

Kosovo: From the Ottoman Empire through Yugoslavia to Independence

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Abstract:

We try to illustrate the long way of Kosovo since the dissolution of the Ottoman Empire all the way to the declaration of its independence in 2008, and its geo-strategic importance in the regional and European scene after the end of the Cold War and the dissolution of Yugoslavia. The Balkan Wars of 1912-1913, which had its epicenter in the *Vilayet* of Kosovo, ended in 1999, marking the conclusion of the last chapter of the Versailles's Yugoslavia that was created on the ruins of two empires: The Ottoman and Austro-Hungarian Empires. Kosovo, which was a composition of the Ottoman Empire, after five centuries was conquered by Serbia and Montenegro in the first Balkan War of 1912 and after nine decades under the Belgrade's repressive regime, declared independence in 2008. The independence of Kosovo comes as a correction of compromise of the European Powers at the London Conference (1912-1913). On the other hand, the International Court of Justice in its advisory opinion of the July 2010 confirmed the international legitimacy of Kosovo's independence. Taking into the account the advisory opinion of the International Court of Justice (ICJ), Kosovo and Serbia have an opportunity to resolve differences, establish bilateral relations and unblock their paths to the European Union (EU).

Keywords: Kosovo, Ottoman Empire, Balkan Wars, Serbian colonization, Yugoslavia, International Court of Justice (ICJ).

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Introduction

At the beginning of the twentieth century, the Albanian territories and especially Kosovo (Ottoman *Vilayet* of Kosovo) were in direct risk of Serbian occupation and expansion, which originated in the first territorial expansion in the Sandjak of Nish during the Russo-Turkish wars of 1877-1878, which also caused migrations and displacements of Albanians, Turks and other minorities from this region. Such a situation occurred in Kosovo even during the Balkan wars of 1912-1913, when the Ottoman state suffered a blow by the Balkan Alliance, backed by Russia. After the fall of the Ottoman Empire and the end of the World War I, almost half of the Albanian nation was forcibly and involuntarily included within the borders of the Kingdom of Serbs, Croats and Slovenes (later renamed Yugoslavia). The period under Serbian annexation can be defined in four phases: the first phase during 1912-1941, the second phase during 1945-1989, the third phase during 1990-1999 and the fourth phase of the international administration and the declaration of independence of Kosovo in 2008.

This article aims to answer the central question of why Kosovo's independence is important and why is it the only possible solution in the context of the new states in the post-Cold War period. At the same time, it argues that assimilation policies of Belgrade governments were unsuccessful in integrating Kosovo into the multi-ethnic Yugoslav state. To Belgrade, the presence of Albanians has always been perceived as an obstacle to the realization of Serbian ambitions for territorial expansion. In this sense, the Yugoslav governments, unlike the Ottoman and Austro-Hungarian states, saw Kosovo's integration into the Yugoslav and Serbian state structures only in the territorial context, and not in the democratic one (integration of the Albanian majority population). In this context, the Yugoslavian and Serbian central governments followed the old patterns of ethnic cleansing, which were applied by the Serbian state during the Eastern Crisis of 1877-1878, until the Balkan Wars of 1912-1913.

Both during the period between two world wars (1918-1941), as well as in the communist and post-communist period, the Belgrade governments gave a decisive role to the expulsion of the Albanian population to Turkey, always under the guise of transferring "Turkish" population from Yugoslavian territory. Serbian historiography, which mainly remains on traditional tracks, has defended the governmental position towards the Albanians, as it can hardly detach itself from the myths. In this context, this historiography, by following the line of official

policy, continues to interpret the military annexation of Kosovo as its “liberation”. While the German historian and expert of Serbian history, Holm Sundhaussen, disputes this claim, underlining that, “Kosovo was occupied during the Balkan Wars of 1912-1913... and that it “was never explicitly recognized as part of Serbia”.¹

This stance best reveals the deep dispute existing between Kosovo and Serbia throughout the 20th century and this conflict has always been a source of disagreement and instability in the Southern Balkans. Even after the last war of Kosovo in 1998-1999 and the military intervention, the international community (NATO) tried to find a lasting political agreement for Kosovo. Following the military and civilian administration of Kosovo (1999-2008) and the further political instability of the *status quo*, the issue of addressing Kosovo’s status came under the umbrella of the UN. Eight years later, after extensive negotiations between Serbs and Kosovo Albanians, UN Special Envoy Maarti Ahtisaari submitted his proposals on Kosovo’s final status to the Security Council in March. He recommended that, “Kosovo’s status should be independence, supervised by the international community.”² But the Security Council, as in the case of the NATO bombings in March 1999, failed to reach a decision on Ahtisaari’s proposal, due to the Russian veto. Therefore, Kosovo’s independence was declared on 17 February 2008 outside the UN umbrella, and, for this reason, it continues to be opposed even today by the two permanent members of the Security Council, Russia, and China.

The contradictions between these two small Balkan countries, Kosovo, and Serbia, established in the years of agony of the Ottoman Empire, in the period of the formation of new Balkan states, remain present and continue to be managed only by the international community and NATO. Therefore, even in the post-independence period (2008), Belgrade, through the United Nations General Assembly, sought from the International Court of Justice (ICJ) a legal opinion on the international legality of Kosovo’s declaration of independence.

The paper traces international diplomatic efforts to deal with the crisis in the context of Kosovo’s statehood struggle. I further try to argue the thesis that, despite the high level of international engagement, the

¹ Interview with Holm Sundhaussen, “Serbia should be liberated from Kosovo,” ed. Filip Slavković, *Deutsche Welle (DW)*, 24.11.2007, <https://www.dw.com/sq/serbia-t%C3%AB-%C3%A7lroh-et-nga-kosova/a-2970635>.

² Sabine Freizer, “Why Kosovo’s Independence is Necessary,” *International Crisis Group*, May 14, 2007.

final solution that the international community tried to avoid the most was Kosovo's independence. The paper also provides an answer to how Kosovo managed to achieve its goals and what impact and significance Kosovo's independence has on future regional and international relations.

As an exit strategy, the international community shifted the Kosovo-Serbia dispute within the EU umbrella, which, since 2011, continues to mediate negotiations for normalization of neighbourly relations, aiming to reach an agreement on mutual recognition. Reaching a peace agreement is considered essential not only for the relations between these two regional countries, but also vital for regional stability, such as the opening of the path for Kosovo's membership in the UN.

But is an agreement on a hundred-year-old conflict possible and real? Ten years after the negotiations in Brussels, the progress has been limited and a peace agreement seems so close yet so distant. First of all, Belgrade, which openly works to undermine Kosovo's independence, demands new compromises in relation to Kosovo, which by the Kosovan side is considered as a strategy to weaken Kosovo's statehood. In this context, such a request was rejected by the Kosovo side, which considers that with the acceptance of the Ahtisaari's Plan, incorporated in the Constitution of Kosovo, possible compromises have already been made and that they guarantee accommodation to the Serb community at the level of European standards. This situation makes an agreement on the normalization of neighbourly relations almost impossible. Perhaps this situation is best illustrated by the opinion of the Serbian historian, Latinka Perović, who underlines: "Unfortunately, even the talks of Serbia with the Albanians in Brussels so far, do not give the appearance of two equal partners talking, which should lead to the solution of a common problem. Serbia's invitations for dialogue with Albanians throughout the 20th century, but even later, have never been genuine and, therefore, the language of the state of Serbia towards Albanians remains hostile."³ Therefore, only the change of this approach by Serbia and the renunciation of the contestation of Kosovo's international statehood, i.e. renunciation of the perception of the Kosovo Albanians "as an obstacle for the realization of the greater Serbia project"⁴ can lead to long-term stability in this part of the Balkans, which is considered an area of instability and conflict since the period of the Ottoman Empire departure.

³ Skender Latifi, *Ashtu ka qenë: Bisedë me Latinka Perović, historiane, politikane dhe intelektuale serbe* [As it was: Conversation with Latinka Perović, Serbian historian, politician and intellectual] (Prishtinë: Qendra Multimedia, 2021), 102-103.

⁴ Ibid.

Kosovo, Country, and People

The actual name “Kosovo” is of Turkish-Albanian origin and was used to designate the Kosovo *vilayet*, which before the Balkan War of 1912 covered the territory of Sandjak, Gornje Polimlje, Kosovo and Dukagjin, as well as northern Macedonia up to Veles, and eastern Macedonia. The area of present-day Kosovo is 10,887 sq. km.⁵ The far greater demographic strength of the Albanians in Kosovo compared to the Serbs has been a significant cause of the two nations hostility to each other over the past two centuries. Albanians make up roughly 95 per cent of Kosovo’s population.⁶ The Republic of Kosovo today borders Albania, Northern Macedonia, Montenegro and Serbia. But the essential factor is that Kosovo borders on the Republic of Albania, which is militarily allied with Turkey.

From the viewpoint of Albanians, which relies on mostly the European researchers,⁷ Kosovo constitutes a central part of their history as they consider themselves descendents of the Illyrians. This indo-European people, thousand years before our era, inhabited the western area of the Balkans, today’s region of Albania and Kosovo. Therefore, Albanians of Kosovo emphasize their continuous heritage in Kosovo and for this reason, see themselves as the oldest people in the Balkans.

⁵ Miranda Vickers, *Between Serb and Albanian: A history of Kosovo*, New York: Columbia University Press, 1998, xiv- xiv.

⁶ Ibid.

⁷ A thesis of Illyrian origin of Albanians is even more prevalent, as the Albanians living in the historical land Ilir and cultural continuity in these territories when history named Alban or Arben. For the Illyrian origin of the Albanians and the Albanian, the following scientists spoke out: Gottfried Wilhelm Leibniz, Johann Erich Thunman, Josef Ritter von Xylander, Johann Georg von Hahn, Bartholomäus Kopitar, Theodor Benfey, Franz Miklosich, Lorenz Diefenbach, Jakob Philipp Fallmerayer. See, Eqrem Çabej *Studime gjuhësore III* (Prishtina: Rilindja, 1976), 34; Eqrem Çabej, “Die Frage nach dem Entstehungsgebiet der albanischen Sprache,” *Zeitschrift für Balkanologie* X, 2 (1974), 7-32; Aleks Buda, “Etnogjeneza e popullit shqiptar në dritën e historisë,” in *Zëri i popullit*, Tirana, 3 Korrik 1982; Aleks Buda, “Die Ethnogenese des albanischen Volkes im Lichte der Geschichte,” in *Zur Frage der Ethnogenese der Albaner. Eine Nationale Konferenz in Tirana*, ed. Bernhard Tönnies, in *Südosteuropa. Zs. f. Gegenwartsforschung*, 31 (1982): 413 – 425, (here 415-120.); Milan von Sufflay, “Biologie des albanesischen Volksstammes,” in *Ungarische Rundschau für historische und soziale Wissenschaften (1916-1917)*, 1-26, Norbert Jokl, *Albaner (Sprache)*, Reallexikon der Vorgeschichte, I (1924), 84-93; Georg Stadtmüller, *Forschungen zur albanischen Frühgeschichte* (Wiesbaden: Harrassowitz 1966); Kurt Gostetschnigg, “Die Diskussion der Frage der albanischen Ethnogenese – Ein historischer Abriss,” in *Deutsch-Albanische Wissenschaftsbeziehungen hinter dem Eisernen Vorhang*, ed. Eckehard Pistrick (Wiesbaden: Harrassowitz Verlag, 2016), 51-73.

What is Kosovo's territory today was known in antiquity as Dardania and was inhabited by an Iliro/Dardan population. After the Roman invasion Dardania was transformed into a Roman province of the same name. The status of province was retained also under Byzantine rule. Meanwhile, the name Kosovo started to be used after the Ottoman invasion in the 14th century, respectively after the first and second Battle of Kosovo in 1389 and in 1448, and this name was kept during the entire Ottoman rule from 1455 to 1912. The *Vilayet* of Kosovo (Ottoman Turkish: *Vilâyet-i Kosova*)⁸ was an Ottoman political and administrative division, created in 1877. The Ottoman Encyclopedia, known as *Kamus-ul-a'lam*, mentioned these sandjaks (regions/districts), which belonged to the *Vilayet* of Kosovo: Üsküp, Prizren, Ipek (Peja), Novi Pazar and Taslidzha (Plevlja).⁹

In Kosovo's history, before and after the Ottoman period, there have been many wars in its territory; but none of them were part of an ethnic conflict between Albanians and Serbs.¹⁰ The ethnic conflict between these nations, which is an ethnic conflict, like many others in the world, is the result of the creation of nation-states and the start of the dissolution of the Ottoman Empire in the 19th century.¹¹

Violence, Forced Migration, and Population Policies 1877-1878

In the period when the Ottoman state was strong, Albanians were influential in the Balkans, in the name of the Ottomans. But they started to suffer serious setbacks after the weakening and decline of the Ottoman state. The question of Kosovo became internationalised in the Great Eastern Crisis of 1875, which raised the issue of the very survival of the Ottoman Empire and brought this remote European province directly to the attention of the Great Powers. Following a series of Christian uprisings against the Ottomans in Bosnia and Hercegovina in 1875, a reform plan proposed by Austria-Hungary was imposed upon the Porte in order to prevent or at least forestall Russian intervention. Following the

⁸ *Salname-yi Vilâyet-i Kosova* [Yearbook of the Vilayet of Kosovo] (Kosova: Kosova Vilâyet Matbaası, 1318 [1900]), <https://catalog.hathitrust.org/Record/003515309>.

⁹ Sami Frashëri, *Kamus al a'lam* [Enciklopedia-pjese te zgjedhura-the selected parts], vol. 7 (Prishtine: Rilindja, 1984), 75-80.

¹⁰ In the north and northeast, it was bordered by Serbia, in the southeast by Macedonia, in the south by the *Vilayet* of Manastir, the southwest by the *Vilayet* of Shkodra, and in the North West by Montenegro and Bosnia. The capital of the *Vilayet* of Kosovo was Prishtina from 1879 up to 1893, whereas from 1893 up to 1912, it was Skopje (Albanian: Shkupi; Turkish: Üsküp). See, Enver Hoxhaj, *Politika etnike dhe shtetndërtimi i Kosovës* [Ethnic politics and state building in Kosovo] (Prishtinë: Dukagjini, 2008), 257.

¹¹ *Ibid.*, 138.

defeat of the Porte in March 1878, Russia imposed on the Ottoman administration the harsh Treaty of San Stefano. This was designed to curb Austro-Hungarian influence in the Balkans, to satisfy the Pan-Slavists who wished to see the liberation of all Slavs, and to strengthen Russia's position in the area.¹²

After the seizure of Nish, the Serbian troops were divided in two groups. The first had to advance southwest, down the valleys of the Toplica, Kosanica, Pusta Reka and Jablanica (the South Morava tributaries), while the second one had to go south, down the South Morava valley, to seize Vranje and then to turn west. Their mutual task was to penetrate Kosovo. The Albanian and Muslim refugees were slowly retreating to Kosovo, across the Golak Mountain. They eventually reached various cities of the *Vilayet* of Kosovo, which turned out to be their final destination. The local Serbs took part in the fighting around Veternica. They showed a great hostility towards the Albanians by burning their houses, looting and chasing them.¹³

The influx of Muslim Albanian refugees did further depress the proportion of Serbian Orthodox minority in Kosovo.¹⁴ The prime cause of this was the mass expulsion of Muslim Albanians and Muslim minorities from the lands taken over by Serbia in 1877-1878. Almost all the Muslim populations were expelled from the Morava valley region (Sanjak of Nish, which had been a part of the Kosovo *vilayet*¹⁵): there had been hundreds of Albanian villages there¹⁶, and significant Albanian population in towns such as Prokuplje, Leskovac and Vranje.¹⁷ Western

¹² Vickers, *Between Serb and Albanian*, 42-43

¹³ Miloš Jagodić, "The Emigration of Muslims from the New Serbian Regions 1877/1878," *Balkanologie* II, no. 2 (1998): 6.

¹⁴ Austrian statistics of 1877 and 1903 for the sancaks Prishtina, Peja and Prizren gave the Orthodox Serbs as 25 per cent of the population, and ottoman statistics of 1912 put it a 21 per cent: For more see; Noel Malcolm, *Kosovo: A Short History* (London: Macmillan 1998), 230; Oliver Jens Schmitt, *Kosova: Histori e shkurtër e një treve qendrore ballkanike* [*Kosovo: Kurze Geschichte einer zentralbalkanischen Landschaft*] (Prishtinë: Koha, 2012), 117; Kristaq Prifti, *Popullsia e Kosovës 1831-1912* [*Population of Kosovo 1831-1912*] (Tirane: Academia e Shkencave e Shqipërisë, 2014), 393-403; State Archive of Macedonia (ASM), fund of Joco Jovanovi fond, Letter of the Minister of Foreign Affairs of Serbia to the Serbian Consul in Prishtina, 13 (26), 11. 1903; HHStA, AB XIX/84 (NL Kral), K2. Statistische Tabelle der Nationalitäts-und Religionerhältnisse im Vilayet Kosowo (1903).

¹⁵ Jagodić. "The Emigration of Muslims from the New Serbian Regions 1877/1878", 6.

¹⁶ Bejtullah Destani, *Muhaxhirët: Dosja Britanike. Spastrimi etnik i Toplicës, Nishit, Prokuples, Krushumlisë, Leskovci, Vranjës 1878-1884* [*The Albanian refugees. British file. Ethnic cleansing of territories which were given to Serbia by the Congress of Berlin Nisch, Prokuplje, Krushumli, Leskovac and Vranje: 1878-1884*], (Prishtinë: Artini, 2019), 47.

¹⁷ Malcolm, *Kosovo*, 229.

diplomats were reporting that there were 60,000 families of Muslim refugees (*muhaxhirs*)¹⁸ in Macedonia, “in a state eptreme destituitiion”, and 60,000-70,000 Albanian refugees from Serbia “scattered” over the *vilayet* of Kosovo.¹⁹ Although there are no definitive figures, one modern study conludes that the whole region contained more than 110,000 Albanians.²⁰ According to a British document, in Nish alone, there were 300 houses inhabited by 15,000 Albanians, and a part of the city was called “Arnaut-Mahallesı”, which means the Albanian district.²¹ This was not a matter of spontaneous hospilatıy by local Serbs, but it was Serbian state policy to create an ethnically “clean” territory.²²

Serbia had her border extended to include Mitrovica and a large part of the Sandjak of Prishtina, while the rest of Kosovo remained under Ottoman control. Montenegro received the predominantly Albanian-inhabited regions of Pec, Ulqin, Hoti, Plava, Guci and Podgorica. In response, Albanian nationalist activists decided to call an urgent general meeting of all Albanian leaders. Thus, so on 10 June 1878, over 300 delegates, mostly from Kosovo and Western Macedonia, but including a handful of representatives from southern Albania, arrived in Prizren.²³ For the Albanians, the primary purpose of the league was to organise political and military opposition to the dismemberment of Albanian-inhabited territory, and to petition the Sultan to unite the four *vilayets* of Janina, Monastir, Shkoder and Kosovo into one political and administrative unit.²⁴ The league became the first bulwark against the expansionist policies of the neighbouring Balkan states, uniting the fledgling Albanian nationalist movement in its demands for administrative and cultural autonomy within the framework of the Empire.

The threatened disintegration of the Ottoman Empire caused a good deal of alarm among the European Powers. They were concerned that

¹⁸ All these new arrivals were known as *muhaxhirs* (Turkish: *muhacir*; Albanian: *muhaxhirë*), a general word for Muslim refugees.

¹⁹ In detail see, Konrad Clewing, “Der Kosovo-Konflikt als Territorial- und Herrschaftskonflikt, 1878-2002: Chronologie und Beteiligte,” in *Münchener Forschungen zur Geschichte Ost- und Südosteuropas*, ed. Hermann Beyer-Thoma, Olivia Griese, Zsolt Lengyel (Neuried: Ars una, 2002), 181-214, here 185-186.

²⁰ Malcolm, *Kosovo*, 228.

²¹ Destani, *Muhaxhirët: Dosja Britanike*, 304.

²² Malcolm, *Kosovo*, 229.

²³ For more details, see, Skender Rizaj, ed., *The Albanian League of Prishtine in the English Documents* (Prishtinë: Arkivi i Kosovës, 1978); Iljaz Rexha, ed., *The Albanian League of Prishtine in the Ottoman Documents 1878-1881* (Prishtine: Arkivi i Kosovës, 1978).

²⁴ Vickers, *Between Serb and Albanian*, 44.

whichever Power controlled the strategic region of Istanbul and the Straits would eventually dominate the Sultan's Christian subjects. At stake were the balance of forces in Central Europe and the Mediterranean, together with European rivalries in Asia. Therefore in order to find an acceptable solution to the "Eastern Question", the Powers compelled Russia to submit to a new peace settlement at the Congress of Berlin, presided over by Bismarck, in June 1878. In the hope of diminishing Russian influence in the Balkans, the Congress drastically reduced the frontiers of Bulgaria.²⁵

At this stage the Porte continued to support the Prizren League in the hope that it might exert pressure on the Powers to reconsider the entire "Eastern Question" and recognise the dangers that would result from any further extension of the independent Balkan states, thereby helping to prop up weakened Ottoman rule in the region. However, because the northern Albanians (Kosovo) had long enjoyed certain local autonomy they -more than the southerners- resented the centralising policies of the Porte.

In 1881 the League was in full control of Kosovo and was running the territory as a de facto government. By this period the Ottoman government was strengthened to resolve crush the league once and for all.

The only organization worth mentioning was the Assembly of the League of Peja in 1899²⁶ under the leadership of Haxhi Zeka, but which was of the lowest level and the League of Prizren.²⁷ According to Austro-Hungarian archival documents, the final decision of the meeting at Peja concentrated simply territorial defence, but Autonomy was non mentioned in the list; the only implicit autonomist elements of the programme were the treatment of the four *vilayets* as an overall Albanian unit, and the decision to set up local Muslim committees which would guard public order and enforce the customary law (the *Kanun of Lek*).²⁸

²⁵ Ibid., 44-45.

²⁶ HHStA, PA II, Liasse XXXIII, K 312, Ad Bericht Nr. 40 Prizren, vom 5. Februar 1899 Beschlüsse der vom 23-29 Jänner 1899 abgehaltenen Versammlung von Notabeln der Städte des Vijayets Kosowo.

²⁷ Malcolm, *Kosovo*, 232-233.

²⁸ HHSA PA XII, Liasse XXXIII, K. 312, Prisen, den 5. Februar 1899, Vizekonsul Rapport, Ipeker Beschlüsse (listing twelve points); Shkuri Rahimi, *Lufta e shqiptarëve për autonomi 1897-1912* [*The Struggle of the Albanians for Autonomy 1897-1912*] (Prishtinë: Rilindja, 1978).

Kosovo during the Balkan Wars of 1912-1913

By the autumn of 1911 Albanian chetas, comprising both Christians and Muslims, were operating throughout the Albanian regions. The Porte tried once more to appease the Kosovars by promising financial support for Albanian cultural activities. But by this time the repressive measures of the Young Turks and the breaking of their earlier promises had only increased the hold of nationalist and separatist ideas upon the majority of Albanians. The Young Turks instead of looking for collaboration consistently provoked the Albanians to insurrection by their arrogant and insensitive handling of their grievances. And so yet another Albanian insurrection, this time more widespread, broke out in January 1912, led by Hasan Prishtina (1873-1933).²⁹ Albanian soldiers deserted in ever increasing numbers from the Ottoman army as the towns of Prizren, Pec, and Prishtina fell to the rebels. The occupation of Skopje in August by nearly 30,000 rebels led by Isa Boletini caused alarm in Istanbul as the Porte struggled to appease the Albanians. By September, all of Kosovo and central and southern Albania were in the hands of the rebels. With the Albanian successes the Ottoman administration was paralysed and the government in Istanbul was, as well. On 9 August 1912, Albanian insurgents presented a new list of demands (the so-called list of *Fourteen Points*), related to the Albanian *Vilayet*.³⁰

The Ottoman government ended the Albanian revolts by accepting all demands (ignoring only the last) on 4 September 1912.³¹ Hasan Prishtina has been criticized by latter-day Albanian historians for accepting the agreement with the Porte, which called a halt to his insurrection, seeing it as a premature capitulation. However there were good reasons for Hasan Prishtina to conserve his strength because the impending threat from the newly formed Balkan League³² required a regrouping and reorganisation to ward off this new danger to Albanian-inhabited territory. Hasan

²⁹ Tahir Abdylil, *Hasan Prishtina në Lëvizjen Kombëtare e Demokratike Shqiptare 1908-1933* [*Hasan Prishtina in the Albanian National and Democratic Movement 1908-1933*] (Prishtinë: Botues GME, 2003); Hasan Prishtina, *Nji shkurtim kujtimesh mbi kryengritjen shqiptare të vjetit 1912* [*Brief Memoir on the Albanian Uprising of 1912*] (Prishtinë: Rrokullia, 2000).

³⁰ Stanford J. Shaw and, Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. 2 (Cambridge: Cambridge University Press, 1977), 293.

³¹ *Ibid.*

³² Motivating factor in the formation of the Balkan League was the rise of Albanian national identity. The Balkan states feared the formation of an autonomous Albania, which, if the Porte were defeated, would be far harder to carve up between the Balkan allies. For more see: Vickers, *Between Serb and Albanian*, 75.

Prishtina was planning to start a new revolt in three or four months, but the First Balkan War broke out soon and destroyed his plans.

The collapse of the mighty empire –the Ottoman Empire– that had once stretched to the very gates of Vienna seemed increasingly inevitable. New Balkan states –Serbia, Bulgaria, Montenegro and Greece– combined forces in the First Balkan War (1912-1913) to bring about its downfall.³³ The explosion of the First Balkan War in October 1912 was tragic for Albanians. The Ottoman Empire, which included the four *vilayets* with an Albanian majority,³⁴ suffered military defeats and withdrew from its European parts, whereas Kosovo and other parts of ethnic territories were conquered by Serbia and Montenegro. The annexation of Albanian territory by Serbia and Montenegro, sanctioned by the Ambassadors Conference in London (1912-1913), did not consider the Albanian ethnic character of Kosovo.

Serbian forces swept into in Kosovo, took Prishtina on 22 October and Prizren on 31 October, committing hideous massacres of the native Albanian population on their way. Serbian army defeated the Ottomon at the Battle of Kumanovo on 24 October 1912 and seized Skopje and Monastir before attacking Albanian to reach the Adriatic. Ottoman forces were retreating in disorder.³⁵ In Kosovo province Serbian civil rule and administration were quickly established, while the Montenegrins incorporated the districts of Pec and Djakovica. Serbian, Montenegrin forces launch savage campaign of killings and executions of Albanians in Kosovo and western Macedonia. Many Albanian civilians fled rather than do so, having already heard of the appalling atrocities committed by the Serbs and recorded by numerous writers and journalists as they marched towards the Adriatic. Thousands of Albanians and Muslims fled in panic towards Albanian and Turkey.³⁶ Leon Trotsky³⁷, a journalist who covered

³³ Bejtullah Destani and Robert Elsie, ed., *The Balkan Wars: British Consular Reports from Macedonia in the Final Years of the Ottoman Empire* (London: Bloomsbury Academic, 2014), ix.

³⁴ In the Balkan Peninsula in 1864, three Albanian majority *vilayets* were formed: *Vilayet of Shkodra*, *Monastir and Janina*, and in 1868 *Vilayet of Kosovo* was formed, with the capital Prizren and later Shkup. See also, Hasan Kaleshi & Hans Jürgen, “Vilajeti i Prizrenit,” *Përparimi*, no. 2 (1965): 32.

³⁵ Destani and Elsie, *The Balkan Wars*, xii.

³⁶ For deportations and ethnic cleansing during the Balkan Wars of 1912-1913 see: Mehmet Hacısalihoglu, “Negotiations and Agreements for Population Transfers in the Balkans from the Beginning of the Nineteenth Century until the Balkan Wars of 1912-1913,” *Journal of Balkan and Black Sea Studies* 1, no. 1 (Fall 2018): 31-75 (63-66), <https://dergipark.org.tr/tr/download/article-file/612695>.

³⁷ Lev Davidovich Bronstein (1879–21 August 1940), better known as Leon Trotsky was a Russian Marxist revolutionary, political theorist and politician. As chairman of the

the war, the Vienna correspondent of a Ukrainian newspaper *Kievskaja Mysl*, was shocked by the evidence he encountered of atrocities by a Serbian army officer:

“The horrors actually began as soon as we crossed into Kosovo. Entire Albanian villages had been turned into pillars of fire, dwellings, possessions accumulated by fathers and grandfathers were going up in flames, the picture was repeated the whole way to Skopje/Shkup”.³⁸

Kosovo after the Dissolution of the Ottoman Empire

Reluctantly the European Powers had to acknowledge that, with the Ottoman Empire on the point of collapse, the *status quo* could no longer be maintained. Austro-Hungary was particularly concerned about Serbian territorial expansion. Vienna hastily warned Serbia not to extend military operations beyond Prizren and thus wanted to prevent the exit of the Serbian army in the port of Durres in the Adriatic. The Habsburg Empire’s concern intensified as it became aware of the extent of the crisis on the southern border of its territory, and it contemplated, in the event of an Ottoman defeat, occupying Kosovo itself, as it had done Bosnia-Herzegovina, thereby preventing the union of Serbia and Montenegro. Thus, with the diplomatic support of Vienna, eighty-three delegates, Christian and Muslim, from all over Albania gathered at the Assembly of Vlorë on 28 November 1912, who declared the independence of Albania. None of the most prominent Kosovar leaders was present: Isa Boletini and Bajram Curri were still fighting the Serbs and Montenegrins, while Hasan Prishtina, Idriz Seferi and twelve others were held in Kalemegdan prison in Belgrade.³⁹

Austro-Hungarian intervention in the Balkans was prevented by the Conference of Ambassadors, which hastily convened in London at the end of December 1912. An important point of the territorial revision was that the Ottoman Empire conceded to the birth of independent Albania

Petrograd Soviet, he played a key role in the October Revolution of November 1917, which overthrew the new Provisional Government. After the death of Lenin (January 1924) and the rise of Joseph Stalin, Trotsky lost his governmental positions, he was eventually expelled from the Soviet Union in February 1929. After surviving multiple attempts on his life, Trotsky was assassinated in August 1940 in Mexico City by Ramón Mercader, a Soviet NKVD agent. Helen Gilbert, *Leon Trotsky: His Life and Ideas* (Washington: Red Letter Press, 2003).

³⁸ Leo Trotsky, “Behind the Curtains of the Balkan Wars,” http://www.albanianhistory.net/1912_Trotsky/index.html

³⁹ Vickers, *Between Serb and Albanian*, 79-80.

and the territory of Kosovo was annexed to the Kingdom of Serbia.⁴⁰ The British Foreign Secretary at the time, Edward Grey, accepted candidly that ethnicity was not considered when drawing the borders at the London Conference, but he emphasized, it was about satisfying the interests of the Great Powers.⁴¹

Allowing Serbia to conquer Kosovo for a long time became the main problem of European politics, as Vienna, Rome and Berlin, wanted to maintain the status quo in the Balkans, and respectively the European part of the Ottoman Empire. In these political and military circumstances, the Albanian problem of Kosovo was born, while at the same time, a truncated Albanian state was created, which included only half of all Albanians. This Albanian state, in the period between the two World Wars and during the Cold War, was weak and it was not in a position to protect the other half of the Albanian nation, which since the Balkan Wars had been subjected to repression, and massive displacement. At this time, a few radicals in the Serbian Social Democratic Party, notably Dimitrije Tucovic⁴², did protest at the Serbian policy, a renowned British artist and anthropologist, Edith Durham⁴³, and an Austrian Social Democrat Leo Freundlich collected the evidence of Serb atrocities. Freundlich published a book in 1913 under the title *Albaniens Golgotha*⁴⁴. Kosovo is mentioned as an example of the policy of systematic elimination, destruction of houses and expulsion of Albanians; of genocide and ethnic cleansing, and systematic execution⁴⁵, with regard to the effects of the Balkan War, in the report of *The Carnegie Endowment for International Peace* published in 1914.⁴⁶

⁴⁰ László Gulyás, "History of Kosovo from the First Balkan War to the End of World War II (1912-1945)," *West Bohemia Historical Review* V, no. 2, (2015): 219-237 (220).

⁴¹ Jens Reuter, *Die Albaner in Jugoslawien* (München: R. Oldenbourg Verlag, 1982), 32; Fee Rauer, *Das Kosovo: eine völkerrechtliche Studie* (Wien: Braumüller, 1999), 10.

⁴² Dimitrije Tucović, *Srbija i Arbanija: jedan prilog kritici zavojevačke politike srpske buržoazije* (Beograd-Zagreb: Kultura, 1946).

⁴³ Edith Durham (8 December 1863–15 November 1944) travelled extensively in the Balkans over twenty years, focusing particularly on Albania, which then was one of the most isolated and undeveloped areas of Europe. She worked in a variety of relief organisations, painted and wrote, and collected folklore and folk art.

⁴⁴ Leo Freundlich, *Albaniens Golgotha: Anlageakten gegen die Vernichter des Albanervolkes* (Vienna: Verlag der Buch- und Kunstdruckerei Josef Roller & Co, 1913).

⁴⁵ See, Holm Sundhaussen, "Eine Konfliktgeschichte," in *Der Kosovo Konflikt: Ursachen, Verlauf, Perspektiven*, ed. Konrad Clewing and Jens Reuter (München: Wieser Verlag, 2000), 67-69.

⁴⁶ *The Carnegie Endowment for International Peace: Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars* (Washington, 1914), 151.

However, historical records show that many Albanians fled Kosovo due to violence. The total number of Albanians who left Kosovo in the period 1913-1915 has been put as high as 120,000 though this is probably an over-estimate.⁴⁷ After Kosovo's occupation, the Serbian Government tried to change the demographic situation in its favor, and so to strengthen control over that zone, inhabited by an Albanian majority. Colonization, assimilation and expulsion served as instruments. Belgrade did not give up on this policy, besides a few small interruptions, until NATO obliged it to withdraw from Kosovo in June 1999.⁴⁸

Those Albanians, who had calculated that Serbian rule be only temporary must have begun to think they were right when, on 28 July 1914, Austria-Hungary declared war on Serbia. As the war progressed, Austria-Hungary annexed the northern half of the territory of Kosovo, while the southern half was held by the Bulgarians.⁴⁹ In Kosovo many Albanians volunteered to join the Austro-Hungarian military command, where they were organised into small detachments. The Albanian political leaders would also have been aware that Austria-Hungary, more than any other power, had favoured the creation of an Albanian state. So it is not surprising that local leaders cooperated willingly with the occupier.⁵⁰ Between 1916 and 1918 the Austro-Hungarian occupation authorities in Kosovo allowed the opening of more than 300 Albanian-language schools in an effort to undermine the Serbian presence in the region. But in the Bulgarian-occupied regions of Kosovo even the Albanians kept as low profile as possible due to the harshness of the Bulgarian administration.⁵¹ The official policy of the Austrian Foreign Ministry towards Albania itself was that, it was a friendly neutral country, not a conquered land. The Foreign Minister of Austria-Hungary, Stephan Burián von Rajecz, was in favour of adding most of Kosovo to in

⁴⁷ Alfred Krause, "Das Problem der albanische Unabhängigkeit in den Jahren 1908-1914" (PhD diss., University of Wien, 1970), 350.

⁴⁸ See, Cyrill Stiger, "Kosovos Langer Weg in die Unabhängigkeit: Vom Osmanischen Reich über Jugoslawien zur Eigenstaatlichkeit," *Neue Züricher Zeitung*, February 04, 2008, http://www.nzz.ch/nachrichten/politik/international/kosovos_langer_weg_in_die_unabhaengigkeit__1.671002.html (accessed: 18.04.2012).

⁴⁹ Following the Serbian retreat, Kosovo was divided into two Austro-Hungarian occupational zones: Dukagjin entered the General Government of Montenegro, while a smaller part of Kosovo with Mitrovica and Vucitrn became part of the General Government of Serbia. The greater part of Kosovo -Pristina, Prizren, Gjilan, Ferizaj, Rahovec- was included in the Bulgarian Military Region of Macedonia.

⁵⁰ Malcolm, *Kosovo*, 260.

⁵¹ Vickers, *Between Serb and Albanian*, 92.

independent Albanian state, but this policy was never applied. Kosovo and Albania were not reunited.⁵²

By the summer of 1918, it was quite clear that the Austro-Hungarian forces in the Balkans were heading for defeat and definitely in October 1918 together with French troops, Serbian *komitadji* companies re-entered Kosovo and after several fierce battles established martial law.⁵³ The relation between the Serb political elite leading the Yugoslavian state and the Albanians living in Kosovo was obviously hostile throughout the whole existence of the Yugoslavian Kingdom. Albanians did not want to integrate into the Yugoslavian state. They believed that Kosovo should belong to Albania.⁵⁴ Since that time, Albanians tried to oppose Serbian state repression with armed resistance led by the National Defense Committee of Kosovo -was founded in Shkoder in 1918-, which had the primary objectives of campaigning against the border decisions of the Ambassadors' Conference, for the liberation of Kosovo and for the unification of all Albanian-inhabited lands.⁵⁵ Serbian troops after 1 December 1918, were met with armed resistance by guerrilla *kaçaks*.⁵⁶ The *Kaçak* movement⁵⁷ (1912-1928) grew, which through armed resistance tried to oppose the occupation policies.⁵⁸ In Kosovo, the legal political party set up to represent the interests of Albanian Muslims in both Kosovo and Macedonia was created at the conference in Shkup in December 1919. Popularly known as *Xhemijet*⁵⁹ (Albanian: *Bashkimi*), which was joined by Muslims from Kosovo and Vardar Macedonia.⁶⁰

⁵² HNSA PA I 874, a draft by Stefan Burian sent to Prince Hohenholte, on February 2, 1916.

⁵³ Vickers, *Between Serb and Albanian*, 92-99.

⁵⁴ László Gulyás, "History of Kosovo from the First Balkan War to the End of World War II (1912-1945)," 221.

⁵⁵ Hasan Prishtina was actively lobbying the American government for the inclusion of Kosovo in a new Albanian state, and in February the Committee sent a protest letter to the Paris Peace Conference about the killings of Albanians in Kosovo. See, Malcolm, *Kosovo*, 273.

⁵⁶ Tim Judah, *Kosovo: What Everyone Needs to Know* (New York: Oxford University Press, 2008), 42.

⁵⁷ The word "*Kaçak*" derives etymologically from two Turkish words, "*akti-kaçtı*", which in Albanian is "*iku e u arratis*," (disappear and escape), and refers to a fugitive from the state, and the use of hit-and-run tactics by small, mobile groups of irregular forces, operating in territory controlled by a hostile, regular force.

⁵⁸ Limon Rushiti, *Lëvizja kaçake në Kosovë (1918-1928)* [*The "Kaçak" Movement in Kosovo (1918-1928)*] (Prishtinë: Instituti i Historisë së Kosovës, 1981), 185-190; Vickers, *Between Serb and Albanian*, 131-134.

⁵⁹ *Organizata Xhemijeti dhe rezistenca e saj kundër kolonizimit* [*The "Xhemijeti" Organization and its Resistance against Colonization*], Konferencë shkencore, 17.12.2017, vol. 20 (Shkup: ITSHKSH. 2018).

⁶⁰ Schmitt, *Kosova*, 147.

But this political resistance of *Xhemijet* and the armed resistance of the *Kaçak* movement were not successful. Because the international community pursued a traditional policy in the Balkans, reflecting the strategic interests of the Great Powers. But, the *Kaçaks* achieved just two things; first they made a strong symbolic demonstration of the fact that many Kosovo Albanians did not accept the legitimacy of Serbia or Yugoslav rule. And secondly, they did in fact seriously abstract the colonization programme.⁶¹

Colonization of Kosovo and Agrarian Reform

The Serbian colonization programme the overriding long-term purpose was to change the national composition of the population in Kosovo and in the Albanian part of Macedonia. The inter-war period in Kosovo was dominated by the policy of the Serbian colonisation, which began in 1918 and lasted until 1941. This programme was in two stages. The first, from 1918 to 1928, coincided with the *Kaçak* movement, and in the second, from 1929 to 1941, serious attempts were made by Belgrade to base Albanian emigration on official international agreements.⁶²

In fact, only after the reconquest of Kosovo in late 1918 did the colonization programme get seriously under way. A decree on “preliminary measures for agrarian reform” in February 1919, which announced the break-up of the grant estates and the nationalization of forests, included provisions for the grant of land to Serbian soldiers and volunteers: a further decree in December 1919 defined as “volunteers” all those who had joined the Serbian army of their own accord before 18 Noveber 1918, and gave them the right to claim 5 hectares of arable land. Meanwhile a “Decree on the colonization of the new souther lands” (Kosovo and Macedonia) in September 1920 had set out the basic types of land that could be given to these colonists.⁶³ Land was easily expropriated from the Albanians on the pretext that they had no documents. The government in Belgrade was keen to change the demographics of Kosovo, especially given the hostility of the majority Albanians. In Kosovo colonization came hand in hand with land reform. Serbs and Montenegrins were given land confiscated from Albanians, former large

⁶¹ Malcolm, *Kosovo*, 278.

⁶² Vickers, *Between Serb and Albanian*, 105; Schmitt, *Kosova*, 153-157.

⁶³ Milorad Obradoviq, *Reforma Agrare dhe kolonizimi në Kosovë (1918-1941)* [*Agrarian Reform and Colonization in Kosovo (1918-1941)*] (Instituti i Historisë-Prishtinë, 2005), 167-168; Malcolm, *Kosovo*, 279.

landowners, or families of *kaçaks*.⁶⁴ As usual, exact figures are hard to come by. Estimates vary as to the number of colonists, but figures range up to 70,000. Some did not stay, however, either because of *kaçak* attacks or because, especially after 1929 and the Great Depression. In 1939 there were estimated to be 59,300 colonists in Kosovo, a figure that amounted to 9.3 percent of the population.⁶⁵

The second colonisation programme pertains to the time period from 1929 to 1941. Towards the middle of 1930s, Serbian intellectuals and leaders claimed that previous governments had failed to resolve the Albanian problem through colonization. The historian Vaso Čubrilović, in a meeting with government representatives, military general staff and academics, on 7 March 1937, proposed a memorandum, which presented forced expulsion as a more effective method.⁶⁶ In a memorandum on the subject presented to parliament in Belgrade on 7 March 1937, he blamed the failure of the colonisation programme in Drenica and Dukagjin on the settlement there of Montenegrins, rather than the more industrious Slavs from the north. Having outlined the faults of the previous year's policies, Čubrilović then proceeded to list the proposals he suggested should be followed in order to speed up the expulsion and deportation of Albanians:

“If we proceed on the assumption that the gradual displacement of the Albanians by means of gradual colonization is ineffective, we are then left with only one course - that of mass resettlement. In this connection, we must consider two countries: Albania and Turkey. (...) At a time when Germany can expel tens of thousands of Jews and Russia can shift millions of people from one part of the continent to another, the shifting of a few hundred thousand Albanians will not lead to the outbreak of a world war. There remains one more means, which Serbia had employed very

⁶⁴ Judah, *Kosovo*, 44-45.

⁶⁵ Judah, *Kosovo*, 45.

⁶⁶ Vaso Čubrilović, *Iseljavanje Arnauta (Predavanje održano u "Srpskom kulturnom klubu" 07.III.1937)* [Expulsion of Albanians (Lecture held in "Serbian Cultural Club" on 07.III.1937)]. Vaso Čubrilović was the author of vicious plans to rid Yugoslavia of the Kosovar Albanians. Čubrilović first presented his ideas to the Serbian Cultural Club, an organization of Belgrade intellectuals. On March 7, 1937, he submitted "The Expulsion of the Albanians" to the government as a secret memorandum.

successfully after 1878: secretly burning down Albanian villages and city quarters".⁶⁷

At this time, the policy of colonizing and Serbifying Kosovo intensified. In July 1938 of an agreement between Yugoslavia and Turkey on the emigration of some 200,000 ethnic Albanians, Turks and Muslims from Kosovo and Macedonia, to Turkey, which was keen at the time to populate the sparsely inhabited areas of Anatolia.⁶⁸ According to this agreement, Turkey pledged to receive about 40,000 Muslim "Turk" families, which mostly included Albanian families.⁶⁹ Fortunately, because of the outbreak of the Second World War⁷⁰, attempts to assimilate and to expel Albanians failed.⁷¹ The colonisation programme failed as well, because of the inadequate financial resources, unsystematic management and policy shifts following changes of government, together with an unspecialised bureaucracy, which dealt with matters piecemeal.⁷²

Kosova during the Second World War

During the World War II, the occupying powers, first Italy, then Germany, promised the Albanians the establishment of an all-Albanian ethnic state. In these circumstances, a part of the Albanians welcomed the cooperation with the Italians and the Germans and refused the cooperation with the Serbian communists, who until that moment were their most brutal rulers. Moreover, the Albanians feared the return of Serbian rule and welcomed the signing of Serbia by the Germans. This was not a preference for the Italian and German occupation, but an opportunistic selection of the lesser evil. The World War II halted, at least temporarily, the mass deportation of Albanians to Turkey and the denationalization policy of the Serbian occupiers, who had projected

⁶⁷ Bogdan Krizman, "Elaborat dra Ive Andica o Albaniji iz 1939. Godine," *Časopis za suvremenu povijest* 2, (1977): 77-89, (89); Ivo Andrić, "Projekti për Shqipërinë," in *Politika serbomadhe prej Garashaninit deri te Akademia* [Great Serbian politics from Garasanin to the Academy], ed. Flaka Surroi, 95-116; Vaso Čubrilović, "The Expulsion of the Albanians - Memorandum," via http://albanianhistory.net/1937_Cubrilovic/index.html

⁶⁸ Malcolm, *Kosovo*, 285.

⁶⁹ See, Wolfgang Petritsch and Robert Pichler, *Kosovo-Kosova: Der Lange Weg zum Frieden* (Klagenfurt: Wieser Verlag, 2005), 65-72.

⁷⁰ On the eve of the Second World War the Turkish parliament decided not to ratify the agreement with the Yugoslavs of July 1938 for three reasons: the fall of the Stojadinovic government in 1939, lack of financial means and the impending war. See Vickers, *Between Serb and Albanian*, 154.

⁷¹ Hakif Bajrami, *Rrethanat shoqërore dhe politike në Kosovë 1918-1941* [Social and political circumstances in Kosovo 1918-1941] (Prishtine: Instituti i Historisë, 1981), 153-154.

⁷² Vickers, *Between Serb and Albanian*, 153.

Kosovo as a territory to be Serbian by any means. The bad experience of the past, frightened the Albanians and made the Albanians distrustful of the Serbian communists, even though they proclaimed the respect of the rights of all peoples, including the Albanians, to the point of self-determination. The Germans also recognized some Albanian rights and a level of freedom within the ethnic borders. This perspective and the protection given in new political freedoms, made many Albanians not oppose the German occupation. Under these conditions, Albanians were not very ready to cooperate with the communist movement, and were especially mistrusting and skeptical of anti-German resistance being led by the Yugoslav communist movement.⁷³ Toward the end of 1943, and the start of 1944, the partisan resistance and liberation war intensified, when it was declared that the national rights of Albanians in Kosovo would be considered and when they were promised the right of self-determination, up to secession. This right was proclaimed in the Bujan Resolution (Bujan Conference (from 31 December 1943 to 2 January 1944), according to which representatives of the partisan resistance in Kosovo declared that Kosovo would unite with Albania, after the end of the war.⁷⁴ But the end of the World War II and the establishment of the Yugoslav communist regime, with few changes, marked the continuation of the persecution of Albanians according to the methods of the past. In this context, the Resolution of the Bujan Conference was annulled, which emphasized that, *“Kosovo and the Plain of Dukagjin represent a territory largely inhabited by the Albanian. We therefore consider it our duty to show the correct path the Albanian people must follow in order to realise their aspirations”*.⁷⁵

Kosova as Part of Socialist Yugoslavia

Although the Yugoslav Communist Party approved this declaration, after the end of the Second World War in Kosovo, an emergency military situation was implemented. The Prizren Assembly (regional People's Council) in early of 1945, under the pressure of a Yugoslav military regime, declared “unification” with Yugoslavia, and thus refuted the Bujan Resolution. Wanting to return to the old colonial policies, the communist government of Belgrade in August 1945 passed a law under which sad that all Serbian and Montenegrin colonists could return.

⁷³ Malcolm, *Kosovo*, 299-313.

⁷⁴ *Ibid.*, 308.

⁷⁵ Ana Lalaj, “Konferenca e Bujanit,” both Tiranë, 1999 and *Kosova: Instituti i Historisë së Kosovës*, 9-10, Prishtinë 1980-1; “76 vjet nga Konferenca e Bujanit,” *Koha.net*, December 31, 2019, <https://www.koha.net/arberi/201549/76-vjet-nga-konferenca-e-bujanit/>

The new socialist state was defined by the 1946 constitution, based on the 1936 Soviet constitution and intended to safeguard the rights of all nationalities and minorities. However in practice, however, it started out with two fundamental flaws in its construction. First, by not granting full territorial autonomy to the Kosovars, the Albanian national question was ignored. Secondly, Vojvodina was granted a higher status than Kosovo. Albanian nationalism was also to be suppressed.⁷⁶ The first two decades of communist rule in Kosovo were particularly grim, especially as, in contrast to other parts of Yugoslavia, there was virtually no support for the new regime whatsoever.⁷⁷ The key responsibility for this repressive policy toward Albanians was held by Aleksandar Ranković, Deputy President of Yugoslavia, and head of the Yugoslav Secret Service. This is the first phase of Yugoslav policy toward Kosovo (1945-1966), which is known as the Ranković era. During this period, Albanians of Kosovo were considered again as Turks, so that this could be used as a pretext for their expulsion to Turkey. According to the German scholar, Peter Bartl, as a result of this policy, by 1966 over 200,000 Albanians were expelled from Kosovo.⁷⁸ While Miranda Vickers underlines in order to dilute the developing national consciousness among Kosovo's large Albanian population, which was growing twice as fast as the Yugoslav average, the government promoted a policy of "Turkification". The policy was implemented in two ways: the opening in 1951 of schools teaching in the Turkish language, and again encouraging Albanians to immigrate to Turkey. In order to encourage Albanians to leave, forced them to declare themselves Turkish nationals.⁷⁹ Serbian nationalist academic Vasa Čubrilović once again argued for the expulsion of Albanians from Yugoslavia. In a second memorandum on the Albanians "The minority problem in the new Yugoslavia" addressed to the highest Yugoslav leadership entitled, he reactivated his pre-war thesis on the necessity of expelling Albanians from post-war Yugoslavia because of the strategic importance of holding on to Kosovo: "(...) *we too will have the right to ask*

⁷⁶ Various Albanian sources estimate that during the years 1944-1946, 36,000 and maybe as many as 47,000 Albanians were the victims of systematic mass executions by communists during the days of revolutionary fervour, and later through "search and destroy" missions, "pacification", "disarming", and "rehabilitation" programmes, police torture, and epidemics of typhoid fever affecting military units. Vickers, *Between Serb and Albanian*, 47.

⁷⁷ Judah, *Kosovo*, 51.

⁷⁸ Peter Bartl, "Die Albaner," in *Der ruhelose Balkan: Die Konfliktregionen Südosteuropa*, ed. Michale W. Weithmann (München: DTV, 1993), 176-204 (here 199).

⁷⁹ Vickers, *Between Serb and Albanian*, 149.

from our allies that our minority question be solved in the same manner, through expulsion,"⁸⁰ underlines Čubrilović.

In the new constitution of 1963 the position of the Albanians was improved, the term "nationality" replaced the term "national minority" previously used. The statute of Kosovo was changed from the "Regional Council" to the "Provincial Assembly", an upgrading to the status enjoyed by Vojvodina. As the participation of Albanians in the political life of the Province increased, so too did the distrust of them by the security forces because of their continually perceived political unreliability. After the fall of Ranković in 1966 at the "Brioni Plenum," the repression of Yugoslav federal bodies against Albanians in Kosovo was officially condemned. For the Albanians of Kosovo, therefore, the removal of Ranković was a milestone in their campaign for the assertion of their national rights. In the demonstrations on 27 November 1968, Albanians for the first time demanded the status of a republic, the use of the national flag and the opening of a university in the Albanian language. The demonstrations in Kosovo witnessed the return of the national question to centre-stage among Yugoslavia's problems.⁸¹

For this reason, and as a result of Albanian consciousness and the need to create national equilibrium in Yugoslavia, there was a more liberal atmosphere with regard to Kosovo, and some national and political rights of Albanians were recognized, including the right to university education in Albanian, and in 1974 Kosovo won the status of extensive autonomy and direct representation in the Yugoslav federation.⁸² Kosovo was almost a full federal entity: It had its own national bank, parliament, government, and police, and thanks to increasing Albanianization and the greater numbers of qualified Albanians now able to do the jobs, Albanians were more or less in full control of Kosovo.⁸³

⁸⁰ Vaso Čubrilović, "Problemi i pakicave në Jugosllavi [The Minority Problem in the New Yugoslavia]," in *Politika serbomadhe prej Garashaninit deri te Akademiak*, ed. Flaka Surroi (Prishtine: Koha, 2019), 117-146, (124); Vaso Čubrilović, *The Minority Problem in the New Yugoslavia, Texts and Documents of Albanian History*, http://www.albanianhistory.net/1944_CubriloVIC/index.html

⁸¹ Dennison Rusinow, *The Yugoslav Experiment, 1948-74* (Berkeley: University of California Press, 1977), 245.

⁸² Joseph Marko, "Die Staatrechtliche Entwicklung des Kosovo von 1913-1995," in *Gorischer Knoten Kosovo: Durchschlagen oder entwirren? Völkerrechtliche, rechtsvergleichende und politikwissenschaftliche Analysen und Perspektiven zum jüngsten Balkankonflikt*, ed. Joseph Marko (Baden-Baden: Nomos, 1999), 16-18.

⁸³ Judah, *Kosovo*, 57.

However, it rankled Albanians that Kosovo still did not have full equality with the republics. The refusal to give them the status of republic, despite their numerical superiority over other less numerous Slav nations of Yugoslavia, which did have their own republic within the federation, showed that they had remained to some extent second-class citizens in the Yugoslav state.⁸⁴ Some Albanians were arrested and jailed for their opposition to this *de facto* compromise between Prishtina and Belgrade.⁸⁵ Even so, Albanians constituted the largest ethnic group among political prisoners in Yugoslavia.⁸⁶ Albanian clandestine groups started to change strategy, now demanding for Kosovo the status of a republic within Yugoslavia, as an intermediate stage toward unification with Albania. This was manifested in the student demonstrations of 1981, which presented the first and most serious signal to shake the political system and indicated the start of the dissolution of Yugoslavia. Much has been said and written about the forces behind the demonstrations.

The question of the Serbs in Kosovo now began to move to center stage. As noted earlier, Serbs had long been leaving Kosovo. In the post-war period there was the attraction of jobs in Nish and Belgrade, Kragujevac and Kraljevo.⁸⁷ From this time, Belgrade began a harshly repressive campaign, which started to join with Serb nationalism, led by Slobodan Milošević, who in 1986 was elected leader of the League of Communists of Serbia. The desire to preserve the dominant position in Yugoslavia was the main reason for the preference of many Serbs for a centralized, hard-line regime.⁸⁸ In fact, he started to realize the idea of a "unitary Yugoslavia" advocated in the Memorandum of the Academy of Arts and Sciences of Serbia (1986).⁸⁹ While observing Silber and Laura, the SANU Memorandum did not create nationalism; it merely tapped sentiments that ran deep among the Serbs, but which had been suppressed and thus exacerbated by communism. The Academy's tract echoed opinions that were being whispered throughout Serbia.⁹⁰

⁸⁴ Hugh Poulton, "The Kosovo Albanians: Ethnic Confrontation with the Slav State," in *Muslim Identity and the Balkan States*, ed. Hugh Poulton and S. Taji-Farouki (London: Hurst & Company, 1997), 139-169.

⁸⁵ Judah, *Kosovo*, 57.

⁸⁶ *Yugoslavia: Ethnic Albanians - Victims of Torture and Ill-Treatment by Police in Kosovo Province* (New York: Amnesty International, 1992).

⁸⁷ Judah, *Kosovo*, 58-59.

⁸⁸ Branimir Anzulović, *Heavenly Serbia: From Myth to Genocide* (New York and London: New York University Press, 1999), 96.

⁸⁹ For a full analysis of this Serbian memorandum see, Enver Hoxhaj, "Das Memorandum der Serbischen Akademie der Wissenschaften und Künste und die Funktion politischer Mythologie im kosovarischen Konflikt," *Südosteuropa* 51, 10-12 (2002), 494-526.

⁹⁰ Laura Silber and Allan Little, *The Death of Yugoslavia* (New York: Penguin USA, 1996), 31.

According to the Croatian author Anzulović, the memorandum formed the ideological platform for the pan-Serbian policy of Slobodan Milošević. It became program for action, launched when the disintegration of the communist order made many Serbs believe that they had a unique opportunity to transform federal Yugoslavia into Greater Serbia with the help of the Serb-dominated Yugoslav armed forces.⁹¹

Over the next two years Milošević moved to consolidate his power. In 1987, Milošević came to Kosovo and held a speech before Serb residents gathered in Fushë Kosovë. Here, he made his famous declaration: "No one should dare to beat you... You must stay here. This is your land. These are your meadows and gardens, your memories!"⁹²

Milošević had read the situation in the country and the world well. Communism was dying, Milošević knew that by playing the nationalist card he could secure both supreme power in Serbia, and then hopefully Yugoslavia. His intention was then to dominate Yugoslavia.⁹³

From this moment on, Milošević used Kosovo as a tool to consolidate his power until 2000. In fact, Kosovo became the starting point for the realization of the Greater Serbian idea of Milošević. Although Albanians opposed this aggressive and nationalist policy with strikes and demonstrations, on 23 March 1989, Belgrade's regime, with the force of tanks, removed Kosovo's autonomy and immediately established an emergency police situation.⁹⁴ According to *Amnesty International* about 140 Albanians were killed and hundreds of others injured.⁹⁵ In addition, thousands of intellectuals were imprisoned and sentenced without trial. For American ambassador in Belgrad Warren Zimmermann, who paid his first visit to Kosovo in July 1989, the province of Kosovo had a colonial air about it, Albanian were nervous, lowering their voices as if listening devices were everywhere.⁹⁶

Already, under new Serbian laws passed in 1989, Albanians in Kosovo were forbidden to buy or sell property without obtaining special

⁹¹ Judah, *Kosovo*, 114.

⁹² Hajo Funke and Alexander Rhotert, ed., *Unter unseren Augen. Ethnische Reinheit: Die Politik des Milošević-Regimes und die Rolle des Westens* (Berlin, 1999), 16.

⁹³ Judah, *Kosovo*, 65.

⁹⁴ Dardan Gashi and Ingrid Steiner, *Albanien: archaisch, orientalisches, europäisch* (Wien: Promedia Verlag, 1994), 224.

⁹⁵ Howard Clark, *Civil Resistance in Kosovo* (London: Pluto Press, 2000), 47-51.

⁹⁶ Zimmermann, Warren. *Origins of a Catastrophe: Yugoslavia and Its Destroyers*. Times Books, New York, 1999, 78.

permission from the authorities. Moreover, on 26 June 1990 a new wave of decrees, officially described as “temporary measure”, was made possible by a “Law on the Activities of Organs of the Republic in Exceptional Circumstances”. These temporary measures, which have remained permanent, would include the suppression of Albanian language newspaper *Rilindja*, the closing of the Kosovo Academy of Arts and Sciences. The Prishtina radio and TV stations and six other local radio stations, which had broadcast in Albanian language, were also shut down. A further 1,300 Albanian staff were dismissed and replaced by employees from Serbian radio and television, and Albanian doctors and professors were expelled. The campaign for the “Serbization” of all institutions of Kosovo took off. Albanians were unwanted, even those who for decades had been in the service of socialist Yugoslavia.

This affected their homogenization and in response to the policy of Milošević, on 2 July 1990, 114 out of 123 Albanian members of Kosovo’s parliament, which had earlier and under duress voted to extinguish Kosovo’s autonomy, now cast their ballots to establish Kosovo as a republic on equal terms with the six other Yugoslav republics.⁹⁷ Two months later, on 7 September the Kosovar deputies, meeting secretly in Kačanik/Kaçanik, voted for a constitution for their republic.⁹⁸ At this point independence was not on the agenda because, although the war had started, Yugoslavia still existed. It was only on 21 September 1991, that they declared independence, a move confirmed first by a referendum, deemed illegal by the Serbian authorities of course, and finally confirmed in parliament on 19 October 1991.⁹⁹ But the independence of Kosovo was not recognized by other states, with the exception of Albania.

On the other hand, Milošević’s government illegally ruled the Kosovo’s government and Assembly on 5 July 1990, and the Serbian parliament took administrative and executive control of Kosovo. Belgrade also changed its curriculum, giving exclusive priority to teaching Serbian history and culture. Albanian pupils were not allowed to enrol in secondary school.¹⁰⁰ Along with this, began the peaceful resistance of Albanians and the building of a parallel state system, which successfully maintained an education and health system, and collected a form of tax,

⁹⁷Judah, *Kosovo*, 69.

⁹⁸ “Constitution of the Republic of Kosova, September 7, 1990,” in Marc Weller. *The Crisis in Kosovo 1989-1999: From the Dissolution of Yugoslavia to Rambouillet and the Outbreak of Hostilities*, vol. I (Cambridge: Documents and Analysis Publishing, 1999), 66.

⁹⁹ Judah, *Kosovo*, 69.

¹⁰⁰ Vickers, *Between Serb and Albanian*, 247.

known as the 3 per cent, mostly from the money of the Albanian diaspora in Western Europe. All of this attempted to demonstrate that the Albanians of Kosovo could resist the police and military regime of Serbia and at the same time, through civil resistance, attempt without success, to contribute to the internationalization of the question of Kosovo, on the world scene.¹⁰¹ Meanwhile, the growing presence of extreme nationalist paramilitary militias prompted a continuation of Kosovar emigration abroad.¹⁰² By 1993 an estimated 400,000 Albanians had left the former Yugoslavia, most of them in Western European countries.¹⁰³

Dayton, the Bypassing of Kosovo

The turning point came at the end of 1995, when the international community, led by the USA, organized a Peace Conference at Dayton, which ended the bloody war in Bosnia and Herzegovina.¹⁰⁴ In this conference, the question of Kosovo was bypassed and from then on, began the start of disillusionment and mistrust in peaceful resistance. In addition to this the Kosovars were further incensed by the recognition of the new Yugoslavia by several EU countries in April 1996. Kosovo Albanians called the move premature and offensive to Albanians, claiming that it undermined the credibility of the Kosovar leadership and its efforts to avert conflict in Kosovo. Ibrahim Rugova now found himself in an increasingly difficult situation.¹⁰⁵ The signing of the Dayton Agreement not only led to growing radicalism among young Albanians; it also urged others to advance the option of armed warfare.

Furthermore, Kosovo was calm, and the situation did not present urgency for international decision-making centers and what was more important, on the television, there were bloody scenes from Croatia and Bosnia, which could galvanize the western public. Many diplomats and

¹⁰¹ Clark, *Civil Resistance in Kosovo*, 46-151.

¹⁰² The growing exodus of young Albanian men from Kosovo was highly satisfactory for Belgrade as it removed a potential opposition army from the region as well as obviating the need to train and arm Albanians in the Serbian Army.

¹⁰³ Albanians had left Kosovo, most for the following countries: Germany (120,000), Switzerland (95,000), Sweden (35,000), Austria (23,000), Belgium (8,000), France (5,000), Denmark (5,000), Italy (4,000), Norway (3,500), Britain (3,000), the Netherlands (2,000), Finland (600), and Luxembourg (200); Croatia had received about 40,000, Slovenia 15,000 and the Republic of Albania 25,000. See, Vickers, *Between Serb and Albanian*, 272.

¹⁰⁴ Sonja Biserko "Perceptions of Serbia's Elite in Relation to the Dayton Agreement," Spirit of Bosnia, accessed April 19, 2012, <http://www.spiritofbosnia.org/volume-6-no-4-2011-october/perceptions-of-serbia%E2%80%99s-elite-in-relation-to-the-dayton-agreement/>.

¹⁰⁵ Vickers, *Between Serb and Albanian*, 292.

foreign emissaries, who went to Kosovo and talked to political figures, saw that the serious situation of Albanians could not continue endlessly, but the forewarnings of Albanians fell on deaf ears, or their reports were not considered by international centers.¹⁰⁶

Nevertheless, the strongest demand for the exercise of the right to self-determination was the appearance of the KLA in 1997, and its war for Kosovo's independence. By the spring of 1998 it was clear that Kosovo's time in the Balkan Wars had come. As Kosovo Albanian leaders said to US Ambassador Christopher R. Hill, "It is where it began and where it will end".¹⁰⁷ On the other side, the Kosovo Liberation Army (KLA) was a fastgrowing force in the countryside. In order to intimidate Albanians, Serbia escalates violence, attacked two adjacent villages, Qirez and Likoshan (Drenica). On 5 March 1998, Serbian special police attacked the nearby village of Prekaz -home of Adem Jashari, a known KLA member. Jashari was killed along with his entire family, save an eleven year-old-girl.¹⁰⁸ The massacres in Drence only affected the growth and strengthening of the KLA. The political strategy of the Kosovo Liberation Army, which became one of the most successful guerrilla armies in the post Cold War period, was its integration of political and military goals, winning the diplomatic battle and provoking NATO military intervention. Thus, the KLA triumphed in the end in 1999,¹⁰⁹ because the failure of the Peace Conference at Rambouillet and Paris, February-March 1999, brought the NATO bombardment against the military objectives of what remained of Yugoslavia (Serbia and Montenegro).¹¹⁰ The Western countries chose military action by NATO -the so-called "humanitarian intervention" in 1999. According to the United Nation High Commissioner for Refugees (UNHCR), Serbian military and police forces had been expelled 525,787 refugees from Kosovo. Serbian military forces

¹⁰⁶ Sylë Ukshini, *Nga lufta në paqe* (Rozafa: Prishtinë, 2004), 75-76.

¹⁰⁷ Christopher R. Hill, *Outpost: Life on the Frontlines of American Diplomacy* (New York: Simon & Schuster, 2014), 122.

¹⁰⁸ Human Rights Watch, *Under Orders: War Crimes in Kosovo* (2001), 38, https://www.hrw.org/sites/default/files/reports/Under_Orders_En_Combined.pdf

¹⁰⁹ Henry H. Perrit, *Kosovo Liberation Army: The Inside Story of an Insurgency*. Urbana: University of Illinois Press (2008), 184.

¹¹⁰ International intervention in Kosovo did not occur for the first time in 1999. International intervention in Macedonia did not occur for the first time in 2001. Beginning in 1902, "the international community", then known as "the Great Powers", intervened diplomatically in the Kosovo *Vilayet*, then a district or province of Ottoman Turkey. Skopje was then the capital of the Kosovo *Vilayet* or district. See, Carl Savich and Christopher Deliso, "International Intervention in Macedonia, 1903-1909: The Mürzsteg Reforms," www.balkananalysis.com (March 13, 2006); Gustav Hubka, *Die österreichisch ungarische Offiziersmission in Makedonien 1903-1909* (Wien: F. Tempsky, 1910).

and paramilitary forces expelled 862,979 ethnic Albanians from Kosovo and several hundred thousand more were internally displaced, in addition to those displaced prior to March 1999. More than 80 percent of the entire population of Kosovo -90 percent of Kosovar Albanians- were displaced from their homes.¹¹¹

In the end, in the Kumanova Agreement (June 1999), in the town where the Serbian army on 24 October 1912, had defeated the Ottomans and then conquered the capital of the *Vilayet* of Kosovo, Skopje (Albanian: Shkupi), Serbia agreed to its definitive withdrawal from Kosovo, by signing the Military-Technical Agreement with NATO.¹¹² Unlike the Dayton Agreement, the Kosovo war ended with Resolution 1244 of the UN Security Council, which did not contain a long-term solution for the stabilization of Kosovo and other countries in the Southern Balkans.

Kosovo under International Administration

After the signing of this agreement, immediately the UN Security Council met, and on 10 June 1999, and approved Resolution 1244, with 14 votes for, one abstention (China) and no votes against, Kosovo was placed under international military (KFOR)¹¹³ and civilian administration (NMIK).¹¹⁴ On the same day in Köln, Germany, an inaugurating conference for the Balkan Stability Pact was held,¹¹⁵ which aimed to be a sort of Marshall Plan for Southeastern Europe. Putting in place an international administration of Kosovo, according to Resolution 1244, Kosovo became "*de facto*" independent and finally the long Serb rule of Kosovo, since October/November 1912, ended. But the question of Kosovo's status remained open. Not having consensus at the level of the European Union and the United Nations, in the first instance because of the lack of unity amongst European countries and Russia in the Security Council, the international community re-activated the Contact Group (France, Germany, Italy, Russia, the United Kingdom, the United States of America), a mechanism that recalled the European Concert after the Congress of Vienna of 1918. In contrast to the London Conference of 1912-

¹¹¹ Human Rights Watch. *Under Orders: War Crimes in Kosovo*, (2001), 4, https://www.hrw.org/sites/default/files/reports/Under_Orders_En_Combined.pdf

¹¹² *NATO Handbook* (Brussels: Office of Information and Press NATO, 2001), 130.

¹¹³ The Kosovo Force (KFOR) is a NATO-led international peacekeeping force in Kosovo. See, "KFOR Key Facts and Figures," retrieved April 5, 2021, https://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2019_02/20190213_2019-02-KFOR-Placemat.pdf.

¹¹⁴ United Nations Mission in Kosovo, <https://unmik.unmissions.org/about>

¹¹⁵ Sylë Ukshini, *Kosova dhe Perëndimi* (Prishtinë: Rilindja, 2001), 295-303.

1913, which met after the Balkan Wars, there was just one change to the Contact Group, which was that Austria-Hungary's place was taken by the United States of America, which like the Austro-Hungarian monarchy took the side of Albanians, as a counterweight to the pro-Serb position of Russia.¹¹⁶ On the eve of the process for Kosovo's final status, the Contact Group, in its meeting on 4 November 2005 excluded the option of the ethnic territorial partition of Kosovo between the Albanian majority in Kosovo and Serbia. At this moment Kofi Annan asked Martti Ahtisaari to oversee talks on the future of Kosovo.¹¹⁷ The Contact Group, comprising the six strongest states of the world, played a fundamental role in defining the final status of Kosovo. The exclusion of ethnic partition in its guideline principles for Kosovo's¹¹⁸ political status was an important moment in international policy toward a long-term and peaceful solution. According to this, also in the Kosovo case, the principle of *uti possidetis*¹¹⁹ was used, as administrative borders transformed into international state borders. In addition, the Contact Group reached an important international consensus over Kosovo's independence as an option.¹²⁰ However, ethnic decentralization would become part of the future agreement and a sort of price for Kosovo's independence, with which Serbs became the most privileged national minority in Europe, while Kosovo was brought to the red line of its functionality as a state. With this agreement, and especially tendencies to implement an Ahtisaari Plus for Serbs in the north of Kosovo, there is a risk of the repetition of Dayton with Bosnia and Herzegovina, breaking up internal unity and making impossible the securing of full border hegemony.¹²¹

¹¹⁶ Sylë Ukshini, *Kosova në politikën e jashtme të BE-së* (Shkup, Tiranë, Prishtinë: Logos-A, 2008), 166.

¹¹⁷ Judah, *Kosovo*, 111.

¹¹⁸ *Guiding principles of the Contact Group for a settlement of the status of Kosovo*, https://www.esiweb.org/pdf/kosovo_Contact%20Group%20-%20Ten%20Guiding%20principles%20for%20Ahtisaari.pdf

¹¹⁹ *Uti possidetis* (Latin for "as you possess") is a principle in international law that territory and other property remains with its possessor at the end of a conflict, unless otherwise provided for by treaty; if such a treaty does not include conditions regarding the possession of property and territory taken during the war, then the principle of *uti possidetis* will prevail. See, Helen Ghebwebet, *Identifying Units of Statehood and Determining International Boundaries: A Revised Look at the Doctrine of "Uti Possidetis" and the Principle of Self-Determination* (Frankfurt am Main: Verlag Peter Lang, 2006).

¹²⁰ See, ICG, "Kosovo: The Challenge of Transition", Europe Report no. 170, February 17, 2006, 10-14.

¹²¹ Ahmet Davutoglu, *Thellësia strategjike. Pozita ndërkombëtare e Turqisë [Strategic Depth: Turkey's International Position]* (Shkup-Prishtinë-Tiranë: Logos-A, 2010).

The fundamental cause of this ethnic decentralization is, in great measure, the privileged position of the Serb minority in Kosovo. This position of the Serb minority was legalized in the, *Comprehensive Proposal for the Agreement on Kosovo's Status*, which was put forward on 2 February 2007 by the UN Special Envoy, Martti Ahtisaari.¹²² Nevertheless, this document ended the negotiations between Kosovo and Serbia, regarding its political status, which occurred in Vienna, Austria in the period between February 2006 and March 2007, and Kosovo won an international document the basis of which it declared its independence, on 18 February 2008.¹²³ But, because of Serbia and especially Russia's refusal, a position, which recalled Russia's position against Albania's independence in the Balkan Wars of 1912-1913, the state of Kosovo after 13 years is recognized by 117 states of the world.¹²⁴

Kosovo after the ICJ Decision

The Kosovo declaration of independence was adopted on 17 February 2008 in a meeting of the Assembly of Kosovo. It was the second declaration of independence by Kosovo's ethnic-Albanian political institutions, the first having been proclaimed on 7 September 1990.¹²⁵ On 26 March 2008, the Government of Serbia announced its plan to call on the International Court of Justice to rule on the declaration of Kosovo's secession. Serbia sought to have the court's opinion on whether the declaration was in breach of international law. Also, an initiative seeking international support was undertaken at the United Nations General Assembly when it gathered again in New York in September 2008.¹²⁶ In accordance with Resolution 63/3 of 8 October 2008, the United Nations General Assembly tasked the International Court of Justice, the principal judicial organ of the United Nations, to render an Advisory Opinion on whether the Declaration of Independence of Kosovo was in compliance

¹²² United Nations Security Council, *Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council: Comprehensive proposal for Kosovo status settlement*, S/2007/168, Add. 1. March 26, 2007.

¹²³ Judah, *Kosovo*, 140-145.

¹²⁴ On September 4, 2020, the State of Israel and the Republic of Kosovo agreed to establish formal diplomatic relations. Israel has become the 117th country worldwide to recognise Kosovo since the country declared independence in 2008.

¹²⁵ Clark, *Civil Resistance in Kosovo*, 73.

¹²⁶ "Serbia to go to ICJ over Kosovo," B92.net, March 26, 2008. Archived from the original on June 7, 2011 retrieved April 28, 2010.

with the International Law. The Resolution was adopted with 77 votes in favor, 6 against and 74 abstentions.¹²⁷

At the ICJ, Kosovo and its allies defended the view that the declaration of Kosovo's independence was a political aspiration, which in itself could not violate international law, and that general international law did not prohibit nor authorize declaration of independence. That international law does not prohibit declarations of independence simply for having been made without the parent state's consent, and we must refer to the case of Yugoslavia, where the declarations of independence of Slovenia and Croatia from Yugoslavia in 1991 resulted due to Milošević's aggressive policies. Therefore, when they became independent, Belgrade also claimed that Slovenia and Croatia violated the Yugoslavian law and international law. Nevertheless, today, even Belgrade has ceased claiming this.¹²⁸

Another key argument is one of consistency -in the last legitimate Yugoslav Constitution, Kosovo had the same legal right to self-determination that was the basis for independence of five of the six Yugoslav Republics: Croatia, Slovenia, Montenegro, Macedonia and Bosnia and Herzegovina. Namely, in a series of constitutional amendments between 1963 and 1974, Yugoslavia had elevated the two autonomous regions, Kosovo and Vojvodina, to essentially the same legal status as the republics, with their own administration, assembly and judiciary, and equal participation in all the federal bodies of Yugoslavia. Crucially, they held the same power of veto in the Federal Parliament, and were equally responsible for implementing, enforcing and amending the Yugoslav Constitution, as well as the ratification of agreements and the formulation of Yugoslav foreign policy. In the 1980s, the Milošević administration disbanded the institutions of Kosovo and unilaterally changed the constitution to strip the autonomous regions of these powers.¹²⁹

¹²⁷ International Court of Justice, "Accordance with international law of the unilateral declaration of independence in respect of Kosovo," July 22, 2010, 4. Archived from the original (PDF) on April 12, 2021; Ministry of Foreign Affairs of the Republic of Kosovo, Prishtinë, *Kosovo in the International Court of Justice*, 2010, 13.

¹²⁸ Written Statements - USA. Archived from the original (PDF) on June 5, 2011. Retrieved July 24, 2010, <https://web.archive.org/web/20110605051743/http://www.icj-cij.org/docket/files/141/15704.pdf>.

¹²⁹ Paul Williams and Jennifer Ober, "Is it true that there is no right of self-determination for Kosova?," in *The Case for Kosova: Passage to Independence*, Anna Di Lellio (ed.) (New York: Anthem Press, 2006), 109-120.

The Government of the Republic of Kosovo decided to appoint Sir Michael Wood, a legal expert, to lead the legal team. It was for the first time in the history of the International Court of Justice that all five Permanent Members of the Security Council (United States, United Kingdom, France, Russian Federation and China), have participated in an Advisory Proceedings. The Proceedings were also characterized by the participation of a large number of the UN Member States.¹³⁰

The Government of Kosovo and its legal representative, Sir Michael; Wood, a legal expert, represented position:

- Kosovo's independence is irreversible. This will remain the case, not only for Kosovo, but also for the sake of regional peace and security.
- After violating the human rights of Kosovo's Albanians Serbia had lost its rights to the country.
- The will of the people of Kosovo to freely determine their political status goes back many years and was clear to all participants in the 1999 Rambouillet Conference. "It was clear immediately after the 1999 conflict, when [UN] resolution 1244 expressly referred to the Rambouillet accords. It was clear throughout the period of [the UN's] UNMIK administration, and it was fully discussed and considered throughout the final status negotiations".
- The negotiations for the final status of Kosovo were supposed to convince Serbia to recognise its independence.
- Serbia has never been sincere in its offers of autonomy for Kosovo: "In the midst of status talks, Serbia adopted the constitution where it confirmed Kosovo as part of Serbia, thus demonstrated to Albanians that it is not interested in finding the solution, and showed what it meant with its offer for autonomy ... Therefore, Serbia showed that Kosovo is only a piece of land."¹³¹

¹³⁰ Written Statements, on April 21, 2009, the ICJ announced that 35 member states of the United Nations had filed written statements within the time-limit fixed by the court (April 17, 2009) on the question of the legality of Kosovo's UDI. Kosovo also filed a written contribution.

¹³¹ "UN court hears Kosovo independence case," *BBC News*, December 1, 2009. Retrieved December 1, 2021.

With an overwhelming majority, the International Court of Justice on 22 July 2010 concluded that the Declaration of Independence of Kosovo did not violate International Law, Security Council Resolution 1244 (1999) or the Constitutional Framework¹³² imposed by the United Nations Interim Administrative Mission in Kosovo (UNMIK). The opinion was a defeat for Serbia and a victory for Kosovo. It ended Belgrade's hopes of using the ICJ as a springboard to re-open talks on Kosovo's status and makes it more likely that it will accept a formula to sit with Kosovo's leaders as equal partners in a dialogue process. Regarding UNSC resolution 1244 the Court concluded that the object and purpose of Resolution 1244 (1999) was to establish a temporary, exceptional legal system which, save to the extent that it expressly preserved it, superseded the Serbian legal order and which aimed at the stabilization of Kosovo, and that it was designed to do so on an interim basis.¹³² In addition it should be noted that regarding the authors of the declaration of independence the court concluded that they did not act Provisional Institutions of Self-Government within the Constitutional Framework, but rather as persons who acted together in their capacity as representatives of the people of Kosovo outside the framework of the interim administration.¹³³

In addition, for the Kosovar side, this Advisory Opinion confirmed the natural right of the people of Kosovo throughout decades to be free of repression and terror, large-scale violations of human rights, crimes against humanity and ethnic cleansing committed by Serbian authorities. The Advisory Opinion of International Court of Justice (ICJ) confirmed the legality and legitimacy of the declaration of independence of the Republic of Kosovo and was also a victory for Kosovo's partners that were on the side of Kosovar people throughout the process of addressing the final status of Kosovo. At the same time the Advisory Opinion of the ICJ reaffirmed the independence, territorial sovereignty of Kosovo and the inviolability of its borders. Moreover, the ICJ Advisory Opinion can be credited with helping Kosovo strengthen itself as a state, both internally and in its relations with the world. Reactions to the verdict came from states, international organizations and non-state actors.

¹³² International Court of Justice, "Accordance with international law of the unilateral declaration of independence in respect of Kosovo," July 22, 2010, *Advisory Opinion*, July 22, 2010 (hereinafter "Advisory Opinion"), par. 100.

¹³³ *Advisory Opinion*, par. 109.

The advisory opinion by the court it was also read as being likely to lead to more countries recognising Kosovo's independence¹³⁴ and possible memberships of the EU and the UN. Although non-binding, the precedent-setting ICJ opinion provided key momentum to Kosovo's foreign policy, resulting in 117 countries recognizing its independence over time. Also the declaration of independence of Kosovo and the decision of the ICJ triggered an international debate over whether the case has set a precedent that could apply to other separatist movements or is a special case.¹³⁵ Other notable reactions were Russia's opposition to the verdict, while Abkhazia and South Ossetia hailed it. But months afterwards, Russia recognized Abkhazia and South Ossetia citing Kosovo's independence, which it did not recognize, as a precedent.¹³⁶ On the other hand the EU countries that recognized of the state of Kosovo praised the verdict and call for dialogue between Kosovo and Serbia, they also called for other states to now recognize Kosovo; all five EU states that have not recognized Kosovo stated that the decision is a narrow view only on the text of the declaration and they would not change their positions.

Serbia [which had requested the legal opinion], Russia and five other EU Member States never acknowledged the opinion of the ICJ, i.e. highest body of international justice, which stated that Kosovo's independence did not violate international law, to which they referred the most. Despite Russia having lost its legal battle before the ICJ, Putin has made efforts to utilize ICJ's opinion in two aspects: first, to justify the annexation of Crimea, by encouraging separatism in the region of South Ossetia and Abkhazia¹³⁷, and in Eastern Ukraine, and on the other hand, Russian politics undermined the success of EU and USA in Kosovo. So, Russia contested ICJ's opinion by claiming that Kosovo is not a *sui generis* case. But even if the ICJ decision would be against Kosovo's independence, Russia would still have used it to justify the annexation of Crimea¹³⁸, and

¹³⁴ Peter Beaumont, "Kosovo's Independence is Legal, UN Court Rules," *The Guardian*, July 22, 2010, retrieved March 24, 2021.

¹³⁵ Heiko Krueger, "Implications of Kosovo, Abkhazia and South Ossetia for International Law - The Conduct of the Community of States in Current Secession Conflicts," *CRIA*, 3 (2), (2009): 121-142, retrieved March 29, 2021.

¹³⁶ Michael J. Totten, "Russia's Kosovo Precedent," September 5, 2008, retrieved April 9, 2021.

¹³⁷ When Russia decided to recognize South Ossetia and Abkhazia in August 2008.

¹³⁸ "Putin Signs Laws on Reunification of Republic of Crimea and Sevastopol with Russia," *Itar-Tass*, March 21, 2014, retrieved March 21, 2021.

its aggressive politics against Georgia¹³⁹ and Ukraine. Although Russia has referred to international law in the case of Kosovo, they still remain champions when it comes to violation of international law and abusing its right of veto in the Security Council. Spain, one of the largest EU states, has based its refusal to recognize the independence of Kosovo in the fear that recognizing Kosovo's independence could be used to encourage Bask and Catalanian separatism.¹⁴⁰ Whereas, Slovakia has stereotypically linked the independence of Kosovo to the Hungarian community in the South-eastern Slovakia, and the fear that this region will move to join Hungary¹⁴¹, and most recently has linked recognition of Kosovo's independence to the conclusion of an agreement between Kosovo and Serbia.

On September 2010 the United Nations General Assembly adopted Resolution 64/298,¹⁴² which acknowledged the abovementioned Advisory Opinion of the International Court on the legality of independence of Kosovo. Furthermore, the resolution welcomed the readiness of the European Union to facilitate a process of dialogue between Kosovo and Serbia. On the other hand, China and Russia would likewise continue to block Kosovo from UN membership, even if it were to achieve a majority in the General Assembly. China's refusal to recognize is linked to fears of precedent in the case of Tibet, while Russia remains a historical ally of the Orthodox Serbs since the Eastern Crisis of 1877-1878 and a country through which it has always sought to extend its influence in the Balkans.

Kosovo's Future after Indipendence

One of the international implications of resolving Kosovo's status, as well as its effect on the regional equilibrium, is that for the EU, the European integration of the Western Balkans remains a key test and challenge of the consolidation of its foreign and security policy. Even over a decade after the end of the war in Kosovo, Europe has not demonstrated cohesion in its foreign and security policy. The EU does not talk with one voice on Kosovo, though 22 of its member states have

¹³⁹ "Separatist Leaders Give No Indication of Imminent Recognition from Moscow," *The Messenger*, February 20, 2008.

¹⁴⁰ *Kosovo-Calling: International Conference to Launch Position Papers on Kosovo's Relation with EU and Regional Non-recognising Countries* (Prishtina: Kosovo Foundation for Open Society and British Council, 2012), 13.

¹⁴¹ *Kosovo-Calling*, 61.

¹⁴² Resolution adopted by the General Assembly, 64/298, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ROL%20A%20RES64%20298.pdf>.

recognized it. Therefore, the entire work of the EU presence in Kosovo's terrain continues to suffer from the differences, which exist in Brussels and between member states. The work of the EU presence in Kosovo has always had to be tailored more to the wishes of member states, than requirements in the terrain. Hence, the failure of the EU to create a joint position regarding Kosovo's status has obstructed work in the terrain and made impossible the inclusion of Kosovo formally in the EU integration process.¹⁴³

The moment to build unity around Kosovo's status has been lost twice. The first time was beginning of 2008, when Kosovo declared independence on 17 February 2008.¹⁴⁴ This declaration was not unilateral, because it occurred in coordination with the international community, at the end of an international political process, led by the UN Special Envoy, and with strong EU participation, and which issued a proposal on the basis of which, Kosovo declared independence. The EU failed to support a proposal, which was the result of the work that up until then, it had supported.

Another lost moment was when the International Court of Justice (ICJ)¹⁴⁵ took an extraordinarily clear position that Kosovo's declaration of independence did not violate any norm in force in international law, and nor did it violate Resolution 1244 of the UN Security Council. The chance was lost, as 5 EU states based their opposition to independence on the alleged need to respect international law in recognizing independence, yet now the most senior world authority on interpreting this right, had confirmed that the declaration of independence was not contrary to international law.¹⁴⁶

For the EU to speak with one voice in Kosovo, all of its member states must recognize Kosovo as a state. This would enable Kosovo, at last, to deal with its many internal problems, it would enable the EU

¹⁴³ Augustin Palokaj, "Në vend që të flasë me një zë, BE-ja në Kosovë do të mbetet pa zë," [*"Instead of speaking with one voice, the EU in Kosovo will remain silent"*], *Koha ditore*, 31.01.2012.

¹⁴⁴ Joachim Ruecker, *Standard and Status: How Kosovo Became Independent* (München-Berlin: Südosteuropa-Gesellschaft, 2011), 96-199.

¹⁴⁵ The court delivered its advisory opinion on 22 July 2010; by a vote of 10 to 4, it declared that "the adoption of the declaration of independence of 17 February 2008 did not violate general international law because international law contains no 'prohibition on declarations of independence'". For more, see, *The ICJ Advisory Opinion on the compatibility of Kosovo's Unilateral Declaration of Independence with International Law*, accessible on: <https://www.icj-cij.org/files/case-related/141/141-20100722-ADV-01-00-EN.pdf>

¹⁴⁶ Augustin Palokaj, "Në vend që të flasë me një zë, BE-ja në Kosovë do të mbetet pa zë," [*"Instead of speaking with one voice, the EU in Kosovo will remain silent"*], *Koha ditore*, 31.01.2012.

presence to do its job better in Kosovo and it would help Serbia to more easily accept the reality that Kosovo is now an independent state. If not, three illusions that a new *status quo* has been created will be sustained. Like this, Kosovo will be under the illusion that it is included in the process of European integration, Serbia will continue to believe that it can become an EU member state without recognizing Kosovo and even considering it a part of its territory, while the European Union will sustain the illusion that has now been created, that it can do what is necessary in Kosovo, without needing to treat it as a state.¹⁴⁷

The EU will confront a series of problems after Croatia's integration, which are sometimes coincidentally, and sometimes not, related to Turkey and the Ottoman identity. With its non-recognition by 5 of 27 EU member states¹⁴⁸, Kosovo remains far from the group of candidate countries, Montenegro and Serbia, and even Macedonia. According to ranking by countries, it would enter the non-functional group, which includes Bosnia-Herzegovina and Macedonia, which suffer the contestation of their identity. The EU's position puts Kosovo in the group of non-functional countries, and so in the group of states which are not completely sovereign. The eventual dissolution of Bosnia and Herzegovina and consequently, of Macedonia, which currently suffers from ethnic complications, will bring into question the future of Kosovo as a state, and then, this will raise the question of unification with Albania. So, the Balkan crisis, which began with the dismemberment of Yugoslavia after the Cold War, continues to be the preoccupation of international organizations.

In recent years, in the different and dynamic conditions of the period after the Cold War, Turkey has gradually appeared in the international competition over the future of the Balkans. The US and EU see that many Balkan governments tend to pursue a policy which is closer to Turkey, if their European integration policy is not successful. On this point, many experts see in Turkey an advantage, the Ottoman heritage in the Balkans. Aware that the future of Albanians (Kosovo and Albanian), Bosniaks and Serbs is the key to the stability of the Balkans, Turkey has carefully tried to extend its influence in this part of the Balkans, which coincides with the old lines of the European part of the Ottoman Empire. But the EU and

¹⁴⁷ Ibid.

¹⁴⁸ The EU states that do not recognise Kosovo's independence are Spain, Slovakia, Cyprus, Romania, and Greece. See, Craig Turp-Balazs, "The Explainer: The EU's Kosovo Awkward Squad," *Emerging Europe*, February 3, 2021, <https://emerging-europe.com/news/the-explainer-the-eus-kosovo-refuseniks/>.

the US are also actors in this area, while Russia's role is contradictory and more destabilizing, almost similar to its neighborhood with Georgia and Ukraine. In the meantime, the situation is becoming even more complicated due to the cooling of relations between Turkey and the US in recent years¹⁴⁹. On the other hand, for Kosovo it is important to have a good relationship with both the US¹⁵⁰ and the EU¹⁵¹ and Turkey¹⁵², which during the 13 years of independence have helped Kosovo's state for integration into the international system.

Conclusion

The main primary conclusion of this paper is that the Kosovo issue was raised during the period of the dissolution of the Ottoman Empire until the dissolution of the multinational Yugoslavia at the end of the Cold War in the 1990s, which resulted in the creation of new states in the Balkans, including the state of Kosovo. The Balkans remains one of the regions with the highest level of heavy weapons in Europe, and is likely to remain as such in the future, because this is an important location, where the spears of geostrategic interests and the balance of world forces, are broken. Experts say that fear of a potential conflict, more a consequence of tradition, is motivating the region's armies, despite the serious economic crisis, to spend huge sums of money on arming their forces.

If we analyze the Balkan scene today, we note that some of the Balkan and European protagonists have changed fundamentally. The Western European powers created the European Union and to some measure, have become a subject, which if not unified, is at least cohesive. In the place of Austria-Hungary, the biggest rival to the Slav-Orthodox bloc has been taken by the US, a superpower, which in the decade after the Cold War has had the dominant role in the Balkans, demonstrating leadership and military potential in administering Balkan crises. Europe still does not speak with one voice, but by following national policies, it is

¹⁴⁹ Galip Dalay, "US-Turkey Relations will Remain Crisis-ridden for a Long Time to Come," *Brookings*, January 29, 2021, <https://www.brookings.edu/blog/order-from-chaos/2021/01/29/us-turkey-relations-will-remain-crisis-ridden-for-a-long-time-to-come/>

¹⁵⁰ "US Relations with Kosovo - United States Department of State," <https://www.state.gov/u-s-relations-with-kosovo/>.

¹⁵¹ European Union Office in Kosovo & European Union Special Representative in Kosovo, https://eeas.europa.eu/delegations/kosovo_en.

¹⁵² "Relations between Turkey and Kosovo," http://www.mfa.gov.tr/relations-between-turkey-and-kosovo_en.mfa.

still far from playing the role of a global actor. And, lastly, for the EU, the Balkans remains a decisive test and the EU remains incomplete without the integration of Kosovo and other Western Balkan countries. But, bearing in mind that Kosovo and the region around it, occur in a dynamic strategic environment, in the event of the failure of the European integration project, then Turkey, which cannot be separated from Europe geographically or historically, may fulfill that vacuum created by European policies. Turkey is already re-assessing its foreign relations strategy with a viewpoint that includes the EU, and it will enter into competitive relations in the Balkans. In this vein, Turkey, which has a military force greater than that of all the Balkan states together,¹⁵³ will target the internal weakness of European diplomacy to channel its influence in the Western Balkans. At the same time, this could extract a positive reaction from the EU, as a catalyst speeding up the profiling of the EU's foreign and security policy.

Creating new Balkan states during the dissolution of Yugoslavia in 1991-1992 created a brittle equilibrium in the Western Balkans. The injustices produced by the Balkan Wars 1912-1913, especially with regard to Albanians of Kosovo, have been eliminated. Roughly one hundred years after the Balkan Wars, the map of Europe has added a new state of Kosovo, which has created a balance between the Albanian and Serb factors in the Balkans. However, even though the Balkan actors are no longer like their ancestors, in the end, most of the problems from the start of the 20th century remain in the Balkans, and continually disturb European diplomacy, which too often, lacking an impartial approach, has deepened the problems of this region further. Observing the events of the Balkan Wars of 1912-1913, there are parallels with the consecutive conflicts, which followed the end of the Cold War and the dissolution of Yugoslavia. Besides this, to establish peace in the peninsula, and in Europe, it is necessary to Europeanize the region and Kosovo. Without doubt, the Europeanization of the region could not have been considered, without NATO intervention in the war in Kosovo.

However, despite the aforementioned parallels, Kosovo's case remains special because of its historical, cultural and political reasons and its unique path to independence. First, in these countries we are speaking of regions and national minorities that have not endured collective and systematic persecution as Kosovo Albanians have during the period between two World Wars, during the Yugoslavian colonisation period,

¹⁵³ See, <http://www.globalfirepower.com>.

and particularly during the Milošević's government (1989-1999), when crimes and expulsion (deportation), not seen since World War II period, had taken place. In addition, Kosovo, which was a political and administrative entity even under the Ottomans (*Vilayet* of Kosovo) and the epicentre for the Albanians movement for autonomy and independence, in early 20th century was annexed by Belgrade during the period of Balkan wars in 1912-1913, and for an entire century endured assimilation and colonizing politics from Belgrade that peaked in 1989-1999 with an apartheid regime, killings and mass deportations. Serbian politics never treated Kosovo Albanians as citizens of equal rights in the Yugoslavian state, first and foremost because of ethnical, cultural and religious differences. Albanians were systematically seen as ottoman remains because of their cultural heritage and Muslim religious belonging. Additionally, Kosovo's independence was the result of the dissolution of a multi-national Yugoslavia, where an autonomous Kosovo was one of the eight political-administrative and constitutive units, a status that was violently abolished by the Milošević regime in 1989. After a 10-year apartheid regime in Kosovo and Serbian crimes of 1998-1999, NATO in March of 1999, following the unsuccessful efforts of the Contact Group to reach a peaceful solution for Kosovo in the Rambouillet Conference, started the military punishment against Serbia. In this sense, the declaration of independence was not done in a unilateral or spontaneous manner, but rather after a long negotiation process under the authority of the Special Envoy of the United Nations Secretary General, and the international civil and military administration (1999-2008). Moreover, the regional stability created in the Balkans after the solution of the issue of Kosovo confirms the views of the UN's international mediator, former Finish President Martti Ahtisaari that "Independence is the only viable option for a politically stable and economically viable Kosovo."¹⁵⁴

Compared to when the London Conference of 1912-1913 awarded a truncated state and when the Kosovo *Vilayet* was subjected to Serb and Montenegrin occupation, as a consequence of territorial compromise and balance, the state of Kosovo in its current form, is a projection of an international compromise by the Europeans and Americans. Clearly, the declaration of Kosovo's independence, which closed the last chapter of the violent crisis of Yugoslavia, which started and ended in Kosovo, changed the position of Albanians in relation to their Balkan neighbors

¹⁵⁴ Michelle Nichols, "U.N. Report Recommends Kosovo Independence," *Reuters*, March 2007.

and in the international arena. And with Kosovo's independence, as the German author Michael Martens states, "the delayed consequences of the accident of the work of the Ambassadors' Conference of 1912-1913 have been eliminated."¹⁵⁵

In addition, regional stability and peace are closely linked to Kosovo's future within NATO. In addition, regional stability and peace are closely linked to Kosovo's future within NATO. While the current dialogue in Brussels between Kosovo and the Belgrade authorities is not only about these two countries, but is about confronting the goals between the US and Russia. In the first place, Moscow is using Kosovo to thwart NATO's presence in the Balkans and Eastern Europe. However, NATO integration remains essential for Kosovo, as this membership has to do with the context of national and regional security.

¹⁵⁵ See, Michael Martens, "Wagnis der Unabhängigkeit," *Frankfurter Allgemeine Zeitung*, September 3, 2007.

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