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A Possible Solution for the Kosovo Problem¹

1. Albanian-Serbian relations are currently at their lowest level. Armed conflicts in Kosovo have been renewed. The ceasefire established on the basis of the Hoolbroke-Milosevic deal and the agreements on the OSCE Kosovo Verification Mission (Geremek-Jovanovic) and the NATO Verification Mission (Clarke-Perisic) has been shattered. Many developments indicate that all parties seem to be following the same strategy: violence can sometimes be useful! On the one hand, the Serbian regime does not appear to be willing to stop the police and military campaign in Kosovo until a serious blow has been dealt to the KLA or until a determined international military response (including the deployment of NATO or UN separation forces). For Milosevic, a confrontation with NATO need not mean the end. On the contrary, it can serve as a good excuse for the unsuccessful attempts to regain control of Kosovo.

The first step must be to stop armed conflicts. In order to achieve that, Serbian and Yugoslav authorities must reduce the presence of Yugoslav Army and special police units in Kosovo to the level before the current escalation of violence. It is the obligation of leaders of Kosovo Albanians, particularly Dr Ibrahim Rugova and Adem Demaqi, to establish political

¹ International Conference: *Recent Developments in the Kosovo Region: Strategies and Options for a Peaceful Solution*, Hellenic Foundation for European & Foreign Policy, Athens, 22 January 1999.

control over the members of their community who are involved in armed activities and to secure political support for their pacification and disarming as soon as possible.

Pacification can be achieved if Albanians involved in armed activities are amnestied, providing they cease all armed activities and hand in their weapons before an agreed date.

No one from any side can be excused for crimes committed against humanity. Both sides must cooperate with the *International Criminal Tribunal in the Hague*.

The process of establishing a ceasefire, disarmament and partial demilitarisation of Kosovo would be conducted by *a mixed military and political committee* formed by both parties and the OSCE's verifiers.

2. We are witnessing a conflict over the status of Albanians and control of Kosovo territory. The conflicting sides proceed from extremely radical and diametrically opposed positions and compromise seems to be impossible. However, the current problems can be solved and that can be achieved only through agreement. A new phase in the Kosovo process will be opened when the two sides start indirect negotiations, which will create conditions for negotiations on finding a political solution. But indirect negotiations cannot result in a compromise solution. For that, the two sides must start direct negotiations and take direct responsibility for implementing the negotiated solutions. A failure to reach a negotiated settlement will undoubtedly cause

renewed arms conflicts and more suffering in Kosovo, with inevitable involvement of the neighboring countries.

The atrocities in the village of Ra~ka shows that the conflicting sides are unable to find a political solution without international pressure and control. Milo{evi} and Rugova must be forced to change their policies and the implementation of the agreed solution must be subject to international supervision. The best way to achieve this is probably an International Conference which would formulate a general framework for the interim solution and start stabilization in the region.

3. The interim solution can be found as part of the “special status” concept. The phrase “special status” is used to denote a process involving the following elements: firstly, active mediation and guarantees on the part of the international community, primarily the OSCE; secondly, a step-by-step methodology for achieving a high degree of autonomy for the Region of Kosovo within a Serbian federation and a Yugoslav confederation; thirdly, a time limit for the interim status for a period of five to ten years. A series of referendums would then be used to resolve all the outstanding issues regarding the status of Kosovo and the territorial-political arrangements for Kosovo and Serbia; and fourthly, stabilization and renewal of cooperation in the Central Balkan subregion. This could be achieved through the Central Balkan Coordination (CBC) project and the inclusion of the subregion in the pan-European security system.

4. The implementation of the new status of Kosovo Albanians and the region itself can begin with the adoption of a federal law *Law on the Rights*

of National Communities and another law establishing a special status for the Region of Kosovo.

The autonomy of the Albanian community implies:

- the right to use national flags and other symbols;
- the right to dual nationality for every member of the Albanian community in Kosovo who wants it;
- education, culture, the media and sport organizations whose programs will take into account the values and needs of the Albanian community;
- adequate representation in the officer corps and professional units of the Federal Army. Members of the Albanian community can, if they so wish, be freed from compulsory national service for the next five years;
- proportional representation in all public services (the same principle should be applied to the members of Serb and other communities).

The autonomy for the Region of Kosovo implies:

- the exercise of legislative power through a bicameral parliament of RK and adequate representation in legislative bodies at the republican and federal level;
- a bicameral parliament of RK would be established after a transitional period of no more than six months on the basis of the results of free and fair elections conducted under the supervision of the OSCE. During the transitional period (for not more than three years) legislative power will be exercised in close cooperation between the Serbian parliament and representatives of the Albanian community. The OSCE Mission in Kosovo can assist in this process;

- autonomous executive bodies, including a RK police force, with proportionate representation of ethnic communities, that would be a component part of a single security system of Serbia and FR Yugoslavia;
- a judiciary which will deal with questions in which RK has prerogatives;
- the right to develop agriculture, plan and implement veterinary and other controls to protect crop production and livestock;
- the right to participate in the planning and control of the exploitation of mineral, water and other natural resources of Kosovo;
- the right to strategic planning in transport;
- the establishment, development and control of health services;
- urban planning and the development of towns and villages;
- environmental protection, the control and improvement of water and other vital resources;
- social welfare, the establishment of institutions of social welfare and the development of awareness and a culture of social welfare;
- the promotion, marketing, research and development of tourism in RK;
- the right to levy appropriate taxes and contributions to finance the budget of RK and the right to create the preconditions for the self-financing of certain autonomous services;
- the right to communicate directly with relevant international organizations with the aim of protecting and furthering autonomy and collective and individual freedoms and rights.

5. The following measures will be taken with the aim of establishing mutual trust:

- the government must immediately implement all obligations stemming from the education agreement signed by Slobodan Milosevic and Ibrahim Rugova;
- the government must propose and coordinate with representatives of the Albanian community measures to revive the work of all cultural, sporting, media and health institutions in RK;
- the authorities, in particular the Serbian parliament and government, must abolish or suspend all legal and other restrictions of the rights and freedoms of the Albanian community;
- a mixed Humanitarian Commission should be set up to assist victims of the conflicts, and representatives of the ICRC and UNHCR should be able to take part in its work. The task of this commission is to examine the needs and secure adequate aid for victims of the conflict and their families (from medical care and food to help in rebuilding houses and economic facilities). The commission must pay particular attention to securing conditions for the return of displaced persons to their homes;
- Yugoslav authorities must set up a special *Bureau* to deal with organized crime and terrorism, including representatives of the Albanian community in Kosovo. This Bureau will cooperate with the OSCE Mission in Kosovo and corresponding international organizations;
- members of the Albanian community who are in prisons in Serbia for political offenses must be pardoned and released within six months.

6. Without international encouragement, support and assistance, it is not possible to overcome the current mistrust or find a solution. This requires:

- the involvement of the OSCE Temporary Mission for Kosovo in securing the cessation of violence and the start of dialogue;
- the full membership of Serbia and Montenegro (FR Yugoslavia) in the OSCE, all relevant European and regional institutions and the United Nations. For all parties, this would be the most efficient and most acceptable guarantee of control during all phases of the transition from the state of conflict to the state of mutual confidence and cooperation;
- immediately after the verification of the above-mentioned platform, the Contact Group states must take action to lift all sanctions, including the so-called outer-wall sanctions, against FR Yugoslavia and support the efforts of FR Yugoslavia to regulate its status in the OSCE, UN, Council of Europe, and international financial and other organizations.

7. For the purpose of coordinating efforts on the establishment of “special status” for the Region of Kosovo, a special *Committee* will be established to monitor the implementation process, whose members will include representatives of the Serbian and Yugoslav governments, the Albanian community and Serbs from Kosovo. The head of the *OSCE Temporary Mission* can also take part in the work of this committee, together with one representative from each of the Contact Group countries.

The committee has the right and obligation to analyze, monitor and encourage the implementation of the “special status” for Kosovo and the Albanian community.

8. CBC is a project of peaceful and democratic management of the conflicts of interest.

National and territorial issues in the Central Balkans are closely interconnected and each of them has implications on the whole region. For example, since Albanians live in all four CB countries, the question of their status and the status of Kosovo must be resolved within the CB framework. As a matter of fact, both Albanians and Serbs should be given assurances for future inter-Albanian or inter-Serbian cooperation and integration, and all CB and Southeast European countries should be given guarantees for territorial integrity. CB should follow the example of French-German cooperation after the Second World War and the process of European integration thus initiated.

Some problems can only be solved through CBC and they certainly include the struggle against terrorism and organized crime. Albania and Albanians from Kosovo must take their share of responsibility in this process. Another example concerns control over migration flows and discouragement of black market activity, which would be possible only through the establishment of common standards, border control measures and simplification of border formalities for persons with working permits. Yet another example shows that care for refugees could be facilitated by the adoption of a common policy for a temporary humanitarian status for all refugees, by sharing costs of refugee assistance, preventing causes of new refugee flows, encouraging repatriation of refugees and facilitating the integration of those who have decided to remain in the host country.