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THE IMPOSITION OF MINORITY STATUS ON THE ALBANIANS IN FORMER-YUGOSLAVIA AND THEIR DEMANDS FOR SELF-DETERMINATION

The Yugoslavia of Versailles and ANLCY collapsed under the weight of its contradictions and "sins". The state that currently is called and claims to be called Yugoslavia, an extremely asymmetrical federation of two republics or of two peoples, one of which is not paradoxally recognized and does not want to be recognized by the head of state either, is nothing but a surrogate and impostor.

It is not difficult to prove that it is precisely Serb hegemony that constitutes the main source of international antagonism, which ruined Yugoslavia since its founding, with its euphoric escalation by the end of the 80s, with its great Serb illusions, with its clear programme of domination over the others, with the unexceeded brutality in implementing this design of hegemony, with the conceptions, values and practices it brought about, essentially similar or identical with those of fascism, making Yugoslavia's existence impossible.

The Albanians, the first victim of the Serbian insatiability, have no reason to complain about Yugoslavia's collapse. During the whole period of the existence of this state they were oppressed and persecuted. But even nowadays, after the destruction of Yugoslavia, Serbia equally claims to keep Kosova, to treat it as its integral part. What grounds does it base this claim on?

Owing to the fact that the national composition of Kosova's population, where the Serbs and Montenegrins do not exceed ten per cent of the total number of the population, does not provide any support for hegemonic claims, apart from violence and force, which are its main "arguments", current Serbia strives to rationalize and defend its claims with the help of the "historic argument", which in reality in history and myth or, better, myth presented as history, and with a theoretical pseudo-argument of the assertion that the Albanians in Yugoslavia or Serbia constitute a national minority. To be a national minority, according to Serbian interpretation means to have limited rights, not to enjoy the right of self-determination.

As reinforcement of this argument, former head of stats Dobrica Qosic adds another pearl, which we are mentioning to illustrate the mental confusion of the Serbian discourse, the distinction among the state-forming and non-stateforming peoples, where he mentions the Albanians as well. In an interview to the newspaper "Quotidienne" in July 1992, asked why the Albanians are denied the right to Self-determination, Qosic replies: "The difference is essential; because the Croats, Serbs, Slovenes and Bosnians (but not the Macedonians, Montenegrins, Muslims - note of the author) are constitutive peoples in Yugoslavia... Together they fought against the Turkish aggressor! On the contrary Kosova is the result of a threefold colonialism: Ottoman, Italian, during World War Two and communist colonialism!"

During World War Two - and this is indicative - the political subject that mainly determined the result of the war and development for four decades, the CPY

and the movement headed by it, did not openly treat the Albanians as minorities and did not renege their right to self-determination. The leaflets, proclamations and appeals were addressed to the peoples of Kosova, the Albanian people in particular. The Bujan conference and its resolution was a senior act of self-determination. Only later in 1944, the stigma "national minority" with reference to the Albanian people began to penetrate. The stand of the CPY towards the Albanian people and their right to self-determination was characterized by hypocrisy. First, the right to self-determination was linked with the participation in war, and this was not only an invitation to fight against the invaders, but also a trap and overt possibility to renege this right together with the negation or minimization of the participation at war. Second, both in the reply to the Albanians' demands regarding Kosova's clear prospects and future and in the letters sent to the counterpart party in Albania, the CPY insisted that Kosova's question and the Albanians' self-determination be realized after the war. Henceforth, in the second meeting of the ANLC, Kosova and the Albanians were not mentioned at all.

During the whole post-war period, the official doctrine in Yugoslavia treated the Albanians as a national minority and called for a political juridical solution in the context of autonomy. The constitutional solutions of the 70's mark in many aspects the passing over the Albanians' minority status and of Kosova's autonomy status. The Albanians, in fact, remained a national minority and were not given the right to self-determination in the form of secession. Indeed Kosova remained an autonomous province, a socio-political community, and not a state and remained in Serbia's framework. But, although a national minority, the Albanians were treated as special even in many similar aspects with the other nations. Whereas Kosova, although an autonomous province with a law-making assembly, constitution, presidency, and a government not subordinated to the government of Serbia and enjoying a status in the federation almost equal to that of the republics, exceeded the borders of an autonomous province and almost constitutes a federal unit.

Milosevic's triumph and punch in Serbia in the 80's are characterized by a frenzied aggressiveness, by enormous efforts to wipe out Kosova's autonomy.

One of the authors of the "Memorandum of the Serbian Academy of Sciences and Arts", for a long time vice-president of Serbia's Socialist Party, the Academician Mihajl Markovic, called "the tragedy of the Serbian people in Kosova" one of the main issues of the Serbian national programme, while he considered the creation of the autonomous provinces (Kosova and Vojvodina) as "a deed of the anti-Serb coalition, which is actually dominating Yugoslavia"¹. Milosevic's "antibureaucratic revolution" rushed on Kosova, wiped out de facto and de jure its autonomy, did away with all the legal organs of Kosova, established a strange system of measures and organs of violence, legalized violence and repression, actually in force and annexed Kosova.

Due to the fact that Serbia strives to legitimize Kosova's invasion, the violence, and its claims on the assertion that the Albanians constitute a national minority not enjoying the right to self-determination, while the Albanians and their political movement formulated the programme of their independence not considering themselves a minority and insisting on their rights to self-determination, the necessity is imposed to examine in detail whether the Albanians in former Yugoslavia are or are not a national minority, whether the minorities have the right to self-determination and what kind of self-determination the Albanians can realize.

Without being able nor having the necessity, in the framework of this survey, to define the concept of national minority, we notice that it is difficult to find a valid definition, which expresses what the numerous minorities have in common; their specifics and the essence of their existence. We want only to underscore that currently the concern of science, politics, sociology, and international law regarding the category of minorities has sensitively increased, just as their political role in the current international and inter-state relations has kept increasing.

The national minority and its relations with other national communities can be viewed and defined mainly in two ways. One way, in a simplified way seems quantitative, but in essence expresses essential qualities and is essentially democratic. It considers the minorities as objective categories and a result of the course of history and wanderings, of historic destinies and misfortunes of various socio-economic and political developments of the special ways of constitution and of just and unjust state expansions. The correlative categorization of the minority is viewed mainly in numerical relations, in the degree of a population's concentration as well as in the probabilities of its affirmation and constituencies. We must add that in their prosperity and concreteness the minorities and majorities are relative. They are not presented in the form of ideal types, therefore the division of national groups into majorities and minorities is relative and insufficient to express the specifics of their existence.

Viewed in this way, the Albanians and their political movement are fully right in saying that the Albanians in former Yugoslavia were not and objectively cannot be a national minority. How can they be treated as a national minority, being half of the total number of the Albanian population in the Balkans, accounting for 70 to 90 per cent of the population in the areas inhabited by them, and being third as far as the number is concerned amongst the peoples of the former Yugoslavia, more numerous than the Slovenes, Moslems or Montenegrins even in great concentration? Even of the problem does not stand in the number, the fact that the Albanians in former Yugoslavia are more numerous than the Macedonians, Montenegrins and Serbs of the province taken together, the latter actually constituting an internationally recognized state, a federal republic, it is not rightful for us Albanians not to know what a republic we might be. From this point of view it is clear that the claim which treats the Albanians as a national minority or which seeks the solution of their problem in the framework of autonomy is reduced to absurdity.

We are aware of the fact that we are not discussing the question that some strive to impose on us, the question of which territories should be taken as a separate ones according to such measurements. The areas where the Albanians constitute an overwhelming majority are clearly defined, and speaking of Kosova, it not only has determined borders, but it lives as a geographical, economic and social entity. Certainly, Kosova constitutes a compact entity together with the Albanian area of Macedonia and Southern Serbia.

But there exists another concept of minorities, viewing and defining them as proceeding not from numerical relations but from ratios of power, and influences in relation to state power. From this point of view the black people in South Africa were a minority, because the state belonged to the white. Consequently, according to this viewpoint the division in majority and minority is a division into rulers and subdued². Current Serbia's official political viewpoint regarding the minorities is precisely such.

Therefore, we are compelled to hear every day that the Albanians are and will remain a minority irrespective of their number, that Kosova is an integral part of Serbia, that the Albanians should submit to Serbia even when its policy is one of genocide, of Kosova's Serbianization, or of deportation.

Such a viewpoint on minorities and attempts to impose on the Albanians minority status and minority relations, demands that they be treated according to such a model of minority behaviour, with reduced demands and claims, without ambitions as to independence and self-determination. This has naturally been a source of permanent Albanian-Serbian conflicts. On the contrary, the Albanians cannot behave other than they are, in fact, a tragically fragmented national community, nevertheless aware of its national possibilities and interests and determined to attain parity, henceforth an equal state constitution with the other peoples.

Another separate issue is whether the right to self-determination belongs to minorities. In the context of the Serb-chauvinist concept on minorities, their thesis, dogmatically formulated and not substantiated, that the minorities do not have the right to self-determination, occupies a main place. Without elaborating this issue in detail, we might say that this viewpoints does not stand. The thesis that self-determination does not belong to national minorities does not find full support in the evolution of thought and political practice. I recall here vast discussions on the issue of self-determination in the framework of the European socio-democracy at the beginning of this century. I recall also the creation of the former republic-states such as the case of the Republic of Moldavia. Finally let us recall that the experts' meeting in Geneva did not accept Yugoslavia's proposal, which in the conclusions would expressively say that national minorities are not allowed the right to self-determination. Indeed, for pragmatic reasons the international community is not insisting on the right of minorities to self-determination, or to put it more accurately, it seeks more moderate forms of self-determination and solutions in the form of autonomy of minorities, avoiding the issue self-determination in the form of secession. Henceforth, apart from the principle of recognizing for all peoples the right to self-determination, the international community has also formulated principles which seem to contradict it: the principle of non-violation of state entities, the preservation of their integrity, etc. But according to our opinion, there are not now and cannot be fundamental distinctions between different peoples and national minorities regarding the right to self-determination. The right to self-determination is a general fundamental right. In the UN Charter and the Convention on human rights it is formulated like this: All peoples are free to determine, without foreign interference, their political status, as well as to realize their economic, social and cultural growth". Without dwelling on the numerous and complex problems related to the character of this right and possibilities of its implementation, we underscore that this right is recognised for all peoples and is not taken away from those parts of peoples who have remained a part of the state entity of other nations.

But, if there are any principled distinctions among nations and national minorities regarding the right to self-determination, there exists a marked distinction among them regarding the possibilities of implementing this right. Usually, national minorities are such groups which due to their number, extension and other handicaps are not capable of implementing the right to self-determination, or they might realize

it in moderate forms but not in the form of secession and independence.

It is here that the Albanians in former Yugoslavia are essentially distinguished from other national minorities. As to their number, concentration, territorial compactness, their links with Albania and other characteristics, the Albanians might implement the right to self-determination in many forms: in the form of state unification of all the territories where the Albanians constitute a majority, in the form of the Albanians' state in former Yugoslavia or in the form of the sovereign republic of Kosova, of accepting the state-forming character of the Albanians in Macedonia and of the respective autonomies of the Albanians in Serbia and Montenegro. It is precisely this possibility of the Albanians to fully implement the right of self-determination that is supplementary but strong evidence for the thesis that the Albanians in Yugoslavia are not and cannot be treated as a national minority.

1. "Gledishta", April 3, 1988.

2. See: B. Vukas, *Cetnicke manjine i megjunarodni odnosi*, Zagreb, 1978.

