Independence without Standards?
Kosovo’s Interethnic Relations Since 1999

I. Introduction: The Political Context

With UN Security Council Resolution 1244 and the establishment of the United Nations interim Mission in Kosovo (UNMIK) in 1999, interethnic relations in Kosovo between Kosovo Albanians and Kosovo Serbs have—also historically—shifted to a totally new and different political basis.

After Kosovo was occupied by Serb troops on the eve of the first Balkan war in 1912, Kosovo remained (with the exception of the period of the two World Wars) part of the general “Yugoslav” state constructions, and up to now, it has been perceived by all governments in Belgrade as part of Serbian territory. The pendulum in interethnic relations between Serb-dominated governments and the Kosovo Albanian majority population swung between outright suppression and discrimination for most of this period combined with attempts on one hand to reverse the ethnic composition through settlement of Serb colonists in the 1920s and again from 1989 to 1991, and to guarantee the strong status of territorial autonomy within the Socialist Republic of Serbia under the federal Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) of 1974 on the other.

Politically, this constitutional status meant not only self-governance of the autonomous province with a fully-fledged legal and institutional system including its own constitution, parliament with legislative power, executive and judiciary with a constitutional court of its own, but also integration into the institutional structures at the republican and federal levels through the delegation system. In addition, in the late 1960s and early 1970s, the educational system, from the primary through secondary and

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1 A short, but concise history of legal and political events from 1912 to 1998 is elaborated by Joseph Marko, “Kosovo/a – A Gordian Knot”, in id., G"{o}rdischer Knoten Kosovo/a: Durchschlagen oder Entwirren? (Nomos, Baden-Baden, 1999), 261-280.
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university levels, was dramatically improved on the basis of mother-tongue education. In economic terms, Kosovo was seen as a notorious ‘poorhouse’, and according to the perception of ‘underdevelopment’, all communist governments pursued ‘development plans’ by pouring money into the region in order to ‘industrialize’ and ‘urbanize’ the region as a way out of the poverty trap.

However, after Tito’s death in 1980 and the mass demonstrations of 1981 claiming to ‘upgrade’ Kosovo to a seventh republic of the federation, and which had been brutally suppressed by the police forces, this period of support of the political, educational and economic needs of the Kosovo Albanian population and its leadership came to an end again. Due to the outright suppression and discrimination of the Kosovo Albanian population and in particular its intellectual elite (who were perceived by the Serb communist governments of the time only as ‘terrorists’) as well as the demands of Kosovo Serb community leaders to protect them against alleged discrimination and forced expulsion from Kosovo, interethnic relations between Kosovo Albanians and Kosovo Serbs dramatically deteriorated again. The spiral of mass mobilization and transformation of political and economic claims into ‘ethnic conflict’ culminated after Slobodan Milošević came into power in Serbia and used the tensions in Kosovo for his power plays. This led to the de facto abolishment of the autonomy status by the new Serb Republican Constitution of 1990 and the ‘special legislation’ of the Serb parliament between 1989 and 1991 thereby dissolving all Kosovo self-government institutions and installing direct Serb rule. In addition, all Kosovo Albanians not signing a loyalty declaration to the Milosević regime were released from public offices and services, including the educational system and health services. In particular, in public enterprises Roma often had to replace Kosovo Albanian workers. In response, under the leadership of ‘President’ Ibrahim Rugova, who had been elected by Kosovo Albanians despite the efforts of Serb police forces, Kosovo Albanians resorted to ‘passive resistance’ and established private schools and health services, parallel institutional structures through a government in exile, the president staying in Kosovo. After the demands of Kosovo Albanians were completely neglected in the negotiations leading to the Dayton-Paris Accord for Bosnia and Herzegovina in 1995, this policy of ‘passive resistance’ was seen by many among the Kosovo Albanian youth as having failed so that they themselves resorted to violence with the establishment of what later became known as the Kosovo Liberation Army (or UÇK in the Albanian acronym). With the intensification of violent conflict between Serb government forces and the UÇK in 1998, the international mediation under the leadership of the US (which finally failed in Rambouillet) and NATO’s bombing of targets all over Serbia and Kosovo in spring 1999 in order to prevent a ‘humanitarian catastrophe’, about one million Kosovo Albanians fled when faced with the attempts of the ‘Yugoslav’ army and ‘special’ police forces of the Serb Ministry of the Interior and paramilitary forces (known already from the Bosnian war for their massacres under the civilian population) to ethnically cleanse Kosovo. Interethnic relations had reached a low point.

2 A detailed constitutional and legal analysis of these years was elaborated on behalf of the ICTY Prosecutor’s Office by Joseph Marko, “Expert Witness Report On Constitutional and Legal Issues in the MOS case”, 2005, now available at <http://www.uni-graz.at/suedosteuropa>.