

# The Post-conflict Integration of Minority Ethnic Communities in Kosovo

Dragan Djukanovic <sup>1</sup>

## I. Historical Background

After the end of the Second World War, the Autonomous Region of Kosovo and Metohija was established within Serbia, whose fundamental autonomy was in state of constant growth during the period between 1945-1989. Although the Statute of Autonomous Region of Kosovo and Metohija, that acknowledged equality of all members of ethnic communities and citizens, was adopted in 1948, the level of autonomy of this region was not high during the following fifteen years. However, after the adoption of the new Yugoslav Constitution in 1963, the first thing to follow was the establishment of new bodies – Parliament, Executive Committee, and Provincial Administrative Bodies, as well as reinforcement of their authorities.<sup>2</sup> Thanks to the adoption of amendments to the Constitution of Socialist Federative Republic of Yugoslavia in 1967, 1968 and 1971, Kosovo's autonomy was additionally reinforced within the Socialist Republic of Serbia, as well as within the Federation. In accordance with the amendments to the SFRY Constitution from 1968, this former province gained a new name – Socialist Autonomous Province of Kosovo. This name maintained until the constitutional changes in Serbia in 1989, when the autonomy of the two provinces – Kosovo and Vojvodina – was suspended.<sup>3</sup> That is why numerous authors and analysts consider this suspension of autonomy to be the reason for the collapse of the already fragile balance of Yugoslav federalism, which resulted in the dissolution of federal state in the period from 1991 to 2008.<sup>4</sup>

It is important to emphasise that during the existence of real autonomy of Kosovo it was taken care of full equality of members of all ethnic communities – “*nations and nationalities*” as

---

<sup>1</sup> Dragan Djukanović Ph.D. is research associate at the Institute of International Politics and Economics and member of the International Relations Forum of the European Movement in Serbia. This paper has been realized within the project *Serbia and contemporary world: perspectives and pathways of strengthening foreign policy, security and foreign economical status of Serbia within contemporary processes in international community* of the Ministry of Science and Technological Development of the Republic of Serbia for the period 2006–2010.

This paper was presented at the *Third Annual Conference on Human Security, Terrorism and Organized Crime in the Western Balkan Region*, organized by the HUMSEC project in Belgrade, 2-4 October 2008.

<sup>2</sup> On development of Kosovo's autonomy within Serbia and Yugoslavia after 1945 see: Rajović, Radošin, *Ustavni razvoj od konstituisanja autonomije do reforme 1989. godine*, in: Gordana Filipović (ed), *Kosovo: prošlost i sadašnjost*, IP Međunarodna politika, Belgrade, 1989, pp. 151–163.

<sup>3</sup> Djukanović, Dragan, *Institucionalni modeli i demokratizacija postjugoslovenskih država*, Institute of International Politics and Economics, Belgrade, 2007, pp. 53–55, and pp. 147–150.

<sup>4</sup> Jović, Dejan, *Jugoslavija – država koja je odumrla*, Prometej, Zagreb, Samizdat B92, Belgrade, 2003.

they were named after the Second World war, as well as all citizens.<sup>5</sup> However, after the new constitutional order was established in Serbia in 1989, and autonomy of the provinces was abolished, local Albanians conducted unrecognized referendum on independence of the so-called Republic of Kosovo in 1991. The results of this illegal referendum showed that 90% of voters voted for independence, which equals the estimation of the number of Albanians that have been living in the province in those times.

Parallel life of the two most numerous ethnic communities – Albanian and Serb – that was manifested in presence of two separate systems of health care, education etc., was gradually turning into conflicts, especially after the radicalisation of demands of Kosovo Albanians and the forming of the Liberation Army of Kosovo. During the second half of 1998, the international community started with the first pressures to bring back “*substantial autonomy*” to the province within the two-member state, Federal Republic of Yugoslavia (Serbia and Montenegro). However, although several plans to establish substantial autonomy of Kosovo emerged, among which the most important was the Rambouillet Agreement (March 1999), Kosovo Albanians and Belgrade authorities didn’t reach the agreement.<sup>6</sup> The truth is, this document provided a high level of collective rights for the ethnic communities in Kosovo, including righteous representation of members of ethnic communities at all levels in administration, preservation of national identity, use of language, right to education in mother tongue and creation of national institutions (cultural, educational and scientific).

After the failure of diplomatic attempts to solve the issue of Kosovo’s status, NATO started air attacks on the former Federal Republic of Yugoslavia. The attacks lasted from March until June 1999. Then the adoption by official Belgrade of international police and military presence in Kosovo supervened, as well as withdrawal of all Serbian police and military forces. In accordance with the United Nations Security Council Resolution 1244, United Nations Interim Administration Mission in Kosovo (UNMIK), international military forces – Kosovo Forces (KFOR) and police forces – UNMIK Police, took over administration of the province.<sup>7</sup> The above-mentioned Resolution did not define minority rights standards.

## II. Changes in Ethnic Composition of Kosovo from 1991 to 2008

After the establishment of the international protectorate, mass deportation of local Serbs and Roma supervened, as well as gradual assimilation of Gorani, who live in the far south of this entity. It should be pointed out that according to the Kosovo census from 1981, in this former Yugoslav province lived 77,4% Albanians, 13,2% Serbs and 9,3% members of other communities. According to the latest census organized in former Yugoslavia in 1991, the total population of Kosovo was 1 956 196. According to the estimate of former Federal Institute of Statistics, there were 1 596 072 (81,6%) of Albanians (who did not participate in census), while the second largest community was Serbian, with 194 190 citizens (9,9%). Other ethnic communities were much smaller in population – Muslims (today Bosniaks) 66 189, Roma

---

<sup>5</sup> *Ustav Socijalističke Autonomne Pokrajine Kosova*, Savremena administracija, Belgrade, 1974, pp. 519–732; Jovović, Miodrag, *Putevi i stranputice jugoslovenske ustavnosti*, Naučna knjiga, Belgrade, 1989, pp. 107–216.

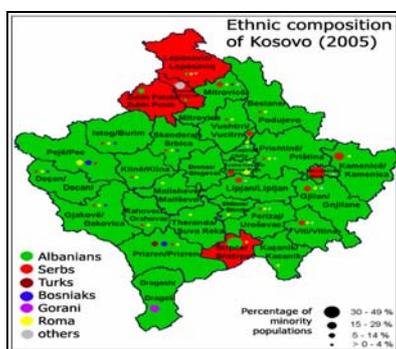
<sup>6</sup> *Privremeni ugovor o miru i samoupravi na Kosovu*, Rambuje, 23. February 1999. godine, *Nova srpska politička misao*, posebno izdanje, Belgrade, broj 2, 1999, pp. 151–194.

<sup>7</sup> *Rezolucija Saveta bezbednosti Ujedinjenih nacija broj 1244*, Savet bezbednosti Ujedinjenih nacija, Njujork, 10 June 1999.

(today Roma, Ashkali and Egyptians) 45 745, Montenegrins 20 365, Turks 10 445 and Croats 8 062.<sup>8</sup>

According to the data and estimations of Statistical Office of Kosovo, Albanians accounted for 88%, and Local Serbs accounted for 7% of the population in 2005. All the other ethnic communities accounted for less than 5% of the total population of Kosovo.<sup>9</sup> On one map, published by the Organisation for Security and Cooperation in Europe (OSCE) in 2006, it is noticeable that Albanian population dominates on three quarters of Kosovo territory, while local Serbs dominate on the north of this entity. They also dominate in Sirinicka Zupa (around the town of Strpce), as well as around Gracanica. (See Appendix 1)

### Appendix 1: Ethnic Composition of Kosovo (2005)<sup>10</sup>



By the departure of more than 250 000 banished persons from Kosovo in Serbia and Montenegro, mainly Serbs and Roma, but also local Montenegrins, the demographic structure of Kosovo changed drastically in favour of Albanians.<sup>11</sup> On the other hand, the number of refugees and internally displaced persons that have returned to Kosovo in the past nine years is symbolic.

Nowadays, it is certainly clear that we can not talk of a real multi-ethnic character of Kosovo. However, during the process of determination of the final status of Kosovo, the international community had to entirely predict, and to try through the authorities in Pristina, to secure high level of rights for ethnic communities and their members. What's more, *Comprehensive Proposal for the Kosovo Status Settlement*<sup>12</sup>, presented on 26 March 2007 in Vienna by Martti Ahtisaari, Special Envoy of the UN Secretary-General, provided a high level of collective rights for members of ethnic communities, as well as ethnic 'precomposition' of existing municipalities after the adoption of the new Law on Local Self-Government. After the proclamation of Kosovo's independence in mid-February 2008, and the adoption of the

<sup>8</sup> *Etnički sastav SAP Kosovo*, Savezni zavod za statistiku, Belgrade, 1991.

<sup>9</sup> *Kosovo in Figures 2005*, Statistical Office of Kosovo, Ministry of Public Services, Pristina, January 2006.

<sup>10</sup> Source: Human Rights, Ethnic Relations and Democracy in Kosovo (Summer 2007 – Summer 2008), Organization for Security and Cooperation in Europe, OSCE Mission in Kosovo, September 2008, at p. 32.

<sup>11</sup> *Srbija prva u Evropi po broju izbeglica*, Tanjug, Belgrade, 20 June 2008, available at: [http://www.refugees.org/uploadedFiles/Investigate/AntiWarehousing/Survey\\_Release\\_Press\\_Coverage/.2008/WRS2008Serbia.pdf](http://www.refugees.org/uploadedFiles/Investigate/AntiWarehousing/Survey_Release_Press_Coverage/.2008/WRS2008Serbia.pdf), 15/08/2008.

<sup>12</sup> UNOSEC, *Comprehensive Proposal for the Kosovo Status Settlement*, Vienna, 2007, available at: <http://www.unosek.org/unosek/en/statusproposal.html>.

Kosovo Constitution (9 April 2008)<sup>13</sup>, Pristina administration and international civil and military structure have implemented this document.

### **III. Forming of Serbian Territorial Autonomy in Kosovo after the Establishment of International Protectorate in Kosovo: Territorialization of Ethnic Demands**

Since the UN Protectorate was established in Kosovo in 1999, the *Constitutional Framework for Provisional Self-Government in Kosovo* was introduced in May 2001.<sup>14</sup> However, even besides the fact that this constitutional act didn't provide for the existence of any kind of framework for territorial autonomy within Kosovo, after the withdrawal of Serbian and former Yugoslav police and military forces, Kosovo Serbs have established their own ethnic autonomy in the north of the entity. However, the authorities in Pristina and the representatives of the UN administration have resolutely refused to accept the existence of above-mentioned Serbian territorial autonomy in the last nine years.

In order to round the territorial autonomy of Serbs in the north of Kosovo, which encompass municipalities North Kosovska Mitrovica, Leposavic, Zvecan and Zubin Potok, as well as certain enclaves in central parts of this entity, on 25 February 2003 the *Union of Serbian Municipalities and Settlements in Kosovo and Metohija* was founded. After the local elections in the Republic of Serbia in 11 May 2008, this roof organization of local communities populated dominantly by Kosovo Serbs gained its own Assembly (28 June 2008),<sup>15</sup> with participation of only local representatives of Democratic Party of Serbia, New Serbia and Serbian Radical Party. So, this Union includes both representatives of Serbian municipalities in Northern Kosovo and of numerous enclaves in the central parts of this entity – Sirinicka Zupa (around the town of Strpce), municipality Novo Brdo, Kosovsko Pomoravlje, (Gnjilane and Kosovska Kamenica), Priluzje, Gracanica, as well as settlements Gorazdevac and Velika Hoca in Metohija.

The Assembly of the Union of Serbian Municipalities and Settlements in Kosovo and Metohija has rejected the unilaterally proclaimed independence of Kosovo and considers this entity to be an inalienable part of Serbia, namely Serbia's autonomous province. The Assembly consists of 45 delegates elected by municipality board members. This institution has a right to propose new laws to the National Parliament of the Republic of Serbia concerning the status and life of citizens in Kosovo and Metohija, it is said in the Declaration on its establishment.<sup>16</sup>

---

<sup>13</sup>*Ustav Republike Kosovo*, Priština, 9. april 2008, available at: [http://www.gazetazyrtare.com/e-gov/index.php?option=com\\_content&task=view&id=12&Itemid=28&lang=sr](http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=12&Itemid=28&lang=sr).

<sup>14</sup> UNMIK, *Ustavni okvir za privremenu samoupravu na Kosovu*, Uredba br. 2001/9, 2001.

<sup>15</sup> *Formirana Skupština Zajednica srpskih opština*, 29. jun 2008, available at: <http://www.surcin.com/?meni=informacije&podmeni=vesti&pm2=3&id=1764>, 2008.

<sup>16</sup> *Deklaracija o osnivanju Skupštine Zajednice opština Autonomne Pokrajine Kosovo i Metohija*, Kosovska Mitrovica, available at: <http://www.kim.sr.gov.yu/cms/item/news/rs.html?id=3730&sectionId=8&view=story>, 2008.

#### IV. Constitutional Framework for Provisional Self-Government in Kosovo (2001): the First Legal Framework for Minority Rights

The *Constitutional Framework for Provisional Self-Government in Kosovo*, adopted on 21 May 2001, regulated the protection of rights of all national groups. Besides Albanians and Serbs, this constitutional document recognized, the Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani ethnic communities.

Chapter 4 of the *Constitutional Framework* regulated the rights of communities and their members.<sup>17</sup> The general provisions in this chapter stated the principle of inviolable right to national identity, but also the necessity of interethnic coexistence. The essential rights of national communities include: the right to use language and alphabet freely; the right to education and the access to information in their own language; the right to enjoy equal opportunity with respect to employment in public bodies, the right to communicate with members of their communities outside of Kosovo; the right to use national symbols.<sup>18</sup>

This constitutive act also guaranteed rights to national communities to establish associations to promote and protect their own interests, as well as to establish contacts with international organizations, establish their own media, schools and other educational institutions. Furthermore, it proclaimed rights to preserve common traditions and cultural monuments of the Kosovo nations. Financing of national communities organizations came from voluntary contributions or from the Provisional Institutions of Self-Government of Kosovo. Protection of rights of communities and their members was provided through their presence in administration bodies at all levels. Institutional protection of community rights was ensured through representation in the Kosovo Assembly in such a way that Serbian, Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani national communities have altogether 20 from 120 representatives in this body. In accordance with the Constitutional framework, the Committee on Rights and Interests of Community was formed within the Kosovo Assembly. It was composed of representatives of all national communities. This document provided that several ministers in the Assembly shall belong to non-Albanian ethnic communities. It is also important to emphasise that in accordance with the *Constitutional Framework for Provisional Self-Government* a possibility was left for reciprocal representation of minorities in local governing bodies. That has confirmed a certain non-territorial and cultural autonomy of Serb<sup>19</sup> and other non-Albanian communities. It implied that they had the right to use their mother tongue and right to education.

Implementation of mentioned collective rights, provided for by the *Constitutional Framework for Provisional Self-Government in Kosovo*, was progressing very slowly. The same thing was also concluded in the document *A Comprehensive Review of the Situation in Kosovo*, presented by Ambassador Kai Eide, Special Envoy of the UN Secretary-General on 4 October 2005, before the beginning of the determination of Kosovo status.<sup>20</sup> However, besides the above-mentioned, the process of determination of the final status of Kosovo began, and

<sup>17</sup> *Ustavni okvir za privremenu samoupravu na Kosovu*, UNMIK, Uredba br. 2001/9, 2001.

<sup>18</sup> Aleksić, Ivona, *Zaštita nacionalnih manjina na Kosovu i Metohiji: normativi i praksa 1999–2003*, Godišnjak UMP 2000–2003, Udruženje za međunarodno pravo Srbije i Crne Gore, Belgrade, 2004, pp. 144–63.

<sup>19</sup> Bieber, Florian, *Institucionaliziranje etničnosti: postignuća i neuspjesi nakon ratova u Bosni i Hercegovini, na Kosovu i u Makedoniji*, Forum Bosnae (specijalno izdanje), br. 25/04, Sarajevo, 2004, at p. 101.

<sup>20</sup> *Obuhvatan pregled situacije na Kosovu*, Kai Eide, Savet bezbednosti Ujedinjenih nacija, Njujork, 4. oktobar 2005, available at: [http://www.kosovakosovo.com/wiew\\_file\\_id=44](http://www.kosovakosovo.com/wiew_file_id=44), 2006, pp. 14–15.

resulted in the unilateral proclamation of independence on 17 February 2008 in the Kosovo Assembly, and also in numerous recognitions of this legal action.<sup>21</sup>

## V. Comprehensive Proposal for the Kosovo Status Settlement (2007): New Standards for Collective Rights of Ethnic Communities

Based on the earlier determined principles of the Contact Group, a Special representative of the UN Secretary-General, Martti Ahtisaari, presented the document named *Comprehensive Proposal for the Kosovo Status Settlement* on 2 February 2007 in Vienna. Although the official Belgrade has resolutely rejected the draft document because of the proclaimed principle of “*conditional independence*” of Kosovo, submission of amendments to the document supervened. Representatives of Serbian authorities attempted to substantially influence amendment of almost every article and paragraph of this document, while the representatives of the Kosovo Government managed, as they claimed, to ‘improve’ the initial version of the document. Therefore, the final version of the document was adopted on 26 March 2007, and is being implemented in this entity since the proclamation of Kosovo's independence on 17 February 2008.

The Article 1 of the *Comprehensive Proposal for the Kosovo Status Settlement* says that Kosovo shall be a “*multi-ethnic society*” and that the exercise of public authority shall be based upon the equality of all citizens, as well as “*the promotion and protection of the rights... of all its communities*”.<sup>22</sup> This article also says that besides the Albanian language, the Serbian language shall also be an official language in Kosovo, and that Bosniak and Roma languages shall be official at the level of local communities. In Article 3 (Rights of Communities and Their Members) it was pointed out that all inhabitants of Kosovo shall, in addition to the basic human rights, have so-called collective ethnic rights. Therefore, Kosovo authorities must guarantee the protection of the national and ethnic identity of all communities and their members. They are also obliged to establish mechanisms for representation and effective participation of representatives of ethnic communities at all levels of authority – from local to central level.

At the same time, this document points out that the authorities of Kosovo shall promote “*a spirit of peace, tolerance and intercultural and interreligious dialogue among all communities and their members*.”<sup>23</sup> The authorities of Kosovo have to take all measures to create an atmosphere of reconciliation, secure financial aid to the communities, support their cultural initiatives and respect international legal regulations in the field of protection of ethnic communities (*The Council of Europe Framework Convention for the Protection of National Minorities* and the *European Charter for Regional or Minority Languages*). Kosovo, also has to secure suspension of any form of discrimination, expression of hostility or violence towards members of minority ethnic communities. In that sense, it was provided for that protection of cultural and religious heritage of communities has to be secured, which was additionally specified in the Annex V of this document (*Religious and Cultural Heritage*). Therefore, all the above-mentioned imply the use of certain measures with the goal to prevent

---

<sup>21</sup> Until 1 September 2008, Kosovo was recognized by 46 from 192 United Nations member states.

<sup>22</sup> *Comprehensive Proposal for the Kosovo Status Settlement*, Article 1 — Basic Provisions, 1.3.

<sup>23</sup> *ibid*, Annex II — The Rights of Communities and Their Members, Article 2 — Obligations for Kosovo, 2.2.

any kind of discrimination of members of minority communities, as well as their forced assimilation.

More precise determination of rights of members of ethnic communities was regulated in the Annex II of the *Comprehensive Proposal for the Kosovo Status Settlement – The Rights of Communities and Their Members*. In this part of the document it was determined that each member of ethnic communities has the right to choose whether he/she will use certain collective rights as member of ethnic community, but that no discrimination shall result from exercising these rights.<sup>24</sup> Members of minority ethnic communities shall have the right to freely express, foster and develop their own ethnic identity. It also should be mentioned that the term communities is being used throughout the document, which refers to inhabitants belonging to the same “*national or ethnic, linguistic or religious group*.”<sup>25</sup> However, the exercise of these specific rights has to be in accordance with the constitutional act and the Kosovo laws, and must not violate the rights of other citizens. With respect to this matter, enactment of the Law on rights of communities and their members was planned.

Members of communities have the right, individually or in community, to express their own ethnic identity (culture, religion, language, tradition etc.),<sup>26</sup> receive education in one of the official languages of Kosovo, receive pre-school, primary and secondary education, establish their own educational institutions (which can be private with the support of the authorities of Kosovo), freely use their language, alphabet and national symbols in accordance with the Law and international standards. At the same time, members of ethnic communities are allowed to have their personal names in the script of their language, use local street names and topographical indications in their mother tongue, have access to public media, and to realize programmes in their own language. Contacts among members of ethnic communities within and outside Kosovo, as well as the right to establish associations for culture, education, art, science, also belong to the *corpus* of collective rights of members of communities.

Within the participation in institutions of Kosovo, it was guaranteed that representatives of minority communities shall have 20 from a total of 120 positions in the Assembly. It also applies to the adequate participation of ethnic minorities in executive power (Kosovo Government), and appointing of judges and prosecutors.<sup>27</sup> Under the auspices of the President of Kosovo there shall be a Community Consultative Council, composed of representatives of ethnic communities, that is, their associations. This Council shall have the opportunity to comment on laws prepared by the Government. Furthermore, communities and their members shall be entitled to equitable representation in employment in public bodies and publicly owned enterprises. At the local governing level, every community that has at least 10% residents of the total number of citizens, shall get a post of Vice President of the Municipal Assembly.<sup>28</sup> Within the future Kosovo security sector, it was provided for that the composition of Kosovo Security Force, Armed Forces and Intelligence shall be multi-ethnic. Besides that, local police forces should reflect the ethnic composition of the population of municipality.<sup>29</sup>

---

<sup>24</sup> *ibid*, annex II, article 1 — Basic Provisions.

<sup>25</sup> *ibid*.

<sup>26</sup> *ibid*, annex II, article 3 — Rights of Communities and their Members.

<sup>27</sup> *ibid*, annex II, article 4 — Participation of Communities and Their Members in Public Life and Decision-Making.

<sup>28</sup> *ibid*, annex II, article 4, 4.5.

<sup>29</sup> *ibid*, annex VIII — Kosovo Security Sector.

In the section of the *Comprehensive Proposal for the Kosovo Status Settlement* which refers to decentralization,<sup>30</sup> it was mentioned that, at the local level, Serbs may receive primary and secondary education in their mother tongue, and with respect to that, recommendations were given on establishing connections with the Ministry of Education of the Republic of Serbia.<sup>31</sup> The University of North Mitrovica shall be an autonomous institution of higher education and shall have full authority concerning its internal organization (defining of statute, forming of bodies etc.).

It is important to emphasise that the reforming of territorial dispersion of Kosovo municipalities was also provided for in the third section of the *Comprehensive Proposal for the Kosovo Status Settlement*. It will substantially legalize the so-called Serbian enclaves in the Central Kosovo (Gracanica, Novo Brdo, Ranilug, Partes, Klokot etc.), as well as the municipality of North Mitrovica, which was established by the division of the town in two ethnic parts (Albanian and Serbian) in 1999.<sup>32</sup>

Special attention in the Ahtisaari Plan was given to protection of religious and cultural heritage of the communities in Kosovo. The Annex V (*Religious and Cultural Heritage*) of the document regulates and clearly defines the relationship between the authorities of Kosovo and the Serbian Orthodox Church, guarantees full security for religious objects (above all the assets of the Serbian Orthodox Church) and forming of “protective zones.”

## **VI. Regulation of the Rights of Ethnic Communities in Accordance with the Kosovo Constitution (2008)**

Although the Constitution of Kosovo was adopted on 9 April by the Assembly, it came into force on 15 June 2008, as was scheduled in the *Comprehensive Proposal for the Kosovo Status Settlement*. It says that “Kosovo is a multi-ethnic society, consisting of Albanians and other communities.”<sup>33</sup> If we try to adequately interpret this statement, we can conclude that Kosovo is *de facto* constitutionally defined as ethno-national community of Albanian nation and others. On the other hand, the Constitution states that the “people” are formal bearers of sovereignty, and in the first Article we also meet the term “citizens”.<sup>34</sup>

Protection of rights and participation of communities and their members was specified as basic principle in provision referring to equality of all individuals before law. Article 7 of the Kosovo Constitution confirms basic values of the state, among them the principle of non-discrimination. Within the basic provisions of the Constitution of Kosovo, it is said that the authorities shall be responsible for full protection of cultural and religious heritage.<sup>35</sup> At the same time, international agreements shall be directly implemented in Kosovo, also including the documents concerning the protection of ethnic minorities set out in the *Comprehensive Proposal for the Kosovo Status Settlement*. It is important to emphasise that Article 38 of the Constitution proclaims the right to freedom of religion, conscience and belief, while the

<sup>30</sup> *ibid*, annex III — Decentralization.

<sup>31</sup> *ibid*, annex III, article 7 — Education, 7.1.1. –7.1.4.

<sup>32</sup> *ibid*, attachment to annex III — Delineation of New Municipalities.

<sup>33</sup> *Ustav Kosova*, Priština, 15. June 2008, član 2.1.

<sup>34</sup> *ibid*, član 1. i član 2.

<sup>35</sup> *ibid*, član 9.

autonomy of religious communities is guaranteed in accordance with the Article 39 of this constitutional act.

Chapter III of the *Kosovo Constitution – Rights of Communities and Their Members* has entirely taken Annex II of the *Comprehensive Proposal for the Kosovo Status Settlement* (with the same title), adding a last paragraph which guarantees to the communities participation in the municipal executive bodies.<sup>36</sup>

The *Constitution of Kosovo* also transcribed from the *Comprehensive Proposal for the Kosovo Status Settlement* provisions according to which 20 from the total of 120 positions in the Assembly are reserved for non-Albanian communities.<sup>37</sup> The same applies to the representation of communities in the Assembly of Kosovo, where Serbs shall have at least one Minister and two Deputy Ministers, while other non-Albanian communities shall have one Minister and two Deputy Ministers (if the total number of ministers is less than 10). The Constitution also guarantees ethnic balance when appointing a judge, members of State Prosecutor and the Kosovo Prosecutorial Council.<sup>38</sup> The Constitution guarantees that the whole security sector shall, as specified earlier in the *Comprehensive Proposal for the Kosovo Status Settlement*, also reflect the multi- ethnic structure of the communities.

At the final end of this part of the analysis we should pay attention to the article 143 of the *Kosovo Constitution* that provides for supremacy of the *Comprehensive Proposal for the Kosovo Status Settlement* over the Constitution of Kosovo. Therefore, all bodies of Kosovo must implement this document entirely, and if there are inconsistencies between the Kosovo Constitution or certain laws and the *Comprehensive Proposal for the Kosovo Status Settlement*, “the latter shall prevail.”<sup>39</sup>

## **VII. Real Possibilities for Integration of Minority Communities in Kosovo: the Evident Conflict of Normative and Real**

Besides numerous attempts of the international community, above all of the UN, to promote and affirm the multi-ethnic character of Kosovo during the protectorate (1999-2008), today it is, no doubt, a mono-ethnic community. Even the attempts to define Kosovo as a state of all its citizens, in accordance with its new Constitution, could not improve this situation.

Local Serbs have been rejecting for almost a decade to be integrated in Kosovo society, and real multi-ethnic life in Kosovo seized at the beginning of the 80s, after the great Albanian demonstrations with the demand for a ‘Kosovo-Republic’. This state was additionally aggravated with the suspension of the autonomy of Kosovo, after the constitutional reforms in Serbia from 1989. However, even after the introduction of international protectorate, there was no success in establishing a real multi-ethnic society.<sup>40</sup> On the other hand, it appears that only non-government sector successfully jumps over the national barriers built for several

---

<sup>36</sup> *ibid*, član 62, stav 5.

<sup>37</sup> *ibid*, član 96.

<sup>38</sup> *ibid*, član 109, stav 4.

<sup>39</sup> *ibid*, član 143, stav 3.

<sup>40</sup> Organization for Security and Cooperation in Europe (OSCE) –Mission in Kosovo, *OSCE Mission in Kosovo special report: Human Rights, Ethnic Relations and Democracy in Kosovo Summer 2007 – Summer 2008*, Pristina, 2008.

centuries between Albanians and Serbs. However, it is clear that it is not enough for setting up a real coexistence of Albanian and Serbian people in Kosovo.

Besides evidently bad status, Serbian and other communities in Kosovo are in a miserable position. Some, first of all Gorani, Roma and Turkish communities are threatened with gradual assimilation, although the ethnic distance between the dominate community – Albanians and above-mentioned communities is much lesser compared to the Albanian and Serbian relationship in Kosovo. These communities have a feeling of a certain secondary or marginal presence in Kosovo, which produces their self-isolation

Attempts to implement the principle of consociative democracy,<sup>41</sup> also doesn't reflect the real integration of minority communities in the political system in Kosovo. Therefore it can be said that Kosovo is a heterogeneous society, where Albanian community dominates, and where divisions between the dominant and the Serb community are insuperable. This situation can be improved with the additional efforts of the authorities in Pristina, or with the strengthening of international community, which still is the most dominant factor in Kosovo.

The safety of members of minority ethnic communities in Kosovo still isn't at a satisfactory level. This is being confirmed by numerous ethnically motivated incidents, physical assaults and countless intimidations. At the same time, various forms of discrimination of ethnic minorities are still present, and new ethnic homogenization in Kosovo continues. After the proclamation of independence of Kosovo in the mid-February, certain number of Kosovo Albanians from the north of the province, populated mostly with Serbs, has left this region.<sup>42</sup> This situation could *via facti* lead to a (bi)ethnic division of Kosovo, which may produce potential inconsiderate moves by the authorities in Pristina. However, it is important to say that this scenario would only worsen relations in the region of Western Balkans, above all in Bosnia and Herzegovina (the case of the Republic of Srpska), but also in the south of the Republic of Serbia (municipalities Presevo, Bujanovac and Medvedja) and in the Republic of Montenegro (where demands for territorial autonomy of local Albanians and Serbs emerge). After the entry into force of the Constitution of Kosovo on 15 June 2008, Serb enclaves in the central Kosovo continued to exist and will be *de facto* legalized in accordance to the new Law on Local Self-Government. In that way, Serbs will be for a long time shut off from the health care and educational system of Kosovo, and their eventual presence in local bodies of authority and police units may be only symbolical.

---

<sup>41</sup> Kasapović, Mirjana, *Konsocijacijska demokracija u*, Izborni leksikon, Politička kultura, Zagreb, 2003, pp. 203–4.

<sup>42</sup> Isailović, D., *Albanci odlaze sa severa Kosova!*, Press Online, Belgrade, 2008, available at: <http://www.pressonline.rs/page/stories/sr.html?view=story&id=30740&sectionId=37&seriesId=0,15/08/2008>.

	<p>The HUMSEC project is supported by the European Commission under the Sixth Framework Programme “Integrating and Strengthening the European Research Area”.</p>	
---	---	---