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ACADEMICIAN GAZMEND ZAJMI (Prishtina)

THE KOSOVA QUESTION IN THE ALBANIAN QUESTION  
CONTEXT AS AN IMPORTANT REQUIREMENT OF THE TIME

*The Kosova question as a requirement of the time*

Right after the Balkan wars of the years 1912-1913, the citizen and the known politician of Serbian imperialism Nicolla Pashic had said: "It is in our interest that now Austro-Hungaria should survive twenty-five to thirty years more up to the time when we shall occupy the territories of the south". Leaving aside the severe meaning of this saying for the transferring of the Albanians and the Serbian colonization of Kosova, it seemed as if Pashic himself had defined the elementary meaning of the Kosova question. He dealt with it as a question of the extension of power of an ethnicity in a territory with other ethnic qualities and composition and prophesied what would happen later on but did not happen, the fundamental changing of the ethnic structure of Kosova in the favour of a Serbian majority.

The discordance between the ethnic composition of the population of a territory with its own features and the ethnic pertaining of the power brings about in a political endogenous way the question of the position of the territory, both as a question of under-ethnic macro-proportion in a state framework and in an international one. This means that this question would exist even if the foreign ethnic power was not characterized by ethnocratic severity as it is in the case of Kosova with Serbia. The ethnocratic severity expressed through the trampling underfoot of the rights of man, through the deprivation of national rights in the sphere of individuality, of national cultural inheritance as well as in the social economic sphere, only aggravates the question. This policy on a socio-psychological ground, gives birth, strengthens the consciousness and the impulse of the people to change this unnatural situation. On this basis, the desire of a people of a territory, takes shape. The desire is born to become the master of its own national destiny in its own country. In the historical crossroads, the strong historical collective pulsation of the principle of self determination becomes stronger in the bosom of a population and the question of the people and of a certain territory it is not only an objective question with the possible potential of political international actualization, but it is becoming an ethnic-territorial question with a powerful reality now.

The situation in Kosova today is this: the question is characterized by the collective requirements of the Albanian people of Kosova for complete political-institutional equality, for the equal Republic of Kosova in the multinational federal-confederate framework and by the deep impulses for national unification, which have never faded away since the time of National Renaissance. But all these occurred at a time when the decomposition of the Yugoslav federation did not appear in the political horizon. The further strengthening of the Kosova question started when there were seen the first serious splits in the multinational body of Yugoslavia, originating from the time of territorial structural invention of the Yugoslavia of Versailles.

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Feeling these tectonic movements which would lead to a radical restructuring of Yugoslavia without the supremacy of Serbia, or to its disintegration in 1980, the Serbian Power started the state dimensions process of gripping Kosova and Vojvodina in the links of the unitarian structures of Serbia. So, in this way, foremost and objectively, the disintegration of Yugoslavia was accelerated by Yugoslavia itself through its factic occupation of Kosova. Actually, the Federative state is severely encumbered with basic regulations of underethnic proportions and underfederal ones, which were guaranteed by the common multinational federation.

The destruction of the institutional independence of Kosova by the Serbians was at its height in March of the year 1989 with the severe changes in the constitutional proportions at that time between Kosova and Serbia. This did not happen because of a sudden explosion of a myth and of the Serbian accumulated mythomania towards Kosovo. In this case the myth was put in the service of the efforts for the creation of a Serbian state and of the intentions for the Serbian colonization of Kosova as much as possible. This myth was accompanied by the deformed concept of the "national minority", and its position was treated from a different angle; what rights it shouldn't have. Considering the Albanians "as a national minority" is in opposition with the demographic reality of the Albanians, and it does not take into consideration the dimensions of its implications, not only in ex-Yugoslavian areas but also on a Balkan scale.

Just these courses towards the Albanian population of Kosova, respectively towards Kosova, were a great challenge of time.

The Kosova question, as an objective underethnic problem, in the historical crossroads for human and national destiny, has risen as an acute question of the self-determination of the Albanian people of Kosova. This challenge of the time aped up the political organization of the Albanian people of Kosova, the creation of its own political parties, the constitutional declaration of the second of July which sanctioned the independence and equality of Kosova, its separation from the Serbians and the measures to proclaim on the basis of this declaration the constitution of the Republic of Kosova (7 september 1990). The quick changing of circumstances in the irreversible disintegration of Yugoslavia was another big challenge of the time. The Parliament of Kosova issued the Resolution on Kosova as an independent and sovereign state (september 1991). This was also confirmed by the whole popular referendum (26 September 1991). The elections for the parliament and for the chairman of the Republic of Kosova (24 May 1992) held great importance for the institutional construction of the Republic, but the participation and the positive results of the elections were in essence a repeated whole popular referendum for the independence and the sovereignty of Kosova.

The known massive demonstrations of the Albanians for the Republic of Kosovo from the year 1981 up to now (we have to add here those of the year 1968), such as the magnificent upsetting epopee of the miners of "Trepçe", awakened and shook up the consciousness of the people in the world on the Kosova question (February 1989). The general uprising (February - March 1989) in Kosova, as the first uprising of that kind in southeastern Europa, the call of 215 Albanian intellectuals of Kosova, as a call of resistance and of sparks for the future and the display of the Albanian political parties in Kosova are great events in the actual history of Kosovo. These

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events were followed by the Serbian fight against the desire of a people who desired to be the master of its own political destiny. Generally, this situation can be summarized in a few words: "Kosova with an Albanian demographic majority - Kosova with Serbian army and police".

## *The Kosova question as a challenge of the time*

The Kosova question, in essence, is a question which is connected with the respectability of the self-determination of the people of Kosova, of the resolving of the ethnic-territorial proportion between the Albanian nation and the Serbian nation. Today it is represented as a need for respectability and for an international guarantee for the free functioning of the Kosova Republic, which emerged in an institutional way in the bosom of the National Albanian movement.

The complete and correct international restructuring of the areas of ex-Yugoslavia can't be accomplished without the correct solution to the Kosova question and other ethnic Albanian regions. At the same time, there would be no correct solution to the Kosova question without respecting the political goodwill of the overwhelming majority of the population of Kosova.

The right of self-determination of the population of an individualized territory is a natural right which has occupied a special place even on a positive international level.

The principle on the right of self-determination of people is found in the first article of the charter of the United Nations, where are explained the aims of this organization. Further information on this principle is found in the international normative dispositions: in the International Convention on Civil and Political rights and in the International Convention on Cultural, Social, Economic rights (the article of the conventions of the year 1966). The same principle also figures in the final document of (CSCE) in the year 1975, as well as in "the Declaration of Principles" (article 5) of the London Conference (August 1992).

The Albanian people of Kosova, as Albanian "part, nation", makes up nearly 90 % of the population of Kosova. In this case its self-determination on the position of Kosova, means self-determinations over its living territory "ipso facto". It is expressed as double self-determination; as national self-determination and as self-determination of the integrity of the population of an individualized territory. With the right of self-determination of the people of Kosova, basically, it connects the outstanding thought from the juridical philosophy that "he who exploits his right does not bring injustice to anyone (Qui iure suo utitur nemin facit iniuram)"<sup>1</sup>.

The Serbian political thought, foremost that of the government, without having the moral basis to object to this principle, created the label of "minority" for the Albanians of Kosova who make up a majority. That is clearly seen. On this he states the second idea according to which the minority has no right for self-determination. This idea is also without any philosophical, political support and juridical-international explicit as well as without support in the historical empire. This is witnessed by numerous plebiscites during history, especially for individualized territories with an ethnic, mixed composition.

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In an interstate English-Irish agreement (November 1985) it is said that "Northern Ireland will remain a part of the United Kingdom for so long that it would be under the goodwill of the majority. This assertion explains very clearly the meaning of the principle "Argumentum a contrario". As it is known, the majority of the population of Kosova does not wish to remain a part of Serbia, and this fact is enough to clarify that the political Serbian opinion on Kosova is contrary to the democratic season. It is enough to reason the right application of international democratic standards on the Kosova question.

It is of great importance the explanation of the opinion that the Republic of Kosova is not a result of anti-Serb attitudes, but of the Albanian respect itself, of self-determination on the position of its territory in the international arena. The Republic of Kosova with its disintegration is not a secession to anyone although secession in these historical cases is the right decision. On the other hand, the occupation of a political territorial entity, as is the case of today's occupation of the Republic of Kosova from the Republic of Serbia, is political independence.

The Republic of Kosova and its international acknowledgement is not an international judgement for a people with a democratic desire that lives in an independent political territory, for legitimate organs of power which were elected and supported by the people.

In the end it should be mentioned that today's international concern for not breaking up the war in Kosova is very human and holds weight for the situation in the Balkans and Europe, but they should not deny the need for the solution of the Kosova question on a complete international basis. Humanity is not limited in the question of peace, but it always interacts with justice, which respects the desire of a people of an independent territory.

In the common declaration of the Haga Conference for peace in Yugoslavia (The conference for peace in Yugoslavia September 1991) it is said that the mission is to reestablish peace for all Yugoslavia and to have permanent solutions, where all interests and legitimate aspirations are respected. Are they not legitimate the aspirations of the Albanian people in the arena of ex-Yugoslavia, as a non-Slav people, which are bigger in number than the other peoples and have a small percentage of area in their ethnic territory?

In "the Declaration of principles" of the later London Conference (August 1992), it was expressed the rigorous principle of unknowingness of the priorities won by force of through (*fait accompli*). This principle which is derived from the logic of the order of questions, was trampled underfoot by the Haga Conference itself, to which was not invited to participate either Kosova or Vojvodina, constituent units of the state which was put on the international table. Through this action, the Haga Conference legalized unjustly the act of violation of the Republic of Serbia on the constitutional position of these two territorial political entities, which according to the existing constitution of Yugoslavia, continued to have the position of the constituent parts of the Federation. Thus, the way in which the Haga Conference started was not in full compliance with its initial declaration. For this reason, the political scientific subjects and Albanian intellectuals sent to the Conference hundreds of arguments and requirements for Kosova participation.

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From the aspect of the legitimate rights of the Albanian people of the areas of ex-Yugoslavia, the remark should be made that the London Conference indirectly and unjustly took the responsibility for the continuity of injustice of the Haga Conference toward Kosova. Taking into consideration the actual proportion between the occupying Republic and the occupied Republic, as well as the possible inconsequences and non-principal eventual pragmatism of the mechanisms and international subjects, there is no doubt that the free functioning of the Republic of Kosova for a short or a long period of time will encounter considerable difficulties. It is for this reason that the free functioning of the Kosova Republic is a great challenge for the Kosova question in the Balkans. The unjust and imposed international eventual modalities towards the Kosova question would prevent the free functioning of a legitimate Republic of Kosova, so the Albanian people and its political forces, consider them as imposed modalities of transition - as for the international world and for the West, this contemporary saying should be remembered, "The landscape should belong to the people who see it all the time (Le Roi Jones).

As far as the deep inconsequence of the Serbian side in the application of the ethnic principle and of the democratic principle of self-determination in the Albanian-Serbian macro-proportion and its priority of force, an anthological maxim of L'Abbe Sieyes should be paraphrased: "Ils veulent être libre mais ils ne savent pas être juste". The Serbian side in its international programme, as a fundamental principle, considers the ethnic issue, but at the same time deviates from this principle in the Albanian-Serbian ethnic proportion in the Balkans, and as a result even from the principle of self-determination.

On the Serbian issue we should be reminded of the words of a statesman (Gladstone), who, in directing his opponents underlined "you can not fight against the future, time is with us". We should add: time resembles a child who needs to be fed.

1 Britan 1987 - an official handbook page 16.

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