



The Current Situation in Kosovo

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Liz Griffin is a lecturer in human rights law at the University of Essex; she has been working in Kosovo.

After the NATO intervention in Kosovo in 1999 an agreement led to the total withdrawal of Serbian troops, but independence for Kosovo was never an option. In 1999 the UN became the *de facto* government. There is still no decision, however, on whether Kosovo will become independent at some point in the future, or gain some special status within Yugoslavia. One basic problem is that the Kosovar Albanians want independence but the Serbs will not countenance this. There is a nominal framework in place in Kosovo for the Kosovars to run their own affairs, but in the absence of a decision on the future fate of the country this is not happening, and the UN is still running everything. There has been no progress in passing new laws or improving the political structures. In 1999 Kosovo was in fact a failed state. The Serbs had gone and the Albanians were debarred from participation in government for ten years. Education, social welfare, the military and the police had all collapsed.

Of the population of approximately four million 88 per cent are Albanians and 7 per cent are Serbs. About 150,000 of the Albanians are Catholics and the rest are Muslims. Most of the Catholics (Croats) have left since 1999, leaving only a few hundred. Religion as such has not played any part in causing the conflict; the divisions are along ethnic and linguistic lines. The Albanian Muslims are largely nominal; only a very small number practise regularly. In the Serbian community religion is a much more important factor; unlike the Albanians, the Serbs articulate their identity through their religious leaders. In the face of Albanian attacks since 1999 the Serbs have flooded to areas where there is the protection of Serbian monasteries: Pec, Gračanica, Decani. Serbian patrimonial sites have been damaged or destroyed by the Albanians, but again the motivation is not religious as such.

Several basic human rights issues have been salient since 1999.

Four which are interrelated are freedom of movement, access to education, access to health care and access to work. The last three arise out of the first. Living in ghettos, people from minority communities are unable to travel to where education, health care and work are available. In my view there has not been enough international effort to enable the inhabitants to travel more freely.

Another problem is that of refugees returning to the country in large numbers and finding that newcomers are now living in their former property. The whole issue of property restoration is fraught with difficulties.

Another problem is that of missing people. Many Albanians were in prison in Serbia. These have now all been located and released, but were a bone of contention for many years as the Serbs would keep them as bargaining counters.

A final problem is that investigations into war crimes are unfinished. The priority has been to deal with the big players; but at the local level war crime liability remains largely uninvestigated since the legal infrastructure to do so is absent.

All of these basic human rights issues present major obstacles which prevent reconciliation between the various ethnic communities.

Discussion on Croatia and Kosovo

The following were among the points made:

There is no persecution of religious minorities in Croatia, but such a strong identification between 'Catholic' and 'Croat' that a non-Catholic Croat is considered something strange. Davor related his own experience as a Baptist pastor booking in for a driving test. The official asked him questions from a form; and when in answer to the question 'Occupation' Davor replied 'Priest' (assuming that the official would be unfamiliar with the term 'Pastor') the official went on to fill in the next two boxes, 'Marital Status' and 'Children', automatically: 'Single' and 'None' respectively. Davor then introduced him to the concept of a married Croat Protestant clergyman with children.

Croatia experiences similar problems to those of Kosovo with regard to returning refugees finding new people living in their former property.

There is no National Council of Churches in Croatia. and

apparently no interest in setting one up.

There is still no time-line for achieving a political resolution in Kosovo. Initially there were 40,000 KFOR troops in the country; now there are about 10,000. This is the most expensive and complex peacekeeping operation the UN has ever been involved in. The UN has no experience in running a country; as a result, for example, basic utilities such as water and electricity are erratic or nonexistent.

One unfortunate problem affects the legal system in Kosovo. After 1999 the directive was that all laws passed in Yugoslavia up to that time would continue to be valid. However, the Albanian judges stated that they would refuse to apply laws passed by an oppressive Serbian government after Kosovo lost its autonomous status in 1989. It was therefore decided that the laws to be observed would be those passed only up to that date. The problem is, however, that many of those laws are less satisfactory than later ones, which incorporate the provisions of various international agreements.

A major problem in Kosovo is trafficking in drugs and human beings. The Serbian troops used to guard the borders effectively, but since the Serbian withdrawal the borders have become porous.

Some years ago there was talk of the establishment of a 'Greater Albania', uniting Albania and Kosovo. This whole idea is a myth: the fact is that the Albanians in the two countries are on bad terms with each other and there is no desire for unification. It is said that the only things they have in common are the flag, the language and the mafiosi.

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