of Albanian lands.<sup>24)</sup> Thus, according to the decision of the Conference of Ambassadors in London in 1919, Kosovo and other Albanian territories, outside Albania of 1912, arbitrarily, as well as in complete opposition and without the will of the Albanian nation, were annexed to The newly-formed state of the SKS Kingdom. Understandably, Albanians never agreed with this decision. So, they never stopped their wars and reactions for the liberation of their ethnic lands. The measures taken by the bourgeoisie of this artificial state against the Albanians were a continuation of those undertaken by the Serbian and Montenegrin bourgeoisie after the Balkan wars for the suppression, displacement and annexation of ethnic Albanian lands and their assimilation. Undoubtedly, the *colonial agrarian reform* was the most effective form and way of achieving these goals in this historical period. Although this reform was propagated as a social solution for poor peasantry, in particular for Albanians, it has a political character, which left long political, transnational, social, economic and social consequences for Albanians under the borders of this state.

Surely, after the establishment of the SCS Kingdom in 1918, the main method of public pressure against Albanians was agrarian reform, that with hypocrisy was proclaimed as a civilized measure supposedly to eliminate the consequences of the feudal elements during the Turkish rule in agriculture. This was just a fraud (fable) of the Serbian bourgeoisie against the Albanian population, because the purpose of agrarian reform was entirely different. Therefore, agrarian reform, which had to be implemented in Kosovo between the two world wars, did not aim at changing the feudal relations in agriculture, but it was of anti-reformist character, and as such served as a main instrument for the expropriation of Albanians' properties and to force them to move from their lands.

The agrarian reform and colonization of Kosovo began shortly after the establishment of the bourgeois state of SCS with the "Preliminary Provisions" decree on the implementation of the agrarian reform dated 25 February 1919. On 27 August 1920, upon the order of the Minister of Agrarian Reform, officially began colonization of Kosovo with the so-called "Volunteers" from different parts of Yugoslavia (Read: SCS Kingdom), especially from Montenegro, Dalmatia, Lika and Serbia. According to this decree, the state brought colonists in these lands. The first organized work for agrarian reform started with the establishment of the Agrarian Directorate based in Skopje on 12 February 1920, as well as the establishment of agrarian circular directories in all major colonization centers of "South

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<sup>24)</sup> For more: Marenglen Verli, *Colonizing Agrarian Reform in Kosovo, Iliria, Tirana, 1992*, p. 21.

Serbia", including Kosovo and Macedonia. However, the full implementation of agrarian reform began with the decree on the colonization of southern parts of September 24, 1920.<sup>25)</sup> The agrarian reform implemented in Kosovo had an anti-Albanian character, the implementation of which was done by putting pressure on the local Albanian population, so that they would move away from their lands, while the remaining properties should be divided into Slavic colonists. Therefore, the essence of this process was that by bringing the Slavic element to change the structure of the population in Kosovo, against the autochthonous population and to the benefit of the Slavic element acting as a colon in these lands. In order to achieve this goal, the SCS authorities without any control implemented discriminatory measures against the Albanian population. Since 1925, the colonization in Kosovo was temporary. Undoubtedly, such form of colonization did not correspond to the long-term aspirations of them. It is interesting to note that in the process of agrarian reform, not only poor Albanians and farmers were not entitled to benefit lands, but also Serb and Montenegrin local village population, but only Slavic settlers were entitled to it. The Serbian-Bulgarian bourgeoisie through colonization and agrarian reform in Kosovo tried to reach, as follows:

- justification" for the conquest and annexation of these lands, both in the eyes of the world and in the eyes of other peoples of Yugoslavia;
- To raise awareness of the affiliation of the Slavic population and thus through Yugoslavia competences to increase the "Great Serbia" autocracy, not only in the political and territorial spheres for Slavic populations, as well as to install the fear to Albanians towards the realization of Garachani's "Nacertanije" (1844);
- To propagate the displacement of the Albanians to Turkey and Albania, under the pretext that this (Kosovo, underlined: M.L.) is not their land, but they "are in foreign land";
- To spread the lie in the international arena that displacements are of "a national" elements, including religious elements, etc.;
- To disarm Albanians, in order to disable them tin reacting to injustice against them etc.

Meanwhile, if the Albanian population reacted to the injustice, the universal response of state authorities was: "***If you are not satisfied, you may go to Turkey***". Brutal state behavior in the Albanian population

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<sup>25)</sup>Uredbe o ustrojstvu Ministarstva za Agrarnu reformu Kraljevstva SHS, 12.II.1920, fq. 3. Uredbe o naseljavanju južnih novih krajeve, "Agrarna reforma", Uredbe, Naredbe i Raspisi, Zagreb, 1920, p. 247. Cited by: Dr. Hakif Bajrami, v. c. p. 51.

installed national hatred and division, which in this regard have left long-term political consequences. Therefore, the relations of colonist "volunteers" with the Albanian population were and remain unfriendly. From the Albanian population, colonists were always considered as usurpers and destabilizing elements in Kosovo. Colonization and agrarian reform between the two world wars for Albanians was a state violence, which declared them undesirable in these lands that have been inherited from their Illyrians and Dardanians forefathers, to implement terror with the sole purpose to install Slavic elements.

During 1919-1925, the colonization of Albanian properties was done through the method of land robbery, and after this year it was completed with the most exhaustive method of time, by applying allegedly agrarian reform. The state official circles propagated (proclaimed) it as a progressive measure that will affect the development and prosperity of this area, which in reality was something else. This action was implemented in an organized way through the relevant state bodies, under the pretext that these issues should be "resolved", methods and means have not been chosen for the displacement of Albanians and the installation of the Slavic element as a "fresh" element in Kosovo and stable for keeping and strengthening the power of the Karadjordjevic dynasty, which, after the dictatorship of "Vidovdan", became a hell and a place of misery, not only for the Albanians, but also for all the nations and nationalities living in these areas, apart from the Serb and Montenegrin population, on the other hand. With regard to maintaining and expanding the boundaries of the power, a commissioner named "Carovic" was commissioned in Mitrovica, who acted as a commander of orders coming from Belgrade, which aimed assimilation of the Albanian part that would remain after the process of displacement and colonization.

The Serbian bourgeoisie was not satisfied with the results and the effects of the agrarian reform and colonization of Kosovo, as it was not possible to establish the largest number of Slavic element in Kosovo. Until 1925, this goal was partially realized, since with the measures of agrarian reform they failed to colonize or to do the territorial cleansing of these lands, as they did in the case of "Toplica" in 1878. Thus, after 1925, in order to realize the foreseen goals of the Serbian bourgeoisie aimed at colonizing of Kosovo, concrete measures were intensified in the implementation of agrarian reform. So, for the purposes of agrarian reform, on 1 January 1928, a total of 225,397 ha land were divided in 1,923 complexes. Out of this land 143,723 ha were measured, whereas only 111,602 ha were allocated. From the divided surface, 173 colonies and 419 settlements were formed, where in

the same year there were 9,038 Slavic families in Kosovo.<sup>26)</sup> The intensity of implementing agrarian reform was increasing. After 1929, colonization began to apply even more intensively than in the previous period. Now, the colonists began to be supported even with financial means. Thus, for granting aid to colonists, the Ministry of Agriculture had requested permission from the chairman of the Ministerial Council, to spend 10 million dinars from the colonization fund. From this amount of financial means, for 1,777 colonizing families located in Dukagjini, namely in Istog, Peja, Gjakova, etc., in 1928, a financial aid of 6.800.000 dinars or 3.827 dinars per family were foreseen. Meanwhile, 400 colonizing families from Montenegro, who were scheduled to be settled in Kosovo in 1929, were foreseen to be assisted for various expenses with 2,000,000 dinars. Moreover, for 50 families colonized in 1929 in the Gjakova and Sharri districts, financial assets worth 500,000 dinars were foreseen, while for 30 colonizing families that were located in the Gjakova district in 1929 were foreseen 300,000 dinars.<sup>27)</sup>

For the purpose of the concretization of land surfaces for colonists' needs, on 5 December, 1931, the Law on Regulation of Agrarian Relations in the Former Provinces of Serbia and Montenegro was approved. So, this law was mainly concerned with the implementation of agrarian reform and colonization in Kosovo. Under the legal provisions, a limited land fund was established in Kosovo for the purposes of agrarian reform and colonization. In 1934, the limited fund included an area of 183,837 ha. This area, in 1937, was 167,461 ha, while in 1939 reached 189,436 ha of land.<sup>28)</sup> Definitely for purposes of agrarian reform, the land has been given to agrarian-colonial reform subjects who were mostly from the passive parts of Montenegro, Bosnia and Herzegovina, Dalmatia, Lika, Vojvodina and Serbia) and local Serbian agricultural stakeholders<sup>29)</sup>. Until 31 December, 1936, colonists benefited a total of 89,978 ha, or 51.4% of the limited final land destined for agrarian reform. Meanwhile, local agro-cultural stakeholders (Serbs, underlined M.L.) were given 27.713 ha, or 12.1% of the land, which was definitely limited to agrarian reform. The rest of the limited land for agrarian reform was left for roads, railways, pastures, etc., as well as for subsequent divisions.<sup>30)</sup>

In order to "install" the Slavic element throughout the entire territory of Kosovo, settlement of colonists took place throughout Kosovo, a process

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<sup>26)</sup> Ibidem, p.66, 72.

<sup>27)</sup> Ibidem, p. 73.

<sup>28)</sup> Dr. Milovan Obradović, *Agrarna reforma i kolonizacija na Kosovu (1918-1941)*, Institut za istoriju Kosova, Prishtina, 1981, p. 151.

<sup>29)</sup> Ibidem, p. 140.

<sup>30)</sup> Kosovo then and now, *Ekonomska politika*, Beograd, 1973, p. 184.

which began to be implemented since 1932. In Anamorava, the installation of the Slavic element took place in the largest centers of this part of Kosovo. Thus, until 31 December, 1932, in the district of Gjilan, there were definitely 13,037 ha of land which was limited, and there were 345 families of colonists, mostly coming from Vranje, Leskoci and Pucinja, to whom a total of 2,889 ha of land has been given. In the same year in the district of Gjilan, 542 houses were built for 533 families, which were actually colonized.<sup>31)</sup> Apart from Anamorava, also the Presevo Valley (Moravica) was included in the placement of the colonists). Thus, to change the structure of the Albanian population in these parts of our territory, Slavic elements were brought to all ethnic Albanian villages, such as: Tërnoc i Madh, Turi, Lluçan, Nasalcë, Letovicë, Raincë, Cërroticë, Preshevë, Somolicë, Bushtran etc. The colonists placed in these parts of the ethnic Albanian lands, not seeing their prospects (as known by the expression: "There is no place for Muhajer"), moved away from these lands, from time to time, being placed in the cities of Serbia as: Vranje, Leskovac, Nis and so on. Currently, in these villages there are no Serbian colonists, except in Presevo, so they are pure Albanian villages that are currently within the territory of Serbia.

In the district of Ferizaj, until 31 December 1932, agrarian counties had definitely limited over 6,071 hectares of land, as 281 colonizing families were located. Also in this year, in the district of Gracanica, for agrarian reform purposes, a total of 18,079 ha of land were definitely defined, while 9,073 colonizing families were placed. In the district of Mitrovica, at that time, 3 726 ha were defined, while 55 Slavic families were placed. Meanwhile, in the district of Vushtrria, 11,647 ha were defined and 438 Slavic families were placed. In the district of Llap, 203 ha of land were defined and 401 Slavic families were placed.<sup>32)</sup>

This process continued in the Dukagjin Plain. Thus, until December 31, 1932, in the district of Prizren, for the needs of colonists, 2,280 ha of land were defined and 154 Slavic families were placed. In the same year, in the district of Gjakova, there were 53,214 hectares of land for colonists as 2,152 Slavic families were placed. In the district of Peja, 17,244 ha of land were destined for colonists as 726 colonizing families were placed. Meanwhile, in the district of Istog, for the needs of colonists, 15,258 hectares of land were defined as 1,001 Slavic families were placed.<sup>33)</sup>

In SCS Kingdom, the biggest problem was the agrarian and social issue of the majority of the population, since over 80.0% of the total

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<sup>31)</sup> Dr. Hakif Bajrami, v. c. p. 75.

<sup>32)</sup> Ibidem, p. 76,79,87,88.

<sup>33)</sup> Ibidem, p.85,86.

population was agrarian.<sup>34)</sup> The agrarian reform that was implemented during the Yugoslav Kingdom (SCS) in the period 1919-1941, implemented with the greatest brutality from the Serbian bourgeoisie, left long-term consequences in the field of agriculture. Anti-Albanian politics in the Yugoslav kingdom included physical violence and economic pressure, hatred among peoples, and deprived the Albanian people of the only source of life - from the land and forced them to displace from their own ethnic lands. This reform largely expropriated Albanians (middle and small owners) from their agricultural holdings.

According to the data of the Skopje-based Directorate of Agrarian Reform, a total of 381,245 ha of land were taken over in all parts of Yugoslavia, including mostly Albanian and Macedonian lands and 17,679 colonized families were placed, until the end of 1940.<sup>35)</sup> Meanwhile, "In the Albanian lands in Yugoslavia, about 280 thousand ha were included in the land fund for the needs of colonization. Only in Kosovo this fund had 192,212 hectares of land, there were 13,393 colonized families with approximately 60,000 members".<sup>36)</sup>

Solving the agrarian issue in the Yugoslav Kingdom was deliberately delayed. So, agrarian reform in the old Yugoslavia lasted for 12 years.<sup>37)</sup> The agrarian reform was used for 12 years to strengthen the bourgeoisie, dynasty and the army as well as the conservative class that was generally against the interests of the village.<sup>38)</sup>

The Serbian Cultural Club served to realize all anti-Albanian intentions such as: displacement, assimilation and methods known to the totalitarian state arsenal". The club had its own motto: "**Everything for colonization and assimilation of Albanians**". The most notorious program for the realization of the goals and tasks laid down for the placement of colonists and the displacement of Albanians from their homes, was undoubtedly the plan of Dr. Vaso Čubrilović entitled "Iseljavanje Arnauta" (expulsion of Albanians), a lecture held at the "Serbian Cultural Club". According to the "Serbian Cultural Club", the placement of Slavic colonists in Kosovo and other areas inhabited by Albanians in the Yugoslav Kingdom had to be developed in three directions:<sup>39)</sup>

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<sup>34)</sup> Marenglen Verli, v. c. p. 28.

<sup>35)</sup> Ali Hadri, Gjakova since foundation until 1941, Magazine "Kosova" no.1, Pristina, 1972, p.426; Mitrovica and surrounding, Mitrovica, 1979, p. 124. Quoted by: Lefter Nasi, Reconquering Kosovo, September 1944, July 1945, Academy of Sciences of the Republic of Albania, Institute of History, Tirana, 1994, p. 191.

<sup>36)</sup> Lefter Nasi, v. c. fp191.

<sup>37)</sup> Dr. Velimir Vasić, Economical Politics of Yugoslavia, ed. IV. Prishtina, 1970, p. 292.

<sup>38)</sup> Dr. Hakif Bajrami, v. c. p. 17.

<sup>39)</sup> Ibidem, p. 91.

- a) *To disarm the population, so that they cannot oppose land acquisition,*
- b) *Propaganda for the displacement of Albanians, supporting colonists to put pressure on Albanians to emigrate to Turkey and Albania and*
- c) *To conduct imprisonments and persecutions, in order to terror Albanians living in their lands.*

All these pressures against the Albanians were carried out with the aim of territorial cleansing of Albanian territories, i.e. the forcible displacement of the indigenous Albanian population from their ethnic lands and the installation of the Slavic element for the purpose of Slavicism of Kosovo. According to the "Serbian Cultural Club", it was necessary that the structure of the Slav population should be above 60.0%, to ensure the majority of the Slavic element in Kosovo.

To accomplish this objective, the Club proposed that more than 470,000 colonists should be brought into Kosovo.<sup>40)</sup> According to Çubrilović, the displacement of Albanians has to be carried into two main directions: to Turkey and Albania. According to him, the most efficient way is to move to Turkey because at this time it had declared that it could accept 200 thousand immigrants from the Yugoslav kingdom, that "for us, it is most convenient that these have to be arnauts". Furthermore Çubrilović explained that this should be accepted without any doubt, and with regard to it, the Albanian immigration convention should be signed. This will not be a problem, since the emigration of Albanians to Turkey will be settled with money (finance), through paying money to every displaced family. It is Albania that represents a problem, whereby it is necessary to adopt a convention for accepting a number of emigrants from Kosovo, and if this will not function, we must agree that moving to Turkey should be made calmly. In this case, Italy is the problem, since these territories are considered of its interest, but Italy now is preoccupied with its own concerns with Abyssinia and Austria, therefore it won't have any significant resistance.<sup>41)</sup>

In addition to other methods, chauvinist powers, to exert pressure on Albanians, with the purpose of nationalization, assimilation and displacement in their entirety from their centuries-old homes, hereby used the Slavization and acquisition of Serbian citizenship by the Albanian population, which was conditioned by the change of religion. This especially happened in the part occupied by Montenegro (Dukagjini Plain). Understandably, such a phenomenon towards unprotected and persecuted Albanian caused massive emigration to Turkey. These methods of violence against Albanians were interrupted upon the beginning of World War I. The

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<sup>40)</sup> Ibidem, p. 92.

<sup>41)</sup> For more, see: "Iseljavanje arnauta", dorëshkrim, Belgrade, 1937, p. 7.

terror and forced colonization in areas inhabited by Albanians caused new national traumas, whereby about 120 thousand Albanians, with police methods, were moved in Turkey and in other countries. Regarding the violence in Kosovo, it is enough to read Tucovic and press statement of the Serbian Social Democratic Party.

It must be concluded that the colonization of Kosovo through agrarian reform has lasted throughout the time of the existence of the Yugoslav Kingdom, from 1918 to 1941. The intensity of colonization was different and depended on the economic and political situations of Kosovo and Yugoslavia. The political relations in Kosovo in the early years of SCS Kingdom influenced the intensity of colonization, in the time when where the Albanians in any way refused to be under the powers of Serbian hegemony.<sup>42)</sup>

The difficult situation of the villagers in Kosovo was further extended through the agrarian reform and colonization, as well as the high-selling monopoly sales prices of industrial products. The fall in prices of agricultural products in the period 1923-1933 was quite large in Yugoslavia and amounted to about 60.0%.<sup>43)</sup> This situation was also hampered by the great economic crisis of 1929-33, as well as the large migration of Albanians to Turkey and elsewhere.<sup>44)</sup>

In the Yugoslav Kingdom, as well as in many countries in Europe and the Balkans, agrarian reform became a reality. Under the pressure of the poor labor force and the impact of the October Revolution in the period 1918-1941, the colonial agrarian reforms were implemented in the Yugoslav Kingdom. The main purpose of agrarian reform in this country was to change feudal relationships in agriculture and to move into capitalist production relations in these important economic areas. With agrarian reform, the bourgeois system of the Yugoslav Kingdom softened to some extent the difficult position of poor villagers, but failed to solve their problem. This shows that the agrarian reform was not implemented properly, as the bourgeois system of this country was not determined and interested to solve this problem. At that time, there were some 500,000 people without land in the Yugoslav kingdom, indicating the miserable state of the villagers.<sup>45)</sup>

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<sup>42)</sup> Dr. Milovan Obradović, v. c. p. 130.

<sup>43)</sup> Dr. Stjepan Lovrenović, *Ekonomska politika Jugoslavije*, Sarajevo, 1963, p. 58.

<sup>44)</sup> Dr. Nuri Bashota, *SAPK economy and its transformation into socialist society*, "Përparimi", nr.6, Prishtina, 1984, p. 811.

<sup>45)</sup> Dr. Milovan Obradović, *Agrarna refomra i kolonizacija na Kosovu (1918-1941)*, Institut za istoriju Kosova, Prishtina, 1981, p. 135.

The purpose of agrarian reform in Kosovo in this period was not solving the problem of agriculture, but:<sup>46)</sup>

- a) *To eliminate Albanian compactness in Kosovo and ultimately to assimilate population, even with migration;*
- b) *To bring the Slavic element into new areas of the new state;*
- c) *To popularize Serbia as liberating country which secures economic welfare;*
- d) *To Raise the awareness of Slavic belonging and thus, under the pretext of Greater Yugoslavia, to increase the powers of Greater Serbia in popular opinion in the economic, political and territorial spheres.*

At the end of 1940, there were 228,080 hectares of land taken in the territory of Kosovo, while 15,943 houses were built in the "southern parts" for colonists.<sup>47)</sup>

Agrarian reform and colonization did not solve and soften the difficult position of poor peoples, but as such aggravated their situation and exacerbated the economic and political situation in Kosovo, especially of the Albanian population.

During the implementation of agrarian reform and colonization in Kosovo, at that time, there was present a great injustice, since in most cases the land has been unfairly taken from the population of this area, especially Albanians. Measures of agrarian reform and colonization brought significant difficulties to the population of the country, first of all to Albanians.<sup>48)</sup> This was clearly noticed from the process of revision of agrarian reform in socialist Yugoslavia in the period 1945-46, through which the land was returned to the population of this area, respectively all those who had been unfairly treated with the agrarian reform implemented in the Yugoslav Kingdom until 1941. The right to the entire land that was previously granted (43.2%) was confirmed for 4,824 colonizing families. Meanwhile, 595 colonists (5.4%) lost the right to the entire land. A total of 15,784 hectares of land was taken from the colonists and returned to the former owners, mainly Albanians.

From what was said above with regard to the agrarian reform and colonization, it means that the ruling circles of the Kingdom of Yugoslavia used the implementation of agrarian reform and colonization as a measure of economic, social, national and political pressure towards the Kosovo Albanian population and other areas inhabited by Albanians, within this artificial state. Therefore, the agrarian reform and colonization that was implemented in Kosovo during SCS Kingdom rule failed to solve the

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<sup>46)</sup> Dr. Hakif Bajrami, v. c. p. 52.

<sup>47)</sup> Dr. Ali Hadri, v. c. p. 22. Cited by Dr. Hakif Bajrami, v. c. p. 96.

<sup>48)</sup> Dr. Milovan Obradović, v. c. p. 140.

problem of poor villagers, and as such contributed that the injustices under the pretext of agrarian reform and colonization to create an atmosphere of dissatisfaction and revolt among the Albanian population in all the parts they lived. This phenomenon affected the aggravation of interethnic relations, the consequences of which were severe and long-term.<sup>49)</sup> The colonizing agrarian reform broke the territorial integrity and national compactness of Albanians, which the Serbian bourgeoisie led by the Karadjordjevic dynasty carried out between the two world wars. As such, it did not serve to solve the difficult position of farmers from the time of Turkey, but by expelling Albanians from their territories, it served to change the ethnic structure of the population and to populate these territories with the Slavic element, especially with Serbian and Montenegrin element.

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<sup>49)</sup> Kosovo then and now, *Ekonomiska politika*, Belgrade, 1973, p. 182.

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# CONSTITUTIONAL ISSUES OF MINORITY COMMUNITIES IN KOSOVO

**Prof. Dr. Hazër SUSURI**  
**European Collage of Kosovo**

## **Introduction**

The Constitution of the Republic of Kosovo, 2008, designates twice as much freedoms and human rights for the minority community. The first designation is freedoms and human rights guaranteed for the majority of the Albanian population and the minority communities in Kosovo.

In this work the additional favoring of the constitutional freedoms and rights for the minority community that are determined by the rights of the reserved seats of the Assembly deputies at the Assembly of the Republic of Kosovo as well as in other state institutions of the Government of Kosovo, courts of all instances, the Kosovo Judicial Council, Kosovo Prosecutorial Council, the Constitutional Court of Kosovo, the Central Election Commission, etc., will be dealt with.

The power of vote of 20 (twenty) deputies of the minority community equated with the power of veto thus blocking the votes of the Albanian majority deputies is also determined as a favoring right of the minority community in Kosovo.

The scientific elaboration is dedicated to the twofold rights of the minority community in Kosovo which as such is not designed in any of the state constitutions of Europe or World by putting forward scientific arguments if this can stand as such a constitutional solution in the Republic.

The scientific elaboration of the twofold rights of the minority community clarifies that the determination of the citizens in accordance to the Constitution of the Republic of Kosovo represents an essential obstacle of the functioning of a state as the state of the majority nation in Kosovo in realizing the will of the majority sovereign for which the state is established.

Recommendations that derive as a result of the scientific and practical research about the freedoms and rights of the minority community in the country and the constitutional solutions in Europe and the World are presented in this work with the scientific conclusion that the amendment and completion of the current constitutional solution of the Constitution of the Republic presented in this work are compulsory.

## **Analysis of the Constitutional Issues of Minority Communities in Kosovo**

Constitution of the Republic of Kosovo with the rights for the minority communities in Kosovo and their members is set forth in a separate chapter (III)<sup>50</sup> specifying their fundamental and specific principal rights and freedoms for communities. For the minority communities in Kosovo the considerable constitutional number of the minority representatives in the highest self-governing institutions in Kosovo is set forth in the Constitution of the Republic of Kosovo such as in the Assembly of Kosovo, Government of Kosovo, Courts of all instances, Kosovo Judicial Council, Kosovo Prosecutorial Council, Constitutional Court of Kosovo, Central Election Commission, etc.

The structure of the Assembly of the Republic of Kosovo is made up of 120 (one hundred and twenty) elected deputies. The seats in the Assembly are distributed amongst political parties, coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly<sup>51</sup>. But according to the Constitution of the Republic of Kosovo the distribution of seats among the deputies in the Assembly of the Republic is not made in proportion to the number of valid votes won by them. Only the elected deputies of 100 seats that make up the majority community of the Albanians in Kosovo are subject to the constitutional distribution of seats by the deputies in proportion to the valid votes won by them. The other seats of elected deputies, i.e. 20 seats of the deputies in the Assembly of the Republic of Kosovo are excluded of these election criteria since by Constitution these 20 seats are guaranteed for the national minorities and the same ones are guaranteed for the minority communities even if they do not win these seats by votes in the elections for the Assembly of the Republic.

In the framework of this distribution, twenty (20) of the one hundred twenty (120) seats are guaranteed for representation of communities that are not in the majority in Kosovo as follows: parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing Serb community have the number of seats in the Assembly won in open elections with a minimum of ten (10) guaranteed seats, in case the number of the seats won is less than ten (10) guaranteed seats. While the parties, coalitions, citizens' initiatives and independent candidates representing the other communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly

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<sup>50</sup>Constitution of the Republic of Kosovo, 2008 (Chapter III, Articles 57-62)

<sup>51</sup> Article 64 § 2, Constitution of the Republic of Kosovo.

guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed. Thus the number of the Serb minority deputies in the Assembly of Kosovo is ten and this number separately prevails of the number of the other minority deputies in the Assembly of the Republic of Kosovo<sup>52</sup>.

By the Constitution of the Republic of Kosovo the problem is not constitution of the State of the Albanian majority nation or of the Albanian majority community the constitutionalizing of the guaranteed seats of minority community but the constitutional problem which needs to be reviewed regarding the constitutional provisions that firstly guarantee 10 seats to the Serb minority deputies and then separately up to 10 seats for all the other communities and then these 10 guaranteed seats of the Serb minority deputies and the 10 seats of the other minority communities to be reinforced with the equity of the power of 100 seats of the Albanian majority deputies is majorized in taking decisions by 10 seats of the Serb minority and 10 other guaranteed seats of the other minorities. This constitutional majorization of the majority of Albanian deputies with 100 seats by the Serb minority with 10 guaranteed seats blocks the decision-making issues in the Assembly of the Republic of Kosovo in taking decisions about vital laws of the State nature such as Blocking of the amendment and supplementation of the Constitution of Kosovo for creating the constitutional basis for establishing the Army or the Armed Forces of the Republic of Kosovo as well as other issues of the vital constitutional and lawmaking nature of State functions.

But for this through guaranteed seats of the Serb minority community seats in Kosovo, the State of the Republic of Serbia tampers the state sovereignty of the Republic of Kosovo through the 10 seats of the Serb minority deputies and alike.

Thus the minority communities in Kosovo, respectively the Serb minority community by the Constitution of the Republic of Kosovo is guaranteed the right of veto power when voting on approving and amending the Constitution, the laws passed by the Assembly of Kosovo, laws of the vital state interest for approval and amendments or their nullification for which the majority of vote of 2/3 (two thirds) of the Kosovo Assembly deputies is required and the majority of 2/3 (two thirds) of the deputies of the

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<sup>52</sup>Article 64, § 2 sub§ 1 and 2, Constitution of the Republic of Kosovo.

Assembly with guaranteed seats for the representatives of the communities who are not the majority, national minority, and which legislation is conditioned as a legislation of vital interest.

In the group of the legislation of vital state interest for which a special method of voting is required as aforementioned, the following laws are voted: Laws changing municipal boundaries, establishing or abolishing municipalities, defining the scope of powers of municipalities and their participation in intermunicipal and cross-border relations; Laws implementing the rights of Communities and their members, other than those set forth in the Constitution; Laws on the use of language; Laws on local elections; Laws on protection of cultural heritage and protection of special protected areas; religious freedom; education; Use of symbols, including Community symbols and on public holidays. At the same time for the minority community an effective protection of the entirety of sites and monuments of cultural and religious significance to the communities is ensured.

Adoption, amendment and supplementation of the Constitution of the Republic as well as the laws of vital interest for the Republic shall require the approval of two thirds (2/3) of the Albanian majority deputies of the Assembly including two thirds (2/3) of the national minority deputies of the Assembly holding reserved or guaranteed seats for representatives of communities of the Assembly of Kosovo (of the Albanian majority deputies (100) and of the 20 minority deputies of which 10 of the Serb minority and 10 of the other minorities) without the twofold majority the amendments of the Constitution

of the Republic of Kosovo cannot be adopted nor the laws of the vital interest for the Republic of Kosovo.

Another favoring of the minority communities is conditioned by the right that the laws of the vital interest are not subjected to the referendum so that they are not majorized by the majority community, the Albanian nation. Also it is a solution by which the Albanian majority community is majorized by the minority community.

By the Constitution of the Republic the minority communities enjoy twofold constitutional rights, the special one as members of the minority community and parallel with it, also those rights attributed to the majority nation, to the Albanians of the Republic.

The Constitution also promotes tolerance, dialogue and support reconciliation among communities and respect the standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995, and the European Charter for Regional or Minority Languages, Strasbourg, 2 October 1992.

The Republic of Kosovo as a democratic country in the Constitution promotes taking of all necessary appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their national, ethnic, cultural, linguistic or religious identity.

The Constitution of the Republic of Kosovo shall promote adoption of adequate state measures for full and effective equality among members of communities in economy, politics and culture by not considering the same measures as discrimination of the majority community in Kosovo. Cultural and religious heritage of the minority community as well as the entirety of sites and monuments of cultural and religious heritage as well as their special protected areas is promoted as a constitutional obligation for the Republic of Kosovo, a country guaranteeing their protection and preservation through the competent state law and order authorities.<sup>53</sup>

Members of minority communities in Kosovo by the Constitution of the Republic shall have the right, individually or in community, to their culture, identity, religion, language, traditions and culture; public education in one of the official languages of the Republic of Kosovo of their choice at all levels; pre-school, primary and secondary public education, in their own language to the extent prescribed by law. Within the education institutions and the educational issues of the minority communities and their members, the Constitution of the Republic of Kosovo also promotes the right to establish and manage their own private educational and training establishments for which public financial assistance may be granted; use their language and alphabet freely in private and in public in their relations with the municipal authorities or local offices of central authorities in accordance with the law.

The use and display of minority communities' symbols is specified in accordance with the law and international standards. Personal names of minority communities and of their members by the Constitution of the Republic of Kosovo personal names are registered in their original form and in the script of their language as well as revert to original names that have been changed by force.

The issue of media is promoted by the Constitution of the Republic of Kosovo having guaranteed access to, and special representation in, public broadcast media as well as programming in their language, in accordance with the law and international standards; to create and use media of the minority communities, including all forms of press and electronic

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<sup>53</sup>*Amendment 3, Amendments of the Constitution of the Republic of Kosovo.* regarding the termination of international monitoring of the independence of Kosovo, The Assembly of the Republic of Kosovo Decision no. 04-V-436, dated 7 September 20122, Official Gazette of the Republic of Kosovo no. 25/07, 7 September 2012.

information in accordance with the law and international standards. While for the Serb minority Community in Kosovo the Constitution of the Republic specifies that the Republic of Kosovo shall provide an international plan of frequencies for access to the independent television channels in Serbian language in the entire Republic of Kosovo.

Enjoy unhindered contacts among communities within the Republic of Kosovo and establish and maintain free and peaceful contacts with persons in any State, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage, in accordance with the law and international standards is specified by the Constitution of the Republic of Kosovo as a right of communities and their members. The Republic of Kosovo in the Constitution of the Republic guarantees the rights of minority communities to enjoy contacts with, and participate without discrimination in the activities of local, regional and international non-governmental organizations as well as establish associations for culture, art, science and education as well as scholarly and other associations for the expression, fostering and development of their identity as minority communities in the Republic.

Representation in employment in public bodies of the Republic for the minority communities and their members is their constitutional right specified by the Constitution of the Republic of Kosovo. The Republic of Kosovo as a democratic State in its highest legal act the Constitution of the Republic, for the minority communities and their members guarantees equal representation in employment in public bodies and publicly owned enterprises at all levels, including in particular in the police service in areas inhabited by the minor Community in Kosovo.

Representation of minority communities and their members in the Local Government Authorities is a constitutional guaranteed right specified by the Constitution of the Republic in which direction the Republic of Kosovo guarantees the reserved post of the vice-president of the Municipal Assembly for one municipal representative of the minority communities where at least ten per cent (10%) of the residents belong to Communities not in the majority in those municipalities, for the candidate of the minority population of that municipality who received the most votes on the open list of candidates for election to the Municipal Assembly. The Vice President for Communities of the Municipal Assembly represents the interests of the minority communities of the Municipalities in meetings of the Assembly and reviews claims submitted by the minority communities, but regarding the acts or decisions of the Municipal Assembly that violate constitutionally guaranteed rights of the minority communities which the Vice President shall refer to the Municipal Assembly for reconsideration. In the event the Municipal Assembly chooses not to reconsider the claim of the Vice

President regarding the violation of a constitutionally guaranteed right for the minority communities, the same may be submitted for verification of constitutionalism and lawfulness of such a decision of the Municipality, to the Constitutional Court of the Republic of Kosovo.

Representation for minority Communities in the Republic of Kosovo in the municipal executive body is guaranteed by the Constitution of the Republic of Kosovo.

Based on the Constitution of the Republic of Kosovo a Consultative Council for Communities acts under the authority of the President of the Republic of Kosovo in which all Communities shall be represented composed of representatives of minority Communities in Kosovo. Consultative Council for Communities shall provide a mechanism for regular exchange between the Communities and the Government of Kosovo, afford to the Communities the opportunity to comment at an early stage on legislative or policy initiatives that may be prepared by the Government of Kosovo giving remarks concerning the minority communities and their members in Kosovo. Consultative Council for Communities is designated as an institution which is responsible to provide and guarantee protection of twofold rights specified by the Constitution of the Republic of Kosovo for the minority communities and their members in the Republic, as a monitoring institution of realizing the rights of minority communities based on the Constitution of the Republic of Kosovo.

Scientifically, by the use of the scientific method of comparison of the Constitution of the Republic of Kosovo with the constitutions of the other countries constituted after the disintegration of the SFRY<sup>54</sup>, the constitutions of the European countries and other countries in the world<sup>55</sup>, it can be concluded that the overextended nomenclature of constitutional specification and guarantee by the State of Kosovo in the process of Assembly decision-making the freedoms and rights of majority communities, of the Albanian majority nation in Kosovo, are not specified.

Such a guarantee is specified by the Republic of Kosovo with the new notion that cannot be found in other constitutions in Europe and in the world, as a State of citizens and not a national States such as the newly established States after the disintegration of SFRY are. By the Constitution of the Republic, except that the Republic of Kosovo is an independent,

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<sup>54</sup>Constitution of the Republic of Serbia, Croatia, Macedonia, Montenegro, Slovenia, Bosnia and Herzegovina, Constitution, Published by the Albanian Helsinki Committee , Tirana 1998, Publisher Albin, 1998, Tirana

<sup>55</sup>Constitution of the FR of Germany, Austria, France, Bulgaria, Greece, Hungary, Italy, Canada, Romania, USA, Sweden, Norway, Russia, Spain, Holland, Constitution, Published by the Albanian Helsinki Committee, Tirana 1998, Publisher Albin, 1998, Tirana.

sovereign, democratic, unique and indivisible state, it is also a multiethnic society composed of Albanian and other Communities<sup>56</sup>.

However specification by Constitution of the Republic of Kosovo a State of citizens and not a national State generates grave problems in functioning of three State governments and weakens the State sovereignty of the Republic of Kosovo and enables interference of other neighboring countries of Serbia in the sovereignty of the Republic of Kosovo through ten (10) reserved seats of the deputies of the Serb minority community in the Assembly of the Republic of Kosovo conditioning the power of their vote with 100 seats of the Albanian majority community in which case the Albanian majority community is majorized by the 10 (ten) Serb minority deputies in the Assembly of Kosovo which constitutional solution causes non-functionality of the State – the Republic of Kosovo as an independent and sovereign State.

And also the Serb minority community and the others in the Republic are guaranteed the power of voting when voting on approving and amending the Constitution, the laws passed by the Assembly of Kosovo, laws of the vital state interest for approval and amendments or their nullification for which the majority of vote of 2/3 (two thirds) of the Kosovo Assembly deputies is required and the majority of 2/3 (two thirds) of the deputies of the Assembly with guaranteed seats for the representatives of the minority communities. The veto of the minority community blocks the determination of the Albanian majority community of the Assembly of the Republic of Kosovo in functioning of the Assembly of Kosovo as the highest institution of the State constitutional and legislative power, representative of the sovereign.

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<sup>56</sup> Article 1 § , 3§ 1, 58 § 2, *Constitution of the Republic of Kosovo*.

## **Conclusions**

Amendments and supplementations of the Constitution of the Republic of Kosovo in the enormous rights of the minority communities are compulsory in order not to generate political problems for the State – The Republic of Kosovo through the minority community first of all because the rights and freedoms of the national minorities specified in the Constitution of the Republic of Kosovo cannot be found in other constitutions in Europe and in the world where representation in the Assembly, Parliament and other institutions is accomplished based on the percentage of the number of the minority population as is the case in the Republic of Serbia and newly established States after the disintegration of SFRY and the constitutions of the States in Europe and in the world which are specified by constitutions as States of the majority nation for whom the State is established.

Thus the scientific conclusion ensues that the constitutional specification of the State of the citizens of Kosovo in functioning of the constitutional and political system of the Republic of Kosovo poses represents big problems in applying the Constitution of the Republic of Kosovo in the interest of the majority of the Albanian nation in Kosovo as well as that by this it is interfered in the State sovereignty of the Republic of Kosovo through the Serb national minority with twofold freedoms and rights in all the State institutions of the Republic.

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# APPLICATION OF DATA SECURITY FOR CHILDREN FROM INTERNET

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## Abstract

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The rapid development of information technology in recent years associated with the increased level of risk incurred as a result of lock not secure children online, the more vendettas world has highlighted the importance of the measures to be taken in order to protect children on the internet.

In this context, to understand more about how they use the internet and activities they spend time in internet either on their phones or computers, then besides this they are covered and risks of various communications with strangers by not awareness of parents they endanger themselves, misuse of personal data personal informative publication if publication or photos on social networks threatens more children, then and pornographic contents. Security of data storage means of data from misuse, and access to these data under the control jet. In this way, the security of data helps us to protect the privacy, especially for children who feed accurate data without knowing how misused are. Computer systems connected to the net, nowadays, are often vulnerable to codes generated by virtually unknown sources.

The purpose of this paper is the use of Android devices and ISO as well as the presentation of some information on how to protect children using the internet and be safer.

**Key words:** children, internet, telephony, security

## **Entry**

Lately, most children begin to have access to the internet at a very young age. While the number of children who use the internet through various electronic devices is steadily increasing, and their exposure to various risks is great. If used optimally access to the internet can help children learn more about the world and can serve as a useful tool for development. On the other hand if not used properly or not supervised by adults or their parents' access to the internet it may present serious physical and psychological risks.

The risk of abuse of children on the internet due to a lack of control by their parents and teachers increased dramatically especially with the advent of the "Social Networks" creating false profiles or when children are online, they can have direct communication with friends, family and also with foreign people. Which is the responsibility of the adults to help children learn about their online security, but it is good that many parents and teachers have no knowledge of this, and the Internet can be a challenge for them because of knowledge is limited about its use also use other activities harmful online games which they spend a long time playing in them, then pornographic content and other that often directly affect the mental development of children, and also risks increasing the violent behaviour of children in schools.

### **1.0 Internet use by kids**

The internet is a global network of connected computers that are able to communicate through cables, telephone lines and satellites. Internet connection enables you to transmit and disseminate information, which may be in the form of text, photograph, videos, music etc.

But the internet for children is an excellent source where you can spend time, but excessive use of it is harmful and should be replaced with social activities and physical in nature, which are very important for health and social development of children. Also, excessive stay online while neglecting homework can be very detrimental to their school success.

Also surfing the web should not replace other time of important activities, including outdoor activities or games, tasks home. In American Academy of Pediatrics recommends to limit the residence time of children aged 2 TV or computer less than 1 or 2 hours. Due to this increased awareness of internet use becomes more difficult when the parents do not have the basic knowledge to use internet and cloud technology.

Different age groups use the internet in different ways and for different reasons, as follows:<sup>57</sup>

- **Age 2-7 years**

Pre-schoolers are adult enough to distinguish exploring the internet and learn about the computer, and children 5-7 years of age may visit different websites for children accompanied by parents.

- **Age 8-11 years**

Children 8 years of age are increasingly interested in exploring the internet to talk to "chat" and to make the correspondence online. Some older children may begin to use their independence to search online 'stop'. Reclamation different materials online can aim this age. Children of this age learn more and more to distinguish between advertising and other materials, but parents should talk to children about advertising and ways on how to deal with them.

- **Age 12-18 years**

For adolescents aged 12-18 years, the Internet becomes a valuable tool for homework and projects. At the same time, young adolescents differ become more independent, they have more confidence and want more freedom. Their online contacts and the exchange of emails increase. Some may object to the use of filtering software, and make efforts to enter the websites that have material prohibited. Many older adolescents may differ create their own programs and know how to manage devices computerize. is differ use the Internet to research school projects and to look for work, for further education, as well as for global communication to enhance their technical skills. These skills and knowledge may bring them trouble if they explore technical ways and means to break the private systems.

## **1.1 The use of the Internet**

From some research done in Kosovo are shown, that most of the children stated that they use the Internet on their parents big. By graphical

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<sup>57</sup> “Siguria e Fëmijëve në Internet Udhëzues për fëmijë” Autorët: Besianë Musmurati-Qendra për studime të avancuara – FIT. Botuar nga: Qendra për Arsim e Kosovës (KEC), Ministria e Arsimit, e Shkencës dhe e Teknologjisë (MASHT).

below we can see that 93% of children performing internet, while only 76% of children stated that their parents use the Internet.

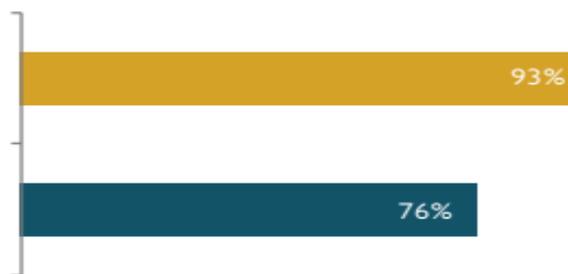


Figure 1/1. Internet use by children and parents

In general, there are encountered significant differences between the sexes in the use internet.

The graph below, based on Online Child Questionnaire of the EU (EU Kids Online Survey), make comparisons between Kosovo and European countries regarding the use of internet by children period of 2014.<sup>58</sup>

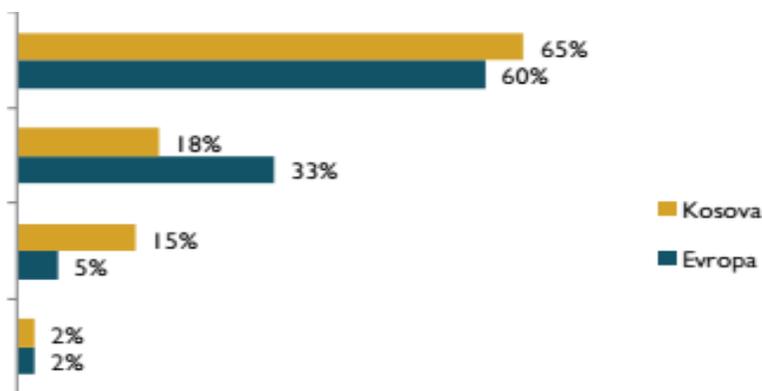


Figure 2/2. How often children use the Internet

In general, there are encountered significant differences between the sexes in the use internet.

<sup>58</sup> Raporte hulumtimeve: Besianë Musmurati, Teuta Zymeri-Qershor 2014 "Save the Children".

## 2.0 Children and conversation with strangers

Children use the internet to talk to people in different ways such as email, instant messages, and chats through the camera and discussion rooms (chat rooms). Conversations online may be different from face to face as it is easier to speak and discovered things that they would not do in the real world. In younger age, you need to know to speak out in order to protect them from any danger they may encounter.

Instant messaging (instant messenger) is a very good way to chat with friends and family, offering privacy and only people involved in the conversation can see what your child is write. Communicate with friends in this app; messages written appear immediately on the screen offering a direct and real conversation. The application enables all seen friends in the form of list. This list shows when they are online at the same time with you that enables you to talk with them. Talking with various friends on the Internet, children can use the camera allowing to be seen directly and talk out loud at the same time even if their friends are in another country.

Discussion **room** is a forum where groups of people meet online to talk about different topics. Sometimes, these rooms are regulated discussion in such a way that a computer program makes searching for inadequate language or behaviour.

The use of electronic messaging (**e-mail**) is a very special way to communicate with friends and family. Electronic messages have already become part of everyday work in many businesses and institutions for official communication. Children can send electronic messages to many people at the same time wherever they are in the world. Always should be aware that people who receive messages from your children to be people known to your children.

Services like '**Skype**' may be used without any payment and have become very popular. Chats allow the camera to see the person with whom you speak. This can be a fun way for children to talk with each other, however, it is important to take into consideration that what children see, can be recorded and distributed to other people in undesirable ways.

The child may require having an email address. Should you care if they are sufficiently mature adult and to have an address to them will give them a little independence as the possibility of registering in different websites? If you want to open an address, these are some simple steps you must take in order for them to be safe:

Create your account with them, it will give you a good idea of what personal information is required and account functionality.

Check the monitoring - various popular services now have parental controls that can assist you with account level limiting. Some of them have the opportunity to have a family account where you can see emails that are received and logged sites where your child. If this is impossible, you can have the password of the account especially for younger ages.

Ask your child to send emails only people who know and believe in the real world.

### **Mobile phone use**

A child should use a mobile phone or not is a difficult decision to have to make. Having a mobile phone is a great responsibility. If you are considering the option to buy your child's mobile phone it is important to be able to help your child to manage their use. The mobile phone is a great way for your child to be in touch with you. You feel more comfortable and your child interacts more easily with friends / girlfriends. Today a large number of children have mobile phone. Note that mobile phones now are like small computers and usually offer the same functions that could have on the computer.

### **In many mobile phones can now:**

Have access to the internet which almost is nothing different than computer access. Children can visit any online sites including Facebook, YouTube or any site inappropriate for their age.

The photograph and distribute photos or video. Most mobile phones now have an integrated camera. Children can be photographed and send these pictures very easily and free of charge, by loading them on the Internet, email or even through telephone messages. Chat with instant messaging, video or text telephone messages. Children can participate in private conversations with people through their mobile phones.

Tell the country where you are. Through GPS service, many phones can identify in real time the location where the user is located. This can then be distributed to social networks and pages or other applications.

### **1.3 Where access to the most children**

Children use the Internet in different ways, whether in different electronics and different. This varies considerably, their age, interests and specific circumstances of Medical Ethics.

Until recently, access to the Internet is made by computer either at home or elsewhere, but the proliferation of smart phones and other customized equipment, changed methods Internet usage. Increasingly, the Internet is being used in order private, and so has the impossibility of supervision of children on the Internet.



*Figure 3/3. Access equipment where children mostly spend their time*

The data obtained from research that have done the show for children in Kosovo are more active Internet users, The main devices used by children to be involved in the internet are:

Personal computers (PCs) (70%), mobile phones (60%) and laptops (50%).<sup>59</sup>

### **The consequences of violent games online**

Games can adversely affect emotional and mental health of children. Excessive internet use negatively affects the health and social development of children.

- Standing for a long time before the computer without talking to someone else affects children become more closed,
- not improve social communication skills to lose the sense of community and become isolated.
- Some video games affect children become aggressive in behaviour or thoughts.
- The child becomes passive and may have a problem with obesity.
- Different studies have found that there is a link between depression and playing violent computer games.
- Children who play video games often become addicted to gaming.

<sup>59</sup>Literature of internet :(<http://internetisgurte.org/>).

Gins that your child is spending more time playing games that have online:

- Preoccupation after computer or similar electronic equipment
- Minimize the use of computer faster
- The appearance of lack of control
- Loss of time
- Poor school results
- The emergence of negative impacts in other areas of life
- Withdrawal (keeping distance)
- Misuse of money.<sup>60</sup>

## 2.2 The networking social

Social networks are websites and applications that enable virtual communication between people worldwide. To have an account in social networks require some personal information such as name, age, e-mail, personal photograph, address, or phone number. In most social networking age allowed for the opening of the account must be over 13 years old. However, this criterion does not apply more children. Most children in Kosovo lie about their age in order to be able to open accounts.

With major technological development, the popularity of social networks but it goes and grows, especially in children. Today social networks are a very large and important to the lives of children. The most popular social networks are Face book, Twitter, Integral, Snap chat and MSN.

Besides contact and personality that children develop in life, children create a digital profile through their social networks, which is not always the same as what parents or guardians know. Certainly often have you heard the criticism of adults to their dependence on multiple social networks of time they spend on these networks? A big difference between adults and children in this regard is that adults have more sense of time and can easily distinguish who spend more time than they have in social networks.

### How to request deletion of personal data?

You can always ask for the deletion of data, which are published without your permission. This can be done in this way:

- By contacting the person who has published the personal data by which seek to make their deletion

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<sup>60</sup>Literature nga internet: Teuta Zymeri ,Besianë Musmurati- "Siguria e Fëmijëve në Internet Udhëzues për prindër dhe edukatorë"-Botuar: Qendra për Arsim e Kosovës (KEC).

- You can ask your Internet service provider (Internet Provider English) that do delete your personal data
- Report your parent or guardian.
- 'State Agency for Protection of Personal Data of the Republic of Kosovo'. Contact

## Conclusions

In the thesis topic 'Application of safety data from the Internet for children' is discussed rather the question how applying kids Internet, information and advice in order to increase awareness regarding their internet safety knowledge children how to avoid dangers before they become serious problems. Given that the Internet has transformed modern life, to provide fast communication and unconditional access to information and services. However, the Internet has also created new opportunities for abusers and abusers of children. Therefore in this work was emphasized to various risks online that children by not parents or such as misuse of personal data, games aggressive or access to other materials harmful cyber bullying, pornography, downloading, distribution, viruses .

In the end, we think that the use of the Internet to improve and children should not. The significant increase of public awareness campaigns about the dangers in Internet, investment and improvement in security tools and better general knowledge Internet usage in the family can result in safer use of the internet for children.

So can you a message that "Children should be given what it needs, not what it wants," this is an expression of the writer **Sami Frashëri** which occupies more space in today's reality where children are becoming more and more part the virtual environment.

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# ALBANIANS THROUGH THE PROLONGED TRANSITION IN THE BALKANS

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## Abstract

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In the Balkans, Albanians are a special people, either from geographical, historical, political, economic, and social configuration. Besides motherland - Albania, there are also local Albanians in all surrounding countries: Kosovo, Serbia, Macedonia, Montenegro, Greece (arvanitas-Cham) and Italy (arbëresh). In international conferences, Albanians were subject of systematic injustice, by giving their own territories to their surrounding neighbors. However, the global approach toward them has recently been more constructive. The division into many states implied their livelihoods in many systems too: Enverian (in the motherland), Titorian (in former Yugoslavia), liberal-democratic (in Italy), and oppressor (in Greece). The social situation varied from the political and economic system of their location. Somewhere it was miserable, somewhere relatively good, and somewhere mostly good. Social values also varied in accordance with the regimes installed in those countries. A unique point which converges the worries, interests and concerns of all Albanians in the Balkans is the prolonged transition, the common denominator of all problems they and their neighbors have been facing in the past years.

**Keywords:** transition, dictatorship, democracy, liberalism, globalization, postmodernism

## Introduction

In the last two decades, the transition has been the focus of analysis for different researchers. Many books have been written on it; many radio and television shows were there, and many public debates and scientific conferences were organized.

The term 'transition' marks the passing from one system to another; a passing from a historical era to another. The political changes in Eastern Europe in 1989 onwards might be seen as 'a system of transformation' (Sparks, C., 1998: 75) - a secession from the previous system and joining a new one.

Joining the transition means sliding into the unexpected zone with a variety of alternatives. "The timing of transition is not a friendly sport's match. It is a period of a fierce battle for the future which brings deep divisions" (Volestrin. I. 2004: 174-178).

Transition as a separate term does not imply how to move from one state to another, neither does it imply this movement's length, nor does it imply the stagnation or progress. Given this fact, Haerpfer submitted the transformative approach which described such changes as open and dynamic. The basic assumptions that underpin the transition paradigm are:

1. Any country that leaves the former dictatorial regime can be considered as a transition place to democracy.
2. Democratization tends to be manifested through several phases.
3. The elections are of crucial importance.
4. The basic conditions of countries under transition, their level of economy, their political history, their institutional legacies, their ethnic composition, their socio-cultural traditions, or other "structural" matters don't imply to be major factors in either the beginning or the end of the process. So, the existence of preconditions does not determine the process towards democracy.
5. Another assumption consists in the fact that democratic transitions which constitute the third wave, are built on coherent and functional states. The process of democratization is supposed to include the redesign of state institutions, such as, the establishment of new electoral institutions, parliamentary reform, judicial reform, as well as modification of functioning institutions (Carothers, Th., 2002: 6-8).

A frequent mistake which appears from the literature and debate is the inappropriate use of 'post-communism' concept instead of 'post-socialism' one. In the former socialist systems, communism had been considered an ideology, not a system, for a free society with a high

development but without classless never existed on the surface of the earth. "Communism was never settled as a social or economic status, or even as a political status, so we cannot talk about post-communism." (Мухи́к, Ф., 2006: 311).

### **The causes, dimensions and consequences of prolonged transition**

The majority of people in the former socialist countries, through the free vote, rejected the former political system of oppression and slavery. Not only through voting, but also through any other democratic form, people did not reclaim former socialist system." (Elster et al, 1998: 271-308). They did not defend it. Few were those who longed and were nostalgic about it. They were just a handful of people who had previously enjoyed benefits and privileges. Some of them even resisted. But, when the majority chose liberal democracy, they did not think that it would turn into marauding capitalism. The prevailing opinion in the early years of the transition was, "the privatization at any cost; the greater the liberalization, the more successful the transition."

Everything was subject of changes. There was neither time for anything, nor was there any analysis of what economic or political factors led the system to the flood, and less was known about the direction the forces were pushing the economic and political societies. The political euphoria engulfed the economic perspective. The emerging needs "of specific political and social demands in the certain stage of socio-economic development" were undervalued" (Rostow, W., 1960: 162-163).

The market mechanism became an unquestionable value. It wasn't thought it might have defects. Any reservation against it was not conclusive, whilst thinking that it had disadvantages, sounded very anachronistic, contrary to contemporary trends. Privatization became alpha and omega of the whole transition process. The immediate privatization of state property was demanded at any cost and very rapidly. Logically, extreme transitions from one state to another did not remain without consequences.

Within the state, no one could afford to privatize public property, so the newly democratic governments by taking the role of a beggar, were forced to entice foreign investors, who were reluctant due to uncertainty. Thus, in most cases, in order to survive, the state sold the public property for a cheap price to the people who under the old regime had been able to benefit from high positions in the party or in factories as their leaders. In this way, the property was recycled by the people who once had power and opportunity. The property fell mainly into the hands of those who had previously benefited in the name of communism. The likes had been lucky

even in the new political system and economic development. Democracy in post-socialist circumstances became a privilege only for former structures which inherited social welfare, whereas for the social class, it had not meaning at all. The difference between those who had and those who hadn't was incomparably great. The lack of social justice was present, and without it, it was not worthy to talk about democratic legitimacy.

The new economy required new qualification, whilst local economists were mainly staff who had studied socialist economy and had no idea about the capitalist economy.

The hope was turned toward the international community which saw the transitional inertia as a social, political and economic experiment. From the West to the former socialist countries, many counselors went to teach local economists on how to build a new economic system. Local experts were oriented towards the ideological winner, i.e., The West. Thus, liberalism became the only privileged discourse which "passed the test of being universal and ubiquitous, whilst countries under transition became training camps according to this discourse" (Саркаџац, Б., 2001: 31).

But, the nature of the problem was severe. The global economy of free, unlimited, and uncontrolled market did not provide an adequate solution. It worsened the economy even more, thus bringing unemployment and low employment rate. Economic transformation was "more difficult and more painful than the political transformation from a totalitarian regime to a pluralistic democracy" (Christian, H., 2002: 2).

The banking system was damaged. Pyramid schemes were raised. Many factories went bankrupt. The vast majority of workers took redundancy. 'The shock therapy' caused and "created great uncertainty due to the unemployment and inflation, while social inequality was increased immensely" (Heywood, A., 2008: 33). Foreign investments were only symbolic and insufficient, while the unemployment rate was quite high.

'Economies were stuck under the transition, as hybrids of state enterprises and entrepreneurship mafia' (Gellner, E., 2002: 28).

The system's change required new rules of the game; rules defined by other laws. Thus, the whole infrastructure of all fields was required to change, including: judiciary, law, health, education, culture, etc.

Disgusted by the former system, the people who once screamed after dictators, quickly and euphorically embraced everything without any filtration. The transition from dictatorship to a democratic system, from directed economy to the free market, from monism to pluralism, from the union of people around the only party in its distribution to many socio-political organisms, was a great and extremely complex event which caused long-term consequences for "a psychological, ideological, social and political catharsis". (Мухиќ, Ф., 2006: 309).

People from monist dictatorship were transformed into pluralistic dictatorship. Citizens were powerless in the face of state manipulation. There were promises and euphoria, but progressive ideas lacked, and as the consequence, the efforts to install a new system returned only in restoration of the old system.

The composition of democratic parties - anticommunist, was the cartoon itself. Their ranks included former communists, mostly. They came to power after free elections and proved to be successful in de-legitimizing the socialist order by referring to an ideal vision of democracy, but almost all those countries failed to implement the politics they proclaimed. Counting on the sympathy of the West in financial support, they made fantastic promises to the electorate; promises that were impossible to be fulfilled. "Euro-integration" was and remained the subject of them. Political crisis turned into people crisis that in their first confrontation with hardships attributed their powerlessness to the circumstances. Hence, the disillusionment of voters was logical and soon after the Socialists once again went on the political scene, although the socialist parties elsewhere in Central and Eastern Europe were established as the successor of the communist parties of the past. But, the return of the Socialists to power in many former socialist countries was not a nostalgia reflection for the past, but a disappointment in the new democratic formations in their efforts to build up and offer clear alternatives for future developments. The nostalgia for the past can probably be linked to several segments, such as health care and security, but not with the political aspects that supported the violation of freedom of speech and the violence against different opinion. It was political reprisals who made the former regime lost its credibility in the leadership of the state. The drastic decline of the standard of living of the vast majority of people on one hand and the unusual and fast enrichment of a few people on the other hand were among the factors that aroused a kind of nostalgia for the time when this difference between the two extremes did not exist. Many people were unhappy because the new freedom did not offer them what they expected. Leftists took over the role of defenders of social justice and achieved successes by attracting the majority of the unemployed and other social categories. Young Socialists in their programs did not include the returning of dictatorship. They were for a free market economy, and advanced social policy which was tempting for a big part of the electorate. Today's socialists are not identified with yesterday's communists. In the leadership of socialist parties, there were many young people who were not connected at all with the former regime. To the success of the socialist party contributed the Democrats who by dogmatism, intolerance, and continuous processing of threatening psychoses, showed to be more infected by the former regime than by the Socialists.

The ignorant politicians aggravated the situation even more. Their lust for power made them pretend to know everything. One of the problems of democracy is that it is perfectly easy for some idiots to say what they want (Hartley, J., 2003: 60).

What had previously been anathematized now was glorified. Overnight, wild communists became rabid anti-communists" (Bobby, G., 1993: 8). They became democrats with masks. Hence, without authentic democrats, there cannot be genuine democracy.

"Free people for a moment found themselves once again oppressed by their own liberation leaders" (Morin, E., 2001: 148).

Young and educated people, one by one, slowly, abandoned villages and small towns and went into big cities or even worse - fled abroad. The local intelligence was embraced by the inferiority. Everyone disobeyed the intellectuals. No one understood the artists. The art lost its depth and was exposed to the shallowness and stupidity. Everything became art - everything could be called art. Postmodernist transition was embodied into the image of urban youth, sitting in coffee bars by the road, observed by the elders.

No one cared for anyone. It looked like the clock was counting backwards.

Illusions for life and better future hovered over the real ruins of the old order.

If we paraphrase Rajmon Aaron, we can say that, "the democratic aspiration turned into democratic illusion" (Morin, E., 1997: 114), which in fact turned many people into "retro-nostalgia" (Axford, B., et al., 2001: 5) of the former system.

When Democrats realized that people could not stand anymore, they changed their strategy, from dogmatism into populism, and spared nothing into inflaming the nationalist torch to their electorate. Populism opposed the liberal market (Beyma, 2002: 57).

Nationalism was the weapon that replaced the ideology and served to camouflage all misrule weaknesses and cover up corruption, nepotism and all possible manipulations. Transition became the appropriate address where all politicians blamed it for their failure. They desired to exaggerate and dramatize this period in order to justify the plight people were facing, although this period marked a magic raising of their social status.

## **Balkan phenomenon**

Balkan Peninsula, once system of socialist and capitalist regime was transformed into half peripheral area, i.e., into the 'Island of Bermuda'. Balkan natural position is favorable to the East and West, North and South.

In the Balkans, different civilizations and national, regional and global strategies are met. However, unfortunately, they consistently generate political and economic instability. And what happens in this part of Europe can be described as an increase of polarization between pro and anti-democratic forces, between those who want to repair the broken relations in society and those who work to give dynamic to the extremism and criminality, both inside and outside individual countries. Unfortunately, stormy winds that blew around brought dark forces which incited divisions, closures, conflicts and disintegration, and as a consequence they made the region the epicenter of tectonic and political vibrations. Throughout history, Balkans was a labyrinth rather than a bridge between nations and states. Nationalist prejudices and stereotypes often escalated into chauvinist conflicts and genocide. So, while the globalization process integrates parts of the world, the fragmentation and disintegration becomes more and more present. While in Europe, the postmodern preceded modern, in Balkans, conflicts and wars took place. The great powers exercised their influence in an attempt to maintain geostrategic interests they had.

This led the Balkans as a geographical concept towards a negative political connotation. The pejorative meaning dates from the nineteenth century in an article of "New York Times" on December 20, 1918, entitled "Balkanization of Europe" (Todorova, M., 2009: 193-194).

The end of the Cold War signaled the new direction that all external relations took between East-West / North-South (Lange, B., et al., 2004: 156). It also ended the concept of Europe in the definition of the West, as the rival of East. The new geographic, cultural or ideological definition of Europe was formulated on the case of EU membership (Kevin, D., 2003: 1). But this aspiration was left alone.

In order to bring down the previous totalitarian systems, the West invested billions of dollars during Cold War in the name of curbing risk from communism. When succeeded, little was made to consolidate and help the integration of new democracies into the West, or design plans of Marshal Type for their recovery.

The wall fell in 1989, but the Cold War division between New and Old Europe did not disappear. New walls around Fortress Europe were created in defense from immigrants, refugees, foreigners and those seeking fate through asylum (Imre, A., 2009: 185).

Today, there are strict barriers imposed to resist or limit the movement of people, as it is the control of national states of West located on the border, in an attempt to regulate the influx of refugees, asylum seekers, and economic migrants (Papastergiadis, N., 2000: 8).

There are three main factors that permeate the transition: the political, economic, and social legacy. The crisis' pivot generated new and

successive crises: economic, social, political, cultural, religious, moral, intellectual ones.

Great changes were also reflected in society. Things and phenomena were actualized. The transition from collectivist to individualistic values alienated the individual from the others as well as from himself.

It cannot be said that the transition was successful. The progress of the former socialist countries in the Balkans is mainly weak. In all these countries, almost the same course of development goes on, with slightly differences. The genuine liberal democracy is fragile. Moreover, there is a kind of wild capitalism. The universal remedy for development – as it was thought to Euro-Atlantic integration - proved to be inefficient. The evidence for this is the experience of the Balkan countries which joined the EU (such as, Bulgaria, Romania and Croatia). The validity of a political system is not measured by the façade name of the system, but, by the ability to bring forward the development, the possibility for overcoming the crisis, long-term general welfare, etc.

Many surveys show a high level of dissatisfaction among the people. Post-totalitarian regimes were democratic only formally, nominally. In fact, they often remained in the hands of the old nomenclature which had replaced the totalitarianism with authoritarianism. Corruption and criminality of politicians crossed every border. Elections which in most cases are premature and extraordinary, are usually won by the same politicians, not because of the affinities they have, but because they have already established a network mafia of manipulation of the vote, stealing and buying it. Meanwhile, the people's faith in institutions has dropped significantly.

### **Albanians in the Balkans**

The transition of Albanians in the Balkans went through three stages: the 90s of the last century - to 2001 were characterized by wars (Croatia, Bosnia, Kosovo and Macedonia), markets loss and significant reduce of production. After 2001, a slight improvement came into surface until 2008. After the 2008 global crisis, in 2009 the Balkans went into recession.

Albania in 1990 with no major political implications went from socialism to liberal democracy. The first years were extremely serious, both by social and economic terms. Poverty was extreme and indescribable, like in Africa, unusual for the region. Fever and thirst became a collective obsession to reach the property wealth. Smugglers appeared. Pyramid schemes were risen. Fictitious companies promised the multiplication of wealth through usury and excessive interest rates. Their owners fled and the fraudulent pyramid schemes fell apart like a house of cards. Investor's

illusions were exhausted. Revolted by this, people went to the streets. Criminal gangs rioted. They smashed, looted and destroyed public property. The police were powerless. Military depots were opened. People were armed. Dozens of people were killed, many others were wounded. In 1997, Albania was at civil war.

### **Arms crossed the borders**

In the meantime, Kosovo Albanians began arming. Kosovo Liberation Army (KLA) formation appeared. Their goal was the independence of the former province of the Republic of Yugoslavia from Serbia. With the dissolution of Yugoslavia, it was created a new creature called Yugoslavia, consisting only of Serbia and Montenegro. Kosovo within the boundaries of this state was meaningless. Serbia in 1989, violently removed the autonomy of Kosovo, and as a consequence, Kosovo Albanians were deprived of all human rights; schools, universities, and the media were closed, Albanians were dismissed from their jobs, they were prosecuted and tortured for nothing at all, students were poisoned and a systematic unprecedented pressure was exercised on them. The political party, Democratic League of Kosovo was not persuasive any more in their calls for patience and peace. KLA took guerrilla actions, while the revenge of the Balkan's butcher, the Serbian President Milosevic was focused on unprotected population. Serbians caused some terrible massacres which reminded the Europe the Srebrenica genocide in Bosnia, a massacre caused by the very same butcher of Balkans. The International Community organized the Rambouillet Conference in order to achieve a Serb-Albanian Agreement. Serbs refused to sign it, which as a consequence was followed by NATO's attacks. NATO liberated Kosovo Albanians, while Serbia left with its entire arsenal of military-police once and for all. Kosovo was put under international military (NATO KFOR) and civil (UNMIK) protectorate.

Despite the demilitarization of many weapons of the KLA, many still were not demilitarized.

Some of them crossed the border again. They were sent in southern Serbia and Macedonia.

After the end of the war in Kosovo, the Albanians of the Presevo and Bujanovac Valley tried to realize their rights through arms. The Presevo, Medvedja and Bujanovac Liberty Army held fierce fighting in (2000-2001) with Serbian forces, and unfortunately even after this war, the general conditions of Albanians in this region were not improved.

Albanians in the Former Yugoslav Republic of Macedonia raise up to get their own rights by force of arms. For over ten years, the new democratic

government has used a little softer logic of Milosevic, thus reducing the maximum rights of Albanians. The rights that Albanians once had in the former monist system were halved. Many unpleasant events occurred. The target for persecution, beatings, torture, trials, and systematic mistreatment were Albanians again. Albanian political parties' requests and calls for more rights were ignored by the Macedonian parliament. Even in this country, democratic options were exhausted. That is why, Albanians decided to return to weapons power. After the war of 2001, with casualties on both sides, came the Ohrid Agreement, which even after 16 years, is still not fully implemented due to obstruction of the Macedonian politicians.

On 17 February 2008, Kosovo declared its independence, which was quickly accepted by the USA, Japan, 22 EU countries and many other countries all over the world. It abolished the 1244 Resolution of Organization of the United Nations which considered Kosovo as a part of Yugoslavia. However, in 2006 after the independence of Montenegro, the artificial Yugoslavia no longer existed. This made Kosovo's independence even easier. With the request of Serbia, even the International Court of Justice in The Hague confirmed Kosovo's independence. In 2009, Kosovo was admitted to the World Bank and International Monetary Fund.

Despite these wars, Albanian issue in the Balkans still remains unresolved. The nests of conflicts in north Mitrovica, the Serbian enclaves in Kosovo, the region of Presevo, Medvedja and Bujanovac- inhabited by Albanians in southern Serbia, the countries inhabited by Albanians in Macedonia, Montenegro and Cham in Greece, are countries that still generate tensions at unexpected moments.

## **Conclusions**

Balkans which Marx called "ethnic trash" is also known as gunpowder. Incidents, frequent conflicts, and wars make it an uncertain area and undeveloped region. UNPREDEP forces came to Macedonia as preventers of violence. Around 80 thousand NATO soldiers (30,000 SFOR in Bosnia, 35,000 KFOR 10,000 in Macedonia and 5000 in Albania) came to provide security for the region. Even Russian forces offered 'security' to Balkans. Russia cares about the Slavs and their interests in the Balkans. Albanians are associated with the West, particularly the United States of America and are recognized as its most faithful allies. After World War II, socialist Albania was linked strongly with the Soviet Union. It was the most serious error of Albanians throughout history, because no alliance with the Slavs was ever in their interest. Historically, Albanians have suffered from the Slavs in every aspect. Albanians do not have good relations with the

Greeks which hold violently Cham while assimilating its people. Greece has tense relations even with Macedonia and Turkey. Serbia continues to have fragile relations with Croatia and Bosnia and particularly with Kosovo where Serbs systematically exploits Serbs in the remaining enclaves. Serbia has problems with the northern province of Vojvodina, which in the former SFRY had equal status with Kosovo. Besides Vojvodina, there are also voices seeking secession of Sandzak. So, Balkans remains of surprises and tension which need only one small motive to escalate in unpredictable proportions.

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# CULTURAL HERITAGE AND POLITICAL INFLUENCES IN FAVOR AND FALSIFICATION OF RELIGIOUS MONUMENTS

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## **Abstract**

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Monuments of Cultural Heritage in Kosovo together with a large number of religious monuments of Christian as well as Islamic worship were posed to political influences and had to change the identity for which they are called upon.

The issue which this paper will address is that of Boletini Church in Mitrovica (Sokolica Monastery).

The church in question served as a sanctuary (synagogue) of the accountants of Boletini family who owned the Millstone mine. This sanctuary, which later was converted into an Orthodox church, belongs to the nineteenth century and in 1956 is declared a women's monastery.

The history of religions teaches us that most of the monasteries had their own properties and population who protected the monastery, performed rituals, and paid taxes to the monastery.

Sokolica Monastery is not found in any of the medieval sources as allegedly being from XIII-XIV centuries. At the same time, there is no population identified with this monastery and the monastery did not have even a yard of its own. All the surrounding property was occupied by Serbian regime during the time when Kosovo was occupied by Serbia.

All the monastery properties were properties of Isa Boletini's family that were unjustly taken by the Serbian regime during the reconquest, while after the war ended in 1999, this act was also assisted by the Kosovo institutions for their own political interests and individual benefits.

**Keywords:** History, Heritage, Culture, Monument, Property.

### **Cultural heritage and political influences in favor and falsification of religious monuments**

Forgery, politicization, and adaptation of religious objects are very serious crimes against world civilization that dates many years back. Historical arguments today let us know how often, during human history, civilizations around every corner of the world have been destroyed or adapted by new foreign settlers.

Within this setting, objects (like different buildings or temples) were also burnt or ruined, as this practice was more emphasized in older times, whereas since the Middle Ages onwards significant temples and buildings have faced forgery, namely, their alteration by new rulers.

There have been many forgeries of religious objects, but the most apparent are the forgeries of buildings in the city of Jerusalem (before and after the crusades), then the forgery of the wonderful Alhambra mosque in Cordoba, Spain, and the attempted forgery of Hagia Sophia church in Constantinople etc.

As an integral part of the world and Europe, the region of Kosovo is not an exception from this practice given that this region is located at the junction of roads linking the West with the East, and thus it was necessarily exposed to numerous external interferences and such interventions caused destruction and forgery of religious objects.

There are numerous cases when Latin rite churches were converted into Orthodox churches, as is the case of Graçanica monastery, and many churches were also converted into mosques during Ottoman rule.<sup>61</sup>

In Kosovo region, forgery and politicization of religious objects go through several stages, depending on political developments, wars, and change of rulers. The first most obvious stage evidenced also by different foreign researchers is that from the 11<sup>th</sup>-14<sup>th</sup> centuries, a period when the state of Rasha ruled the region of Kosovo.

To carry out political influence over the local Arbër (Albanian) population, the state apparatus planned the conversion of many Latin rite churches into Orthodox churches as to increase as much as possible the conversion of the population into Orthodox. Such churches apparent even to this day are the churches in Banjska, Trepça, Novobërda, Janjeva, Graçanica, Peja, Gjakova, Prizren, etc. However, kings of Rasha built new churches to indicate the connection between church and state.<sup>62</sup>

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<sup>61</sup> Jahja Drançolli, Monumentet e kultit katolik gjatë mesjetës në Kosovë, Konferenca Ipshkvnore e Shqipërisë,

Krishtërimi ndër Shqiptarë, Simpozium Ndërkombëtar, Tiranë, 16 - 19 Nëntor 1999, Shkodër, 2000, pp. 145, 151.

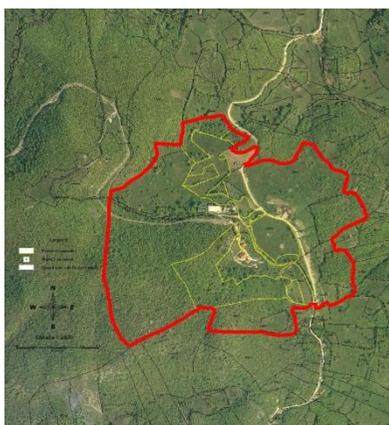
<sup>62</sup> Ibid.

The second stage is the Ottoman period from the 15<sup>th</sup> century when according to data we encounter churches converted into mosques, but nevertheless large churches and monasteries were not altered.

The third stage is the period that includes the formation of the Serbian state from the Congress of Berlin in the late 19<sup>th</sup> century, where innumerable mosques were destroyed, especially in Sanxhak of Nish.

The fourth stage is the period when S. Millosheviç became in charge of Yugoslavia, and the conversions that had started earlier now became official, not that the aforementioned had religious devotion, but because the policy was determined by Serbian Academy of Sciences in Belgrade.

Boletini Church is in the framework of forgeries of Christian religious monuments in Kosovo, first by being converted into a Slavic Orthodox church, and later into a monastery (by the Serbo-Slavic occupation), which has now been officially called a 13<sup>th</sup>-14<sup>th</sup> century monastery by Kosovo Ministry of Culture, Youth and Sports.



### **Protected area around the church**

The map<sup>63</sup> presented in this paper derives from the Comprehensive Proposal for the Kosovo Status Settlement, February 2, 2007, in which we notice the security in the surrounding area of Sokolica monastery, which alone covers more area than the entire Boletini village put together. This area includes also the complex of Isa Boletini's towers, whose properties were unjustly taken and joined the monastery property.

Boletini is located 6-7 km north of Mitrovica. The highest point of the village is called Sokolica.<sup>64</sup>

Sokolica mountain range is on three sides of river Ibër, and it is connected with Shala (of Bajgora PH) only on the eastern side<sup>65</sup>.

At the border of Boletini and Zhazha villages, in a place called Petkovica, entering Zhazha on the right side of the road, are the graves of

<sup>63</sup> Kosovo Cadastral Agency

<sup>64</sup> Tafil Boletini, Pranë Isa Boletinit, Kujtime 1, (1892-1916), përgatitur nga Marenglen Verli, Tetovë, 1996, p. 17.

<sup>65</sup> Tafil Boletini, Kujtime, Pranë Isa Boletinit (1892-1916) & Përballë sfidave të kohës (1916-1963), përgatitur nga Marenglen Verli, Tiranë, 2011, p. 23.

Jews.<sup>66</sup> The history of Boletini church begins exactly with the Boletini Jews. After Artana's economy dropped off, a considerable number of the community moved to Prishtina, Mitrovica, and other Kosovo towns.

Isa Boletini's family had a company which dealt with the processing of stones for mills. The activist of Albanian issue Isa Boletini had brought in his properties some Jewish families, who are reportedly known throughout the Mediterranean, to assist in running the company. A Jewish family which dealt with the assist managing of the company moved very close to Isa Boletini's house, a place called Guri i tupanit (Eng. the Drum's Stone), while other families were not very far from this family. They mainly dealt with working the land and preserving the cattle of Isa Boletini's family. They were allowed to use a neglected small cult object for Jewish community.<sup>67</sup> Other researchers think that this cult object was formerly a small Catholic chapel owned by the Boletini family before converting into Muslim, or any small cult object built to meet the conditions of the Jewish community brought in this village, and by no means was it a Serbian church built in the 14<sup>th</sup> century, as propagated by daily politics and perfidious Serbian science.<sup>68</sup>

After the occupation of Kosovo, the Jewish community became assimilated into Serbian Jews. Avrami's family whose house was at Guri i tupanit had the same fate. Their worship object was converted into a small Orthodox chapel, which not only was expanded with the confiscation of Isa Boletini's properties in 1953,<sup>69</sup> but it was also modified by changing the entry and attaching another part to it – a part that was almost as large as the chapel itself. Those who have visited the chapel or analyzed the pictures released on the internet can easily conclude that the object once was much smaller. After this period, major investments were made; the history of this small chapel was falsified and it was named Sokolica monastery.

Speaking of his ancestors, Tafil Boletini quotes: "Seeking for a place to live, they liked Sokolica mountains, 6-7 km north of Mitrovica (which at the time did not exist) close to Shala",<sup>70</sup> which means that Boletini village was founded by the ancestors of Isa Boletini, and the church could not have existed since there was no worshipper or surrounding houses in the village.

The first interventions were performed in church whereas later began the construction of its accompanying objects. Until the 1990s there have not been any significant development, but when the war ended in 1999 onwards

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<sup>66</sup> Qazim Namani, *Hebrejt në Kosovë, Vjetar*, Agency of State Archives of Kosovo, XXXVII-XXXVIII, Prishtinë, 2007, pp. 98, 111; Qazim Namani, *Migrimet e para hebreje në Gadishullin Ballkanik*, material në dorshkrim, p. 8.

<sup>67</sup> *Ibid.* p. 7.

<sup>68</sup> *Ibid.*, pp. 7, 8.

<sup>69</sup> *Ibid.* p. 8.

<sup>70</sup> Tafil Boletini, *Kujtime*, op. cit., p. 22.

exceptional investments have been made by the internationals, Serbians and Albanians from the Government of Kosovo.



**Fig. 1. The church building built in two stages of construction**

The construction of the church began with the roof division. On the left side, where the other part of the church was built, you can see a door added (this is obvious also if seen from the back).



**Fig. 2. The church from the back**

At the back of the church, where the second stage of construction took place, there are some forgery traces remained despite the care that these traces disappear entirely.

We encounter traces of forgery in every part of the church, especially in the lintel above the inner entrance door where the real entrance was situated (i.e., the entrance of the church in the past).

The church's entrance was west and as a second element to enter the church were two steps. All religious buildings except for the mosque were in a lower level. This practice was followed during the Ottoman rule in Kosovo, while objects of worship before Ottoman period did not have this element.

Sokolica monastery is situated on the rugged slopes of Sokolica mountain, 10 km east of Zvečan, near Mitrovica. Sokolica monastery is dedicated to the Holy Virgin. Near the church of the monastery is a source of healing water. The church is made of carved stones, with a semi-circular apse and a shallow arc. Interior facade has recently been completed with images of people and animals.



All the buildings of the church are of the 20<sup>th</sup>-21<sup>st</sup> centuries. Conservation and restoration of the monastery complex, including the church, were carried out from 1995 to 1996.<sup>71</sup>



**Fig. 4. Another element of falsification of the church**

In 1956, Boletini Church was announced a women's monastery. Today, the area around Sokolica monastery is inhabited only by ethnic Albanian population. The last "Serbian" family who moved out from there in 1967<sup>72</sup> had Avrami as its head of the family.<sup>73</sup> Avrami as a name is found everywhere in the Mediterranean region but not in the Slavic region meaning that Avrami was a Serbian assimilated Jew who lived in Boletini.

The sculpture of the Holy Virgin with Christ on her lap (Alb. "Zonja e bekuar dhe Krishti") made in marble is thought to be of the 14<sup>th</sup> century, which according to abbess Makaria came from Banjska monastery to be saved from Turks destruction. But, as we know, Banjska monastery has never been destroyed by the Turks, and the sculpture did not belong to the monastery because, if it did, the first action that would have occurred after the invasion of Kosovo from Serbia would be the return of the sculpture to where it came from.

The truth of the ownership of the sculpture lies in Trepça's Sase church. After the destruction of Sase church in Trepça, a Serbian from Boletini village took the sculpture using a wooden cart, and en route to

<sup>71</sup> [www.panacomp.net/srbija?mesto=srbija\\_sokolica](http://www.panacomp.net/srbija?mesto=srbija_sokolica)

<sup>72</sup> Ibid.

<sup>73</sup> The name "Avram" itself makes us suspect in Serbians (more in Serbian Jews since the name cannot be found anywhere in the Slavic countries).

Boletini he damaged the sculpture by dropping it from the cart; Both the face of the Holy Virgin and that of the Christ were damaged. This sculpture remained for a long time in a small cave underneath the rocks before entering the church. The reason why the sculpture remained outside the church was that it belonged to a Catholic church and was not part of the Orthodox rite.<sup>74</sup>



**interior environments**



**Boletini's interior environments "frescoes"**

<sup>74</sup> This is the story of the residents of the area

The church has two windows in the front side which are turret shaped. It also has two windows east: the window of the apse and the one above it, while at the back and west it has no windows at all. The church ceiling is vaulted throughout the segment.

To justify the invasion of Kosovo, since the 19<sup>th</sup> century, Serbian historiography along with Serbian anthropological school of Jovan Cvijiq, made a lot of speculation on the issue of adaption of monuments of Christian worship. In this regard were also included state districts of the communist Kingdom of Yugoslavia. Such speculation and manipulation intensified especially after 1981s until today.<sup>75</sup>

Since our historiography led by the daily politics silenced this issue up to now, Serbian speculative reports mentioned above found supporters also in the world. Facing such speculations, some of our prominent scholars, such as Gaspër Gjini, Skënder Rizaj, Zef Mirdita, Shan Zefi, Jahja Drançolli, Fejaz Drançolli, and others, recently began to break down Serbian historiography on the issue of Christian worship monuments using their objective results.<sup>76</sup>

In none of the works that deal with the medieval period, let's say with Zveçan castle, or subsequent memorials as Banjska monastery, is mentioned Sokolica monastery or church; therefore, this absence in documents and early papers means that it did not belong to the 14<sup>th</sup> century but to a later period.

## Conclusion

In a few words, all forgeries or alternations occurred during a long period of time in this region, are apparent to everyone's eye, regarding the objects that still exist to this day, of course. Today, we encounter such objects in almost every settlement in Kosovo.

However, this paper will focus only on those that are particularly politicized by Serbia, as is the case with the Boletini Church (women's monastery 1956).

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<sup>75</sup> Jahja Drançolli, Monumentet e kultit, op. cit., p. 145.

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# **FACE-TO-FACE WITH TERRORISM: EXPERIENCE OF KOSOVO**

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## **Abstract**

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One of the main problems of Kosovo today is facing with the phenomenon of extremism and violent religious radicalism. The main purpose of this paper is to analyse the phenomenon of radicalization and violent religious extremism in Kosovo and confronting of the state and our society with this phenomenon. Paper records were collected from various sources, such as reports, publications, and analysis of state institutions, civil society, and religious organizations. Conclusion of the paper is that, facing of Kosovo with extremism and violent religious radicalization that leads to terrorism, viewed from the perspective of short-term is a success story because the number of kosovars who came to join terrorist organizations in Syria, after the adoption of law and strategy, is zero; however, there is no room for enthusiasm because, Kosovo remains a hotbed of individuals and groups with extremist and radical orientation.

**Key words:** Kosovo, extremism, radicalism, terrorism confrontation.

## Introduction

The main thesis of this paper is that, *facing of Kosovo with extremism and violent religious radicalization that leads to terrorism, viewed from the perspective of short-term is a success story because the number of Kosovars who came to join terrorist organizations in Syria, after the adoption of law and strategy, is zero; however, there is no room for enthusiasm because, Kosovo remains a hotbed of individuals and groups with extremist and radical orientation.*

This is not the only problem of Kosovo. In fact, Kosovo faces an extremism and violent ethnic radicalism, especially in the northern part of the country where they continue to operate parallel structures of Serbia. Kosovo faces a significant level of unemployment and poverty. It is the only Balkan country that still use visas for its citizens to travel to EU member countries. However, these problems will not be elaborated in this paper. In this paper, we have chosen to treat the phenomenon of extremism and violent radicalization of Islamic religion. Why are we defined to treat these topic? We are defined for this topic because it is a new topic and still untreated as other topics are treated. Also to a great extent the story of extremism and violent religious radicalism in Kosovo is a success discreet story. It is prevented getting of Kosovars in Syria, but the activity of individuals and groups with conviction and radical extremist activity in the country is still present. The data of the paper were collected through very different resources. In the theoretical framework the data are gathered from the opinion of some international policy scientists that elaborate terrorism in a sense that suits this phenomenon in Kosovo. In the practical framework used reports, publications, analyses, studies and various researches of state institutions, civil society, religious institutions, etc. A part of data were taken from media. The data are of the qualitative character as well as the quantitative character. Also, the data are less theoretical and more practical which are referred to Kosovo. The practical data refers more to the state approach and Kosovo's society to confront the phenomenon of radicalism and religious extremism. Our main goal is to analyze extremism, radicalism and terrorism in Kosovo from a theoretical context to show clear signs of identifying the stakeholders, processes and strategies on how to deal with this phenomenon. And in the end, it should be noted that Kosovo has never had to face in its history with the extremism and violent religious radicalism that leads to terrorism is a new 'war' to us.

## Theoretical Framework

In political science literature there are various definitions of the concept of terrorism. Thus, "Terrorism is basically just another notch in the diversity of violent impacts, ranging from total war to guerrilla war" (Joshua S. Goldstein 2001:230). Terrorism "... has to do with the political violence which is carried deliberately indiscriminate on citizens" (Ibid). In essence, "The purpose of terrorism is to reduce the citizens morality of population in order to its dissatisfaction to be used as an impact tool on the government or other parties in conflict" (Ibid, F-231). This definition, however, is more academic and scientific, and insufficiently elaborate and exhaustive about terrorism in today's times. For this reason we need to seek other opinions about terrorism which are practical and tangible level.

Thus, according to another opinion, some of the main features of terrorism are: " – dangerous, because now the terrorists have shifted their attention from the violence theatrical acts looking for publicity alarms toward the deliberate destruction of civilian objects, noncombat, to kill as many as possible by instilling fear to as many people as possible; - carried out by civil, not having obstacles on their way and using tools to extinguish the boundaries between terrorism and a war so-called between states; - based on the most advanced technology of modern civilization ...; - Orchestrated by traditional non-governmental organizations" (Charles W. Kegley 2009:196). This opinion summarizes the main characteristics of terrorism faced by modern societies.

One of the main features of modern terrorism is the fact that terrorist groups are not operating only within one country, but in several countries simultaneously. The problem is compounded when we consider the nature of the international system that is anarchic. Thus, "The policy being developed between countries, there isn't a central position of authority" (W. Phillips Shiveley 2012:512). Consequently, "States involved in the dispute need to settle conclusively their differences through the negotiations or through the war" (Ibid). International organizations or other countries "...can give valuable advice and put pressure on the parties in the dispute, but there is no central authority that can impose solution" (Ibid). This international reality makes it difficult combating global terrorism because it is a phenomenon that operates in several countries at the same time and in different ways and forms. The problem is greater when we consider the fact that there isn't a strong global organization which at the main agenda has policies and strategies anti-extremist and anti-radical; Current world organizations,

though they treat problems of security and peace in the world, does not have specific agenda anti extremist and anti-radical.

Although the phenomenon of terrorism as early and diverse, Islamic terrorism is specific and late. In academic aspect, Henry Kissinger is among the first scientists while investigating the challenges of the United States after the Cold War and the destruction of the Soviet Union, emphasized that, “It is impossible to say at this writing, which forces conceivable rising will be more dominant or threatening, or in what combination: whether it will be Russia, China or fundamentalist Islam” (Henry Kissinger 1999:826). The same author, but later, after the terrorist attacks of 11 September 2001 on the Twin Towers, still analyzing the role of America in the world, observes that “terrorists are ruthless, but not numerous. They do not any control territory for a long time. If their activities pursued by security forces and administrative organs – if no country accommodate them – they will become illegal, forced to devote their efforts to survive, Key to the strategy against terrorism is to eliminate shelter places” (Henry Kissinger 2004:443).

Zbigniew Brzezinski was even more specific about Islamic terrorism. Brzezinski noted that, “Nearly every state with predominant Muslim population, regardless of whether they name themselves Islamic or not, faced with some form of religious defiance, often accompanied by a request for imposition of Sharia (strict Islamic code of behavioral)” (Zbigniew Brzezinski 2006:67). Brzezinski summarizes elaborates some of the main factors that may affect the increasing demand for imposition of Sharia in Muslim-majority countries. These factors are: political instability secular institutions, the weakness of civil society, prevention of intellectual creativity, late decolonization, political riots, corruption, distribution of wealth unevenly, poverty, etc (Ibid).

### **Practical context**

On 20 May 2016, the Basic Court in Ferizaj (a city in southern Kosovo) convicted the imam of the mosque ‘El Kuddus’ from Gjilan for the criminal offense of recruitment and incitement of terrorism in Kosovo. Imam was sentenced to eight (8) years effective imprisonment. Together with imam was sentenced four (4) other Kosovo citizens for criminal offenses “...inciting religious hatred and terrorism in the country” (*Ferizaj summary judgment and punishment of seven persons for terrorism*, Telegraph portal, Accessed on: 29. 07. 2016. Time: 09:00). In another decision, a few months later, Basic Court in Pristina (Kosovo's capital) convict five (5) citizens of

Kosovo on charges of having committed the criminal offense "...preparation of terrorist acts" (*All that happened in court, where were sentenced the accused of 'Badovc'*, Telegraph portal, Accessed on: 29. 07. 2016. Time: 09:32). The court found that, "The group was found guilty on charges that in July last year, had gone to the lake of Badovci, near Pristina, in order to record a video propaganda, in which planned to read the oath to the leader of the terrorist organization 'Islamic State', known as ISIS" (Ibid). In both cases, the defense announced they will appeal.

In the second half of 2014, at a joint press conference, the Kosovo Special Prosecution and Kosovo Police announced that, "Besides arresting 40 people suspected of taking part in the fighting in Syria and Iraq alongside terrorist announced organizations ISIS and Al-Nusra, investigations are continuing for other people among whom were crimp imams" (*Special Prosecutor's Office is investigating the imams inciting terrorism*, Kosovoalive portal, Accessed on: 29. 07. 2016. Time: 11.30). Most of the arrested and the suspects were either members of terrorist organizations such as ISIS and Al Nusra, or recruiters for these organizations. Police investigations and prosecution led to arrest the Imam of the Grand Mosque in Pristina, as suspected for "...inciting hatred, national discord or intolerance, racial, religious or ethnic" (Ibid).

These are the first cases to mark the beginning of a 'war' of society and state of Kosovo against extremism and violent radicalization that lead to terrorism.

In the aspect of religious affiliation, the majority of the population of Kosovo belong to Islamic religion (90%), a part belonging to the Catholic religion, and some are Orthodox. In ethnic aspect, the Muslim includes the majority of Albanian population, Turks, Bosniaks and Gorani. A small part of the Albanian population and Croats belongs to the Catholic religion. While all Serbs belong to the Orthodox religion. Traditionally, Islam preached in Kosovo has been tolerant and promote cultural development and emancipation of the Kosovars in the style of Western civilization. A special role in the cultural orientation of Kosovars towards Western values have also had the religious institutions. Furthermore, various studies have shown that citizens have "... had respect for religious institutions in Kosovo, but do not necessarily their views reflect on the work that these institutions are doing" (Qendra Kosovare për Studime të Sigurisë 2016-10). However, it is noted that, "... there are differences between rural and urban areas in terms of trust in religious institutions. For example about 65 percent of the interviewed citizens who live in rural areas have more trust in religious institutions,

compared to 49 percent of those living in urban areas. However, contact with religious institutions is at a low level” (Ibid).

The origin of the spread of extremism and violent religious radicalism in Kosovo should be investigated by the period after the war. Many non-governmental organizations from different countries of the world especially from the Eastern countries began to operate in Kosovo in the name of solidarity and humanity. Suspicious activity of these organizations forced the Kosovo institutions to close sixteen (16) non-governmental organizations. It was suspected that these organizations, "... were involved in recruiting activities of the fighters for ISIS, the financing of extremist activities and spreading propaganda in favor of extremist activities” (*Here are suspicious Islamic organizations in Kosovo, which closed by the state*, the portal Telegraph, Accessed on: 15. 08. 2016. Time: 14:36). Closed organizations to suspicious activities were, “‘Sinqeriteti(Sincerity)’ from Prizren, ‘Rinia Istogase (Istog youth)’ from Istog, ‘Pema e Bamirësisë( Tree Charity)’ from Peja, ‘Parimi (Principle)’ from Kaçanik, ‘Njëshmëria (Oneness)’ from Gjilani, ‘KAD’ im Podujev, ‘Gjurma (Footprint)’, ‘Nektari-HE( Nectar-HE)’, ‘Kalliri i Mirësisë (ears of corn)’, ‘Çelësi ( Key)’, ‘Al Waqf Al Islami’, ‘Argumenti ( Argument)’, ‘AKEA’” (Ibid).

Going of Kosovars of Islamic faith to fight in Syria was motivated primarily by religious and human feelings. The idea was to join the war against the regime of Bashar al Asaad. Many young people who had no religious feelings but driven by humanism, pious believers of traditional Islam, and other categories of Kosovo society that had no connection with terrorism, who had gone to Syria to fight against the regime of Assad's, without their knowledge and consent was found on the side of the first cells of terrorist organizations. However, another part were fully aware of ISIS ideology or Al Nusra. Lavdrim Muhagjeri is an extreme example of the last group.

In dealing with terrorism and the growing number of people from the country in fight alongside Syrian terrorist organizations like ISIS and Al Nusra, Kosovo adopted the Law on the Prohibition of the Union in Armed Conflict outside the territory of the country. This law was approved with "In order to protect the national interest and national security, the law defines the criminal offense of joining or participating in foreign military or police formations, in foreign paramilitary or police, in organized group or individually, any form of armed conflict outside the territory of the Republic of Kosovo” (The Republic of Kosovo, *Law on Prohibition of Joining the Aemed Conflicts outside State Territory*. F-1). However, critics point out that

the law represents the strong hand of the state in dealing with this phenomenon. While our priority is to the discovery of the causes which are pushing the Kosovars to join terrorist organizations.

Besides law, Kosovo has drafted soft approach towards extremism and violent religious radicalism through drafting and approval of the Strategy to Prevent Violent Extremism and Radicalization that leads to Terrorism 2015 - 2020. This strategy contains four main targets in the treatment of this phenomenon. Thus, "By achieving four strategic objectives: early Identifying – of causes, factors and target groups; Prevention - of extremism and violent radicalization; Intervention - to prevent the risk of violent radicalization; De-radicalization and reintegration - of radicalized people" (Republic of Kosovo 2015-5). It is interesting that, in the section that talks about the analysis of the situation and the extent of the problem, the strategy recognizes that, "The spread of the phenomenon of extremism and radicalism violent in the Republic of Kosovo has happened through some NGOs, local and foreigners associations and individuals who have embraced radical currents" (Ibid. F-10). Also note that "A special role in the spread of radical extremist teachings continue to play influential public people who have attained the title of spiritual leaders" (Ibid).

After starting the implementation of the Strategy and in particular the law, and after investigations and convictions of citizens who have returned from foreign terrorist wars, like: Syria, Kosovo Police has announced that, "In the last eight months neither a person has gone to Syria from Kosovo to join the fight for terrorist attacks" (*This is the number of Kosovars in Syria in the past eight months*, portal gazeta online, Accessed on: 30. 07. 2016. Time: 22.15). However, even though there has not been a single case in 2016 when the citizens of Kosovo aimed at joining the war in Syria, yet the activity of individuals and organizations who make propaganda in order to extremism and radicalization of violent religious does not ceased. Thus, in an action held in August (2016) reported that Kosovo police have arrested two men who "...suspected that they were involved in spreading terrorist propaganda in Kosovo ... broadcast religious lectures of imams who were convicted today inciting terrorism" (*Owner of radio Peja was arrested because broadcast lectures on jihad of sentenced imams*, Accessed on: 01. 08. 2016. Time: 13.20).

A special role in the spread of anti extremist ideology and anti radical have even the political and religious state leaders. Kosovo Islamic community was accused of employing imams with extremist views and radical ideologies. KIC was accused because at least has not verified employed imams in mosques and other religious institutions in Kosovo. However, when the

number of Kosovars participating in the war in Syria continued to grow, Tërrnava Naim, chairman of KIC, in a public lecture urging young people not to go to Syria. According to him, "There isn't Syria the country where whoever dies there takes shahid or martyr degree... that since all parties are involved in this war have different personal interests and the war is between members of one faith... going to Syria in this case does not correspond with Islamic norms therefore I invite all those who are there to come back and none from Kosovo try to go to Syria... driven by different motives or by the motive of going there he will win the pleasure of God let them know that this is not true. I invite you to stay in Kosovo because we have a lot of work to do in our place and not to go and loss the life through the different deserts in this case in Syria" (*Syria did not make you 'martyrs', the fight there is for personal interests*, Telegraph portal, Accessed on: 05. 08. 2016. Time: 10:250.

### **Data analysis**

If we compare the case of extremism and radicalization that lead to terrorism in Kosovo with the theoretical explanations given by scientists of international politics, then we have these conclusions:

Kosovo, as it is with majority of people of the Islamic faith, there will be demand and constant movement, individuals or groups with a radical view, who will tend in permanent form to impose Sharia or tempered variants of this ideology within the state and society of Kosovo. Similarly, as it happened in the other countries with the Muslim majority population, there will always be individuals and groups with the radical and extremist ideology that would try through terrorist methods to realize or advertise their ideas. This is a forecast built upon the experiences of other countries with Muslim majority population. In the case of Kosovo, this ideology is in complete contradiction with the basic principles of the political system (democracy) and economic system (free market economy), proclaimed in the Statement of Independence of Kosovo and the Constitution of the Republic of Kosovo. Individuals or groups that are oriented towards radical Islam will not stop proving that, or to impose Sharia or certain parts of this ideology in Kosovo or Kosovo will be part of the agendas of groups operating in other countries. These groups at least need to impose Sharia here in Kosovo as they need to recruit new members, and logistical support for their activities in other countries. The reason for this is that Kosovo is practicing an Islam who they say 'moderate Islam' and some other 'soft Islam', but that is not characterized by a strict interpretation and application of the rules of Islam.

In Kosovo you may be Muslim but do not fast the Ramadan, do not go to the mosque or do not pray, and yet people define themselves but also others recognize as Islam believers. In Kosovo you may be a Muslim and do not keep veil, may shake hands with other men, to have a bank account, the right to vote, to travel alone (without the presence of a man of the family), and yet define themselves but also others recognize as Muslim. This tradition built from generation to generation is being threatened by individuals and extremist groups with the radical views that require strict rules for Muslims. State and society in general have been fanatical in maintaining this tradition, except some imams who after the war started to practice strict interpretations of Islamic rules.

The activity of individuals or groups that promote radical Islam using also terrorist methods it is not only locate in a state or territory, but operates in several countries at the same time. Considering this fact, Kosovo needs to strengthen cooperation with the international security institutions or with other countries in an effort to fight these groups. Needs coordination of activities, recognition and monitoring of movements of individuals who are members of terrorist groups, and constant communication with other countries. Fighting terrorism in Kosovo alone is not sufficient because terrorist groups in quick time periods move and mobilize in other countries where they find safe environments. And, because the international system is anarchic almost in the treatment of this phenomenon, there must be organization of states affected by terrorism to build mechanisms of cooperation and to set and widespread anti-terrorist agenda. Clearly this is not the sole responsibility of Kosovo and does not depend on the will of Kosovo institutions. Kosovo has its role in international politics in the implementation of agendas anti-extremist and anti radical, but this role is more refers to the fact that we are dealing with a considerable number of Kosovars struggle in Syria than any other special feature that we have as a state. Kosovars can be good mates in this game. Kosovo's main contribution may refer to her experience in coexistence between different religious communities and religious harmony. As a rare case in the world in Kosovo within the yard you can find a mosque, a Catholic church and the Orthodox Church. Although there were and still have ethnic problems, ethnic problems are never identified by religious agenda, although the Albanians in majority are with Islamic faith and Serbs are mainly with Orthodox faith. Coexistence between different religious communities is also due to the fact that within the Albanians have three religions: Islam, Catholic and Orthodox. Albanian nationalism is not built by invoking or based on religious identities, but linguistic, cultural, historical; moreover there was an exceedance of religious identities.

Strengthening political institutions and the secularism of these institutions, strengthening civil society and other non society players, and specifically enter religious institutions, schools, family and society, the growth of creativity and intellectual debate in society related to terrorism in general, in other words: lack of silence in the treatment of why is happening and what is happening, then, political instability and lack of political riots, fighting corruption in state institutions, and up to increase equity in the distribution of public goods in order to reduce the poverty and increasing employment, are factors influencing in fighting the terrorism. So, if we have political unrest (position - opposition), riots ethnically motivated, unstable political institutions, corruption in state institutions, lack of intellectual debate, weak civil society, poverty and unemployment, all these are factors which leaves the door open for growth and development of individuals and groups with a view of the radical extremist ideologies that lead to terrorism. Establishment and implementation of anti extremist agenda, anti radical and anti terrosite requires mobilization of the attention of state institutions and non-state. Kosovo has new institutions which are in their maturity and strengthening period. These institutions should govern and administer some agenda at the same time. Talks and regulation of relations with Serbia. Economic development and fighting poverty and unemployment. Fulfilling the criteria and European integration. These are only some of the processes that are taken by the Kosovo institutions. These agendas is added the phenomenon of extremism and violent religious radicalization that lead to terrorism. An entirely new phenomenon with which we are never faced before. This requires experience, material resources and human resources to address all dimensions of the phenomenon of extremism and violent religious radicalism. Even states with traditions and life expectancy greater than Kosovo have problems in dealing with this phenomenon.

Regardless of why until now, Kosovo has not been the target of terrosite attacks, but is used more as a source of recruitment of new members to terrorist groups and as logistics of these groups, this does not mean that in the future there will not have actions from terrorist groups of the uniformed civilians in order to sow fear, lowering the morale of the population, increased publicity, creating unsafe environment, and drawing attention. Similar terrorist actions against civilians as they occur in other countries, such as airports, public squares, religious institutions, etc., can also occur in Kosovo. The main factors that may encourage terrorist groups to organize actions in Kosovo are very different and diversified. Kosovo has a small military and international civil presence. Kosovo is the most pro-American country in the world. Unlike other countries, Kosovo has adopted a law that prohibits the union in wars in other states and national strategy against

extremism and radicalization that lead to terrorism. Then, because of the role that had the United States in the liberation and independence of Kosovo All these realities can serve as sources for adverse effects. Can produce realities contrary to the initial goals. In a public presentation, Lavdrim Muhaxheri a Kosovar from Kaçanik fighting in Syria alongside ISIS has torn Kosovo passport. In another case, some Albanians from Kosovo and Albania are fighting alongside ISIS, have warned of possible terrorist attacks in Kosovo and Albania. Targets of terrorist attacks except civilian may also be the state institutions. So far we have not seen such attacks mostly because, targets of terrorist groups have been in Western Europe, but this does not mean that in the future there will be no terrorist actions, or at least attempt to organize such actions.

The main problem that Kosovo will be face is the integration of returnees from Syria. Development and implementation of programs and projects aimed at integrating and re - socialization of persons returned from Syria, or those who come out of prison after serving their sentences, is a key component in anti extremist agendas, anti radical and anti terrorist. Their departure from Kosovo daily routin and embrace an ideology radical, extremist and terrorist that are part of a world revolution, as is the idea of establishing the Sharia or the creation of Islamic caliphate, prevents re - socialization and their re-integration into society. Someone who has believed for a time that is part of a global agenda with the aim of establishing a new world order its problem for him to return to everyday life that had until he was joined that organization. Such people often have had a criminal record before they become part of these organizations. So, they have had problems with the law before. There is also a category of persons who joining these organizations perceive as a new moral birth after consecutive failures they have had on their personal lives. For this reason it is important to build and develop programs and projects in order to integrate these people into society. In the case of Kosovo, the majority of those who joined terrorist organizations like ISIS and Al Nusra are from the poorest categories of society. They either living on social assistance, or have not had any material assistance from the state. For a while circulated a propaganda that individuals or families who join ISIS will receive good salaries. For some of those who are today in Syria this was a sufficient promise to join this organization. The promise of a regular monthly salary and the idea that we are becoming part of a 'revolution' world, are enough reason to take a vital decision to join terrorist groups. There are also a small category of persons from Kosovo who despite good material conditions that have had here, have decided to join terrorist groups. The motives of the latter category are very different, but mostly it is believed that fanatical religious belief has been the

main driver to join with these groups. This diversity of different categories of society who have joined terrorist groups requires a diversity of programs and projects with which should intervene state institutions for integration and re-socialization of returnees from Syria and other countries where are conducted terrorist wars. They must become a normal part of society again without being stigmatized and differentiated from the rest of society.

It is created an ideological opinion of action of individuals and organizations with extremist and radical orientation in the period after the war until now. Kosovar society and Provisional Institutions of Self-Government just have never had on the agenda ever anti extremism and violent anti religious radicalism because there was a period of institution-building and rehabilitation of the consequences left by the war. This ideological opinion simply can not be undone only by the activity of the state organs. Need a multi-dimensional approach, where they have a key role religious communities to promote an anti extremist and anti radical ideology. If extremism and religious radicalization have spread its roots through imams funded by the suspicious organization, then we must have the same access: moderates Imams, who know and accept the traditional Islam practiced in Kosovo, to spread an ideology anti extremist and anti radical among Islamic believers in Kosovo. The extremism and violent religious radicalism can not be fought from prisons or other state offices. Extremism and violent religious radicalism should be fought from the mosque. Religious institutions, and particularly the mosque have a key role in anti extremist agenda and anti radical.

## **Conclusions**

Kosovo Dealing with violent extremism and religious radicalization that leads to terrorism, as seen by the short term is a success story because the number of Kosovars who join terrorist organizations in Syria, after the adoption of law and strategy, is zero (0). However, there is no room for enthusiasm because, Kosovo remains a hotbed of individuals and groups with extremist and radical directions. Actions of state police argue more clearly that there are still individuals and groups, although small and operating without a clear structure of command, which carry out actions, and in most cases propaganda on behalf of terrorist organizations, such as ISIS and Al Nusra. Until this is done, we should know that this is the beginning and not the end. We must learn to live with the feeling that any moment may be the victim of attacks and terrorist actions. At the same time we must prepare to push forward the agenda of anti-extremist and anti radical in order

to create a safer environment. Traditional Festival of beer in the square "Zahir Pajaziti" in late July in Prishtina, where were present thousands of citizens, was created panic for any possible attack by ISIS, because two young people were shot with guns among the crowd. Someone shouted that we are dealing with a terrorist attack and it was enough to empty square within a few minutes; crowds crushed each other to try to get away as quickly as possible from the square. Such events we can have in the future. We live face to face with terrorism. In this confrontation we are building our experience.

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# INTERNATIONAL ADMINISTRATION OF KOSOVO 1999-2008: AN EX-POST FACTO ANALYSIS

**PhD. Cand. Bekim SEJDIU**  
**European Collage of Kosovo**

## **Introduction**

The new security environment resulting from the ending of the Cold War exposed the United Nations to the challenge of reassessing some of the basic concepts upon which is based its collective security mechanism. Perhaps more than anywhere else, this global change was reflected in revolutionary transformations of the nature of international peace missions, the latter being invented as a very useful device in the hands of UN to meet its basic security function during the Cold War. As the demise of super power rivalries was replaced by the eruption of many intra-state conflicts, which, at the same time, became a deep source of international instability, the UN was called to increase the number and scope of peace missions in different spots of the globe. Unlike the traditional peacekeeping<sup>77</sup> operations, the new missions were ascribed with more ambitious (sociopolitical, economic and other) objectives, and hence broader mandates, while they became more inclusive in terms of involvement of regional and other organizations.<sup>78</sup> On the other hand, the post-Cold War era marked a trend of moving towards the Chapter VII (enforcement measures), instead of Chapter VI or “Chapter VI-and-a-half”, as a legal ground for the UN peace missions. Perhaps nowhere else these features are more firmly reflected than in the UN operation in Kosovo. Yet, as it will be discussed below, the current international peace mission in Kosovo is unique, and in many respects distinguishable even comparing to the other missions developed during the 1990s.

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*Note: first version of this article (unpublished) has been prepared by the author in 2005.*

<sup>77</sup> Traditionally peacekeeping missions were characterized as a non-violent military operations launched with the aim of preserving peace but with a very limited political objectives. See David. M. Malone and Karin Wermester, “Boom and Bust? The Changing Nature of the UN Peacekeeping”, *International Peacekeeping*, Vol.7, No.4, 2000, p. 46.

<sup>78</sup> For further information on the differences between the traditional and the post-Cold War peacekeeping see William. J. Durch, “Keeping the Peace: Politics and Lessons of the 1990s”, in William J. Durch, ed., “The UN Peacekeeping, American Policy”, pp. 1 – 10. See also, See David. M. Malone and Karin Wermester, “Boom and Bust? The Changing Nature of the UN Peacekeeping”, *International Peacekeeping*, Vol.7, No.4, 2000.

It is the aim of this paper to elaborate “both sides of the story”, of the Kosovo case, in the broader context of the UN peace operations. Accordingly, this work will try to highlight basic characteristics of the UN mission in Kosovo as a typical example of the UN multidimensional peace operations, and secondly the unique aspects of this case. The paper starts by briefly discussing the origins of the crisis and legality of the NATO’s intervention against the Federal Republic of Yugoslavia (FRY). Further, the legal status of Kosovo from 1999 to 2008, as a prototype of the international administration of territories, shall be shortly analyzed. The central part of the work, however, is dedicated to the elaboration of the UN peace operation in Kosovo, from the perspective of the three basic post-Cold War innovations mentioned above (involvement of the regional organizations, broader objectives and mandates and enforcement component). Finally, the paper dwells on the challenges and weakness, and hence the basic lessons to be drawn from the unique experience of the UN peace mission in Kosovo.

This analyzes will not elaborate the developments after Kosovo became independent (February 2008). This goes beyond the scope of this analysis – notwithstanding the importance for the UN of Kosovo’s independence.

### **Background to the crisis: war and NATO intervention**

The war in Kosovo was one of the episodes in bloody disintegration of the Former Yugoslavia. The origins of the recent conflict dates back to 1989 when the Serbian regime under Milosevic forcefully removed the federal autonomous status of Kosovo, granted by the Yugoslav constitution of 1974.<sup>79</sup> The revocation of autonomous status was followed by the application of apartheid-like policy in Kosovo.<sup>80</sup> The Kosovo Albanians in the beginning reacted by organizing a peaceful, non-violent, resistance. However, by mid 1990s they grew frustrated by the enduring Serbian oppression and lack of international interest to put an end to it. As a result, a

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<sup>79</sup> Although this constitution did not go far enough to meet the demands of the Kosovo Albanians (90% of the population), who advocated a status of Republic for Kosovo, it granted to it the status of a federal unit, in many respects similar with the position of the other (six) Yugoslav Republics. See among others, Miranda Vickers, “Between Serb and Albanian – A History of Kosovo”, New York: Columbia University Press, 1998, pp.170 - 180

<sup>80</sup> The Albanians, who constituted around 90% of the Kosovo population, were totally excluded from the public life (administration, courts, education, police, culture etc), and the great abuses of human rights took place. For the abuse of human rights in Kosovo, see for instance “Policy Violence in Kosovo province”, A rapport presented by the Amnesty International in 1994, in “Kosovo in the Heart of the Powder Keg”, edited by Robert Elsie, New York: Columbia University Press, 1998, pp. 233 – 251.

rebellious Albanian organization called the Kosovo Liberation Army (KLA) began to challenge the Serbian rule in Kosovo by committing armed attacks against the police and other, “state”, targets. Situation escalated by the end of 1997 and beginning of 1998, when the KLA managed to control almost 40% of the territory of Kosovo.<sup>81</sup> Belgrade attempted to quell the Albanian insurgency by using methods of ethnic cleansing and attacks against civilians, already practiced by them in Bosnia and Croatia. From the outset of the crisis, international community (UN, OSCE, Contact Group, EU etc), voiced his concerns about the humanitarian dimensions of the conflict, and the threat it represented to the regional peace and security. As early as March 1998, the UN Security Council adopted two Resolutions, namely 1160 (31 March) and 1199 (23 September), proclaiming that humanitarian situation in Kosovo constituted a threat to international security and stressed the need to prevent impending humanitarian catastrophe. However, despite the rapid deterioration of the situation caused primarily by the Serbian war strategy, UNSC could not authorize explicitly the use of force due to the stated aim of Russia and China to use veto.<sup>82</sup>

This situation exposed the international community to the puzzle of choosing between the legal and moral imperatives. Particularly the liberal democratic states forming the most powerful military alliance of the time - NATO, were confronted with the dilemma of opting for the dogmatic and strict interpretation of the UN Charter’s provisions on prohibition of the use of force or the political and moral necessities, i.e., preventing the spillover of the conflict and stopping the unfolding genocide. Finally, the moral and political arguments and causes outweighed the legal dogmatism and NATO launched a military campaign against FRY (composed of Serbia and Montenegro) that lasted for 78 days and resulted in putting an end to the Serbian policy of ethnic cleansing and genocide against the Kosovo Albanians.<sup>83</sup> Perhaps more fundamentally than any recent international occurrence, the NATO intervention on behalf of the Kosovars has provoked extremely contradictory interpretations about what is and what should be the hierarchical order of international norms and values, in the new “global order”. More accurately, the NATO intervention against without having an explicit mandate of the UNSC, brought into surface once again the long

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<sup>81</sup> Julie A. Mertus, “Kosovo: how the myths and truths started a war”, Los Angeles: University of California Press, 1999, pp. 269 – 285.

<sup>82</sup> Jens Rytter, “Humanitarian Intervention without the Security Council: From San Francisco to Kosovo – and Beyond”, *Nordic Journal of International Law*, Vol. 71, 2002, p.152.

<sup>83</sup> See, Louis Henkin, “NATO’s Kosovo Intervention”, and *American Journal of International Law* Vol.93, No. 4, October 1999, see also Ruth Wedgwood, “NATO’s Camping in Yugoslavia”, *ibid.*

existing controversies about the (dogmatic) legality and (moral) legitimacy of the use of force for solely humanitarian purposes (humanitarian interventions<sup>84</sup>). Discussing the legal and other dimensions of the NATO intervention in Kosovo is beyond the scope of this paper. Overall, although the legality of this action remains debatable, owing to the different interpretations of the vague international law principles, it is widely accepted that NATO's intervention in Kosovo was strongly legitimate from the political and moral perspective.<sup>85</sup>

### **I. The legal status of Kosovo as a territory under international Administration (1999-2008)**

UN Security Council resolution 1244 adopted on June 10, 1999, which in effect largely legalized the de facto situation created by the NATO's intervention, represents the basic point of reference which one should first look at for understanding the overall post-war international administration of Kosovo. Adopted under Chapter VII of the UN Charter, this resolution created an unusual, sui generis, legal status of Kosovo.<sup>86</sup> By the virtue of resolution 1244 and subsequent legal documents deriving from it, the FRY<sup>87</sup> was dismantled from the right to maintain military presence<sup>88</sup> in

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<sup>84</sup> Humanitarian Intervention is broadly defined as a coercive action by one or more states involving the threat or use of force in another state without the consent of its government, for the purpose of preventing or putting to halt gross and massive violations of human rights or international humanitarian law. See, Jens Rytter, "Humanitarian Intervention without the Security Council: From San Francisco to Kosovo – and Beyond", *Nordic Journal of International Law*, Vol. 71, 2002, p.122.

<sup>85</sup> This classification was first articulated by the *ad hoc* think-tank institute; Independent International Commission on Kosovo, composed by prominent international lawyers, politicians and scholars from the all continents. See Independent International Commission on Kosovo, "*The Kosovo Report: Conflict International Response and Lessons Learned*", Oxford: Oxford University Press, 2000.

<sup>86</sup> See UNSC/RES/1244 (1999) 10 June 1999, Adopted by the Security Council at its 4011th meeting, on 10 June 1999, available at [www.un.org/peace/kosovo/pages/kosovo1.htm](http://www.un.org/peace/kosovo/pages/kosovo1.htm), 29.4.2004.

<sup>87</sup> Under the new constitution adopted on 4 February 2003, The Federal Republic of Yugoslavia changed its name into Serbia and Montenegro, see. [www.mfa.go.yu/facts/charter\\_el.html](http://www.mfa.go.yu/facts/charter_el.html).

<sup>88</sup> Paragraph 2 of Annex 2 of the Resolution orders the withdrawal of all Yugoslav military, police and paramilitary forces from Kosovo, while permitting their return only in limited and exceptional cases, upon the approval of Commander of the international security forces, created under the res. 1244, see UNSC/RES/1244, Anex, 2, Par. 2.

Kosovo, to exercise law-making and law-enforcement powers, economic and monetary policy, external representation, and other sovereign prerogatives.<sup>89</sup>

The international interim administration in Kosovo, working under the UN loose umbrella, was created to fill the power vacuum left after withdrawal of the Serbian/Yugoslav state apparatus. Thus the Resolution 1244 provided for the establishment of an interim international civil and military presence in Kosovo, empowered with a very broad mandate, encompassing all the classical governmental functions. Hence, in anticipation of the final settlement of the politico-legal status, Kosovo was de fact transformed into a so-called “internationalized territory” or “internationally administered territory”, a practice originating from the League of Nations and latter applied by the United Nations in several occasions. Such definition can be applied to those territorial arrangements where international organizations (LoN or UN) or a particular state or group of states authorized by them, exercise full or partial sovereign jurisdiction over a territory (in terms of legislative, executive or judicial functions).<sup>90</sup>

The exercise of the governmental authorities by international organizations is not new. Throughout its lifetime the League of Nations in several occasions acted as administrator of territories.<sup>91</sup> This practice was continued and multiplied in the UN era. Thus, the UN was authorized to perform the governmental powers in what would become a “Free territory of Trieste in 1947, and in Jerusalem (1947/48), but these missions were never materialized.<sup>92</sup> Throughout the Cold War period, the UN served in several

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<sup>89</sup> See Andreas Zimmerman and CarstenStahn, “Yugoslav Territory, United Nations Trusteeship or Sovereign State? Reflections on the Current and Future Legal Status of Kosovo”, *Nordic Journal of International Law*, Vol. 70, 2001, pp. 423 – 460.

<sup>90</sup> See Enrico Milano, “Security Council Action in the Balkans: Reviewing the Legality of Kosovo’s Territorial Status”, *European Journal of International Law*, Vol. 4, No. 5, 2003, p. 1003.

<sup>91</sup> Some of the examples during the LoN era include administration of the German Saar Territory (1920-1935)<sup>91</sup>, “Free City of Danzing” in Poland (1920 – 1929), Columbian town and district of Leticia (1933 – 1934) etc, see, “From Danzing to East Timor and Beyond: The Role of the International Territorial Administration”, *American Journal of International Law*, Vol. 96, No. 2, 2002(notes and comments)

<sup>92</sup> Trieste was a disputed territory between the Yugoslav (now in Slovenia) and Italy. UN plan failed to create international administration over the territory as the superpowers could not agree about the appointment of the international administrator. The scenario for granting to Jerusalem a special status putting it under the UN administration under the UN Plan for Partition of Palestine, adopted in 1947 failed because the Palestinians did not accept it. Andreas Zimmerman and CarstenStahn, “Yugoslav Territory, United Nations Trusteeship or Sovereign State? Reflections on the Current and Future Legal Status of Kosovo”, *Nordic Journal of International Law*, Vol. 70, 2001, p.431. See also, “Danzing to East Timor and Beyond: The Role of the International Territorial Administration”, *American Journal of International Law*, Vol. 96, No. 2, 2002(notes and comments).

occasions as the administrator of territories (e.g. Libya, Italian Somaliland, Eritrea etc), but in the de-colonization context and therefore these (and other) territories were putted under the UN Trusteeship System<sup>93</sup>, which is not the case with Kosovo.

With the end of the Cold War the UN's role in performing territorial administration multiplied and became largely intertwined with the traditional and new peacekeeping functions, under the new concept of multidimensional peace operations. Some of the most typical examples include the United Nations Transitional Assistance Group in Namibia-UNTAG (1989 –1990), the United Nations Transitional Authority in Cambodia-UNTAC (1992 - 1993), The United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium in Croatia -UNTAES (1996 –1998), The United Nations Transitional Administration in East Timor (1999 – 2000) etc.<sup>94</sup> These UN missions were empowered with a very sweeping and multidimensional responsibilities and objectives, ranging from the law-making functions , return of refugees (UNTAG), verification and/or maintaining ceasefire, human rights protection and promotion, electoral functions (UNTAC), or exercising of a “full executive functions” (UNTAES).<sup>95</sup> In general, as one can easily notice, in the above cases the UN was empowered to perform mixed tasks, from those attributed to the traditional peacekeeping functions (e.g. verification of ceasefire), to the others pertaining to governmental functions (e.g. law-making or organizing elections). While the UN mission in Kosovo (and East Timor alike) embrace most of these features, it was characterized by a number of features that make it different form the other UN peace operations developed in the aftermath of the Cold War. As it will be explored below, the scope and complexity of the powers and responsibilities vested in the UN mission in Kosovo was unprecedented (pretty much the same applies to the East Timor).

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<sup>93</sup> Trusteeship Sestets was established under the Chapter XII of the UN Charter to guide the administrated territories towards the self-government and independence. It replaced the Mandates System existing under the League of Nations. For more information about the Trusteeship Administration see *Idid*, 435.

<sup>94</sup> Michele Griffin and Bruce Jones, “Building Peace through Transitional Authority: New Directions,, Major Challenges”, *International Peacekeeping*, Vol.7, N0. 4, 2000, pp. 75 – 88.

<sup>95</sup>*Ibid.*, p. 77.

## **II.A retrospective outlook on the contours of international administration in Kosovo**

### ***2.1. The legal bases***

The UN mission in Kosovo, from the legal standpoint, could be described as an enforcement measure under Chapter VII of the UN Charter. The UNSC Res. 1244, which was the legal source of UN administration in Kosovo, in its preamble, made a reference to the responsibilities of the Security Council to maintain international peace and security. It further qualified the situation in Kosovo as a “threat to international peace and security”, making therefore clear that the UN involvement in Kosovo should be viewed as falling within Chapter VII of the UN Charter.<sup>96</sup> Thus, following Resolution 1244, especially in regards to the mandate of the military component of the UN mission in Kosovo (to be discussed below), as well as qualification of the situation as a “threat to international peace” left no doubt that the UN mission in Kosovo was clearly a peace-enforcement operation falling under Chapter VII. Hence the Kosovo case reconfirmed the general post-Cold War trend of transition from peacekeeping to peace-enforcement, something that UN Under-Secretary General for Political Affairs, MarrackGoulding, had called “more than a mission creep”.<sup>97</sup>

### **2.2. Structure of the UN mission: civil and military components**

Sharing of burden between the UN and regional (and other) organizations was one of the most evident features of the peace operation in Kosovo. Since the beginning, the mission has been subdivided between different organizations, each of them performing specific functions, but all of them operating to some degree under the UN umbrella. First and most important subdivision was between the “civilian” and “military” components of the mission.<sup>98</sup> The resolution 1244<sup>99</sup>, envisaged a two-fold international presence in Kosovo:

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<sup>96</sup> See paras, 12 and 13 of the UNSC/RES/1244, available at [www.un.org/peace/kosovo/pages/kosovo1.htm](http://www.un.org/peace/kosovo/pages/kosovo1.htm), 29.4.2004

<sup>97</sup> David. M. Malone and Karin Wermester, “Boom and Bust? The Changing Nature of the UN Peacekeeping”, *International Peacekeeping*, Vol.7, No.4, 2000, p. 47.

<sup>98</sup> See, “Peacekeeping, Intervention: The Institutional Level”, prepared by The Conflict Management Program of Paul H. Nitze School of Advanced International Studies, John Hopkins University, available at <http://www.cmtoolkit.sais-jhu.edu/index.php?name=pk-intervention-I>, 04.5.2004, pp. 4/5,

<sup>99</sup> UNSC Res. 1244, art. 5.

1. *Military component*; composed of NATO and those states which cooperate with NATO in the framework of “International Security Force – KFOR”;
2. *Civil component*; known as The United Nations Interim Administration Mission in Kosovo- UNMIK.

On the other side, the civil component of the mission was coordinated by the UN and implemented through joint efforts of the main European regional organizations (to be discussed latter).

### **2.3. KFOR**

By 1994, the UN Secretary General ButrosButros-Ghali pointed out that UN should rely on the “coalitions of the willing,” rather than conducting itself the large -scale enforcement actions (the idea which was supported by the US).<sup>100</sup> The international military presence in Kosovo was a typical example of the “coalition of the willing.” In fact, the legality of international military presence and operation in Kosovo derived from two inter-related documents, namely the resolution 1244 and the “Kumanovo Agreement.”<sup>101</sup> Article 7 of the UNSC Res. 1244 “authorized member states and “relevant international organizations “to establish international security presence in Kosovo with all necessary means to fulfill its responsibilities .....”<sup>102</sup> Further, article 5 Annex II explicitly reconfirmed the leading role of NATO in the coalition of international forces operating within the framework of KFOR.<sup>103</sup>

On the other hand, the “Kumanovo Agreement”, a part from setting the conditions and time-plan for the withdrawal of the FRY forces from Kosovo and creating a de-militarized zone on the FRY side of the border, basically imposed on the latter obligations to not hinder the KFOR’s activities.

Command & Control and composition: *KFOR initially came under the overall command of the Supreme Allied Command Europe (SACEUR), and later the (NATO) chain of command changed in accordance with the NATO’s internal structural changes and the circumstances on the ground.*<sup>104</sup>

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<sup>100</sup> David. M. Malone and Karin Wermester, “Boom and Bust? The Changing Nature of the UN Peacekeeping”, *International Peacekeeping*, Vol.7, No.4, 2000, p. 47.

<sup>101</sup> On June 9 1999, FRY signed an agreement (“Kumanovo Agreement”) with the NATO, which provided for the withdrawal of Yugoslav forces and deployment of NATO troops in Kosovo.

<sup>102</sup> UNSC1 Res. 244, art. 7.

<sup>103</sup> UNSC Res. 1244, Anex. II, art. 5.

<sup>104</sup> See, “NATO’s Role in Relation to the Conflict in Kosovo: The NATO-led Kosovo Force (KFOR)”, available at NATO’s web site:

<http://www.nato.int/docu/handbook/2001/bh050303.htm>, 04.5.2004.

KFOR was composed by troops from 30 NATO and non-NATO countries<sup>105</sup> (most of them from the “Pfp” states). On 18 June 1999 even Russia agreed to become a part of KFOR.<sup>106</sup> KFOR was organized in 5 Multinational Brigades (MNB), respectively five sectors, headed by the Multinational Brigade Commander. On a central level, a general Commander of KFOR, rotating among the NATO countries on a six-month basis, reflecting troops sizes and other contribution to the force,<sup>107</sup> fulfilled the coordinating role with the civilian part of the mission and exercised supreme authority related to the security matters in Kosovo. Each sector was within the military authority of five NATO states, namely US, Great Britain, Germany, France and Italy. Accordingly, the Commanders of five Multinational Brigades came from these countries, as well as the substantial part of soldiers and other military infrastructure. The commander of Multinational Brigades was at the top of the command hierarchy in his sector, while each national contingent had its own internal command chain.

**Mandate:** Article 9 of the Res. 1244, assigned to KFOR a very broad tasks and powers.

The most important KFOR’s responsibilities include: (a) deterring renewed hostilities, maintaining and where necessary enforcing a ceasefire, and ensuring the withdrawal and preventing the return into Kosovo of FRY police and military forces; b) demilitarizing the Kosovo Liberation Army (KLA);<sup>108</sup> c) establishing a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered; d) supervising demeaning activities; e) supporting, as appropriate, and coordinating closely with the work of the international civil presence; f) conducting border monitoring duties as required etc.

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<sup>105</sup> The countries contributing to KFOR are: Argentina, Azerbaijan, Austria, Belgium, Bulgaria, Czech Republic, Denmark, Estonia, France, Finland, Germany, Georgia, Hungary, Ireland, Italy, Lithuania, Latvia, Luxembourg, Morocco, Poland, Romania, Slovenia, Spain, Switzerland, Slovakia, Turkey, United Kingdom, United States, Ukraine. see, <http://www.nato.int/kfor/>, 04.5.2004.

<sup>106</sup> See KFOR, available at : <http://williammbennett.tripod.com/kosova/kfor001.htm>, 04.5.2004

<sup>107</sup> <http://www.nato.int/docu/handbook/2001/bh.050303.htm>, 04.5.2004.

<sup>108</sup> Demobilization, partial Disarmament (one part of KLA is transformed into a quasi-civilian “Kosovo Protection Corps”) and Reintegration of the KLA fighters is conducted in cooperation with the International Organization of Migration, which has conducted comprehensive programs of professional training and others, aimed at helping the ex-KLA fighters to reintegrate into a socioeconomic life.

Quite normally, for fulfilling such as wide scope of responsibilities, the KFOR's "Rules of Engagement" provided for very flexible mandate to use force.<sup>109</sup>

#### ***2. 4. United Nations Interim Administration Mission in Kosovo - UNMIK.***

When UN entered a war-ranged Kosovo it was empowered basically to start a process of remaking of the public (institutional) life from the scratch, as well as to address the wide humanitarian problems left by the war and the policy of scourged earth pursued by Serbia. The Resolution 1244 empowered UNMIK with the wide and multilevel tasks and responsibilities. Thus, UNMIK was called to: perform basic civilian administrative functions, promote the establishment of substantial autonomy and self-government in Kosovo – as a transitional phase; facilitate a political process to determine Kosovo's future status; coordinate humanitarian and disaster relief of all international agencies; support the reconstruction of key infrastructure; maintain civil law and order; promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo etc.<sup>110</sup> Overall, UNMIK was entrusted to perform the whole spectrum of essential administrative functions and services covering such areas as health and education, banking and finance, post and telecommunications, law and order, economic reconstruction etc.

***Involvement of the regional organizations:*** The level of cooperation between the UN and regional organizations was the most unique feature of the UNMIK. In fact, UNMIK was a joint undertaking of the UN and two European regional organizations, namely EU and OSCE. This cooperation was designed in a form of four pillars, which constitute the UNMIK. *Pillar I: Police and Justice*; was organized under the direct leadership of the United Nations (until June 2000 this pillar was called "humanitarian assistance" and was led by the Office of the United Nations High Commissioner for Refugees - UNHCR);

*Pillar II: Civil Administration*; was also run directly by the United Nations, and includes performance of the basic administrative functions at the local and central level;

*Pillar III: Democratization and Institution Building*; was led by the Organization for Security and Co-operation in Europe (OSCE). Acting under

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<sup>109</sup>KFOR's "Rules of Engagement" are available at: <https://134.11.61.26/CD1/Publications/JA/>, 16.5.2004 (no other detail for this web site is available).

<sup>110</sup> See para, 11 of the UNSC/RES/1244

the overall UNMIK umbrella, the OSCE is in charge of democratization and good governance<sup>111</sup>, organization of the elections<sup>112</sup>, media affairs<sup>113</sup>, human rights monitoring<sup>114</sup>, rule of law<sup>115</sup> and police education and development<sup>116</sup>.

*Pillar IV: Reconstruction and Economic Development*; was run by the European Union (EU), which includes a wide scope of activities related to the overall economic development.<sup>117</sup> Altogether, these four pillars worked as a classical government under the leadership of the top UN civil official in Kosovo, namely the Special Representative of the Secretary-General (SRSG) who presided over the enormous civil part of the mission. The heads of four pillars are at the same were the Deputies of SRSG,<sup>118</sup> and were directly responsible to him. The SRSG was the ultimate executive and legislative authority while he was also the highest official in the administration of judiciary<sup>119</sup>. The SRSG was appointed by the UN Secretary-General, after the consultations with the SC,<sup>120</sup> for one-year term and was responsible directly to him.

## ***2. 5. Coordination and Cooperation between the UN and regional organizations***

The question of cooperation and coordination among the different organizations involved in the Kosovo operation should be analyzed in two

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<sup>111</sup> This include development of civil society, non-governmental organizations and political parties. See “OSCE Mission in Kosovo – Mandate”, available at OSCE web site: <http://www.osce.org/kosovo/mandate>, 04.5.2005

<sup>112</sup> Including voter registration, political party services, training and education and elections operations, see *ibid*.

<sup>113</sup> Independent media support, regulations laws and standards; media monitoring and public Radio-TV Kosova. See *ibid*.

<sup>114</sup> Protecting and promoting human rights, establishment of an Ombudsperson institution. See, *ibid*.

<sup>115</sup> Helping establish of law. See. *Ibid*.

<sup>116</sup> Training of new Kosovar police forces. See *Ibid*.

<sup>117</sup> See, “European Union Pillar of UNMIK” , available at, <http://www.euinkosovo.org>, 04.5.2004.

<sup>118</sup> Marcus Brand, “Human Rights Action in Kosovo”, *Nordic Journal of International Law*, Vol. 70, 2001, p. judicial system based on democratic principles and human rights and developing a culture of respect for rule 464.

<sup>119</sup> The SRSG is in charge of adopting and repealing laws, appointing or dismissing any public (local or international) official, unlimited issuing executive decisions etc. See, UNMIK regulation 1999/1 of 25 July 1999, available at: <http://www.un.org/peace/kosovo>, 04.5.2004.

<sup>120</sup> See para, 6 of the UNSC/RES/1244.

levels, namely between the civil and military parts of the mission, and within the civilian part. In terms of the first level, although operating under the auspices of the UN, the military and civil components of the UN administration in Kosovo were mutually independent.<sup>121</sup> According to the terms of Resolution 1244, both KFOR and UNMIK must “operate towards the same goals and in mutually supportive manner”.<sup>122</sup> However, this resolution contained no clear provisions as to the coordination and cooperation between the civilian and military missions, or between NATO and UN in general. Only article 20 makes a vague reference to the coordination between the UN Secretary General and KFOR, stating that the Security Council “Requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presences”.<sup>123</sup>

On the practical level, however, the cooperation and coordination between the KFOR and UNMIK went quite smoothly. This was exercised through the establishment of a number of CIMIC (Civil Military Cooperation) offices, and regular meetings and consultations, while a special Office for Military Cooperation was established to support the SRSG’s cooperation with the KFOR. In accordance with its mandate, KFOR was empowered to provide overall assistance to UNMIK, especially in terms “establishing of a secure environment” and “freedom of movement and operation” for the “civilian part of the mission”.<sup>124</sup> Accordingly the first duty in this regard for KFOR was to provide “mussels” if necessary (e.g. during the disturbances of the March 2004)<sup>125</sup>. In addition to the security aspect, KFOR provided resources, skills and manpower to the various organizations operating under the UN auspices, in the sectors such as public services, construction, transportation, railway etc.<sup>126</sup>

On the other side, Kosovo offers a good example of coordination and cooperation among UN, OSCE and EU, operating under the UNMIK. The OSCE and EU launched their missions in Kosovo in June 1999 as a response to the Security Council Resolution 1244 and, as stated explicitly, under the

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<sup>121</sup> Marcus Brand, “Institution Building and Human Rights Protection in Kosovo in the Light of UNMIK Legislation”, *Nordic Journal of International Law*, Vol. 70, 2001, p.464.

<sup>122</sup> UNSC Res.244, art. 6.

<sup>123</sup> UNSC Res. 1244, art. 20.

<sup>124</sup> UNSC Res. 1244, art. 9, paras, h and c.

<sup>125</sup> See, “Collapse in Kosovo”, Report of the International Crisis Group, available at: <http://crisisweb.org/home.index.cfm>, 04.5.2004.

<sup>126</sup> See, “KFOR Objectives/Mission”, available at KFOR web site, <http://www.nato.int/kfor/objectives.htm>, 05.5.2004.

overall framework of UNMIK.<sup>127</sup> Although based on different rules, procedures and working philosophy, the UN, OSCE and EU did not encounter any major problem in operating together under the framework of the same body, namely the UNMIK (the model of cooperation and coordination is explained above-pillars).

### **III. 2008 as a prologue: UNMIK's political entrapment by "hard politics" of the Security Council**

By all measures, the international administration over Kosovo from 1999 to 2008 could be hailed as one of the most successful post-Cold War peace-building missions. In one sentence, under the UN's umbrella, a new socio-political and economic environment was reborn from the scratch. Kosovo proclaimed independence on February 17<sup>th</sup> 2008, after two years of negotiations between the parties, under the international facilitation. The proposal of the Special Representative of the Secretary General, Martti Ahtisaari, was taken as a blueprint for Kosovo's independence. Subsequently, on June 10<sup>th</sup> 2010 the International Court of Justice – one of the six principal bodies of the UN, confirmed the legality of the proclamation of Kosovo's independence. These facts notwithstanding, Serbia continues to contest Kosovo's independence and it continues to enjoy Russia's blank support in this endeavor. Consequently, UN's mission in Kosovo became sandwiched between the new political reality created with the independence of Kosovo and the inability of the Security Council to adapt to it – due to the Russia's rejection of Kosovo's independence. This has led to a paradoxical situation whereby UNMIK in Kosovo is almost invisible and lacks any meaningful presence and activity, although formally the mission has not been concluded. In a way, the mission became entrapped in its own success. Unwittingly, it became instrument of Russia to hinder the consolidation of a state it has helped to be born. The contours of Kosovo's statehood were erected under the UN's auspices and with its active participation through UNMIK. In the last phase, Kosovo proclaimed its independence based on the proposal presented by the special envoy of the Secretary General, Martti Ahtisaari. Expecting any other outcome for the Kosovo's final status would have been totally unreasonable.

It is not within the compass of this analysis to discuss the post-independence development in Kosovo related to the UN. This brief picture

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<sup>127</sup> For the background of the OSCE and EU mission in Kosovo see their web sites: <http://www.osce.org/kosovo/overview/>, 04.5.2004., and <http://www.euinkosovo.org>, 04.5.2004.

depicted above, however, underlines the bottom-line that, ultimately, the UN is what states make of it. In the Kosovo case, this metaphor is manifested through the hijacking of one very successful peace-building mission of the UN – namely UNMIK, by the national agenda of, at least, one Security Council veto-holder, namely Russia.

## **Conclusion**

It has been a general inclination to see international involvement in the Kosovo crisis from the perspective of NATO's military intervention and contradictory legal and political debates it triggered. However, as this paper argued, Kosovo is not unique case only because it brought into the surface, perhaps more forcefully than ever before, the long existing contradiction between the legal dogmatism and global morality, a contradiction that paradoxically remains very acute in the "global world". Beyond this context, through the lenses of the UN's involvement in the administration of Kosovo one can understand and draw the conclusions about the radical evolution of the traditional concept of peace operations in the aftermath of the Cold War. In this sense, the UN operation in Kosovo reflected more firmly than any other example three underlying features of the evolving concept of peace operations. First, the peacekeepers in Kosovo clearly operated under an enforcement mandate falling under the Chapter VII of the UN Charter. Secondly, the degree of involvement and cooperation between the UN and other regional organizations in Kosovo was wide, multileveled and incomparable with any previous example. Finally, the Kosovo case is a unique example whereby the UN was ascribed with broad, multidimensional and subsequently complex mandate. Undoubtedly, the lessons of UN's peace-building mission in Kosovo will influence, for good or bad, perceptions about the way in which the peace operations should be designed and conducted in the future. Seen from this angle, the progress has been significant, and, more importantly, the experience very valuable. However, the Kosovo case also highlights some basic weaknesses and challenges that UN might encounter when launching multidimensional peace operations of this type. First and foremost, the lack of clear political mandate (and thus the visions about the "way-out"), might very easily destroy everything.

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