

Enver Hasani

THE SOLUTION OF THE ALBANIAN QUESTION AS A PRECONDITION FOR THE FRUITFUL COOPERATION IN THE BALKANS

The Stability Pact was launched on the eve of the Kosova war and conflict⁴⁰. Paradoxically, though, Kosova has so far benefited the least from it. Only very recently Kosova managed to have its own representative in it. This is a sign that the same mistakes are being made vis-à-vis Kosova as in the past, seeing the region as a bogus or maverick part of the far South-East of Europe.

When launched almost three and a half years ago, expectations were high among the poverty-stricken citizens of the Western Balkans. It came as a remedy for the sufferings and the tragedies caused by the Yugoslav wars of succession. Not rarely, people and the Balkan elite saw the Pact as a new variant of the Marshall Plan for this part of Europe. But, it was not. Time proved this. The Marshall Plan was different in all its basic aspects. The Marshall Plan was successful, *inter alia*, due to the existence of a Soviet threat, a fact clearly missing in the case of the Stability Pact. The cohesiveness enjoyed by the Marshall Plan is very unlikely to be ever achieved by the current actors of the Stability Pact for the reasons just mentioned. This is not to say that the Pact does not have the same premises as those enshrined in the Marshall Plan. However, the context is different. It is entirely different indeed. Among the differences I have in mind are those related to the concept of a “nation-state”. That is to say to the concept of recognising the *fait accompli*-policies reached forcefully at other levels and places. This very

⁴⁰ Cf. UN Security Council Resolution No. 1244, adopted on June 10, 1999. The Resolution “Welcomes the work in hand in the European Union and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation”.

premise was pushed to the extremes by the leaders of the Pact.⁴¹ This assistance changed slightly over the time. The current leader of the Pact, Erhard Busek, seems to have realised that a state-centred approach of the Pact cannot be that fruitful for all cases, including Kosova. In fact, if this rigid and strictly legal approach is not abandoned, then it will surely render ineffective the main mission of the Pact, that is, the reintegration of the whole region into Europe and wider contexts⁴². This is the point and the very cause of the failure of other political projects of the previous century. This failure has nowhere been more obvious than in the case of the Albanians living in the Balkans.

I heard here today, as I did elsewhere on other occasions, a theory according to which the economic development and prosperity will by themselves resolve the ethnic problems in the Balkans. In fact, this is the very logic developed and encouraged by the international community administering Kosova at present. However, no economic progress has so far been recorded in Kosova, and progress that could eventually prove that those who believe that economics is the main remedy for the ethnic troubles are right. Even if there had been such a progress, I very much

⁴¹ “ **II. PRINCIPLES AND NORMS:** 5. We solemnly reaffirm our commitment to all the principles and norms enshrined in the UN Charter, the Helsinki Final Act, the Charter of Paris, the 1990 Copenhagen Document and other OSCE documents, and, as applicable, to the full implementation of relevant UN Security Council Resolutions, the relevant conventions of the Council of Europe and the General Framework Agreement for Peace in Bosnia and Herzegovina, with a view to promoting good neighbourly relations. 6. In our endeavours, we will build upon bilateral and multilateral agreements on good neighbourly relations concluded by States in the region participating in the Pact, and will seek the conclusion of such agreements where they do not exist. They will form an essential element of the Stability Pact. 7. We reaffirm that we are accountable to our citizens and responsible to one another for the respect for OSCE norms and principles and for the implementation of our commitments. We also reaffirm that commitments with respect to the human dimension undertaken through our membership in the OSCE are matters of direct and legitimate concern to all States participating in the Stability Pact, and do not belong exclusively to the internal affairs of the state concerned. Respect for these commitments constitutes one of the foundations of international order, to which we intend to make a substantial contribution.

⁴² “ **III OBJECTIVES:** 9. The Stability Pact aims at strengthening countries in South Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity, in order to achieve stability in the whole region. Those countries in the region that seek integration into Euro-Atlantic structures, alongside a number of other participants in the Pact, strongly believe that the implementation of this process will facilitate their objective”.

doubt that the ethnic situation would have been different than the one prevailing at present. I believe that economics is only one side, tiny albeit, of the problem, certainly not the main one standing for the principal remedy for the solution of the ethnic questions. Ethnic questions are not created by economy, nor will they be settled by economic means. The same wrong premise was developed by former Communist regimes that believed that the economic basis stands for everything, national questions included. Having said this, I embark upon the new approach that has as its *raison d' etre* the political nature of the existing ethnic problems. That is to say, an approach that believes that ethnic problems have a political nature in essence. Albanians living in the region are no exception to this.

As I stated at the very title of my this presentation, the solution of the Albanian question is a precondition for long-lasting peace, stability and cooperation in the region. This solution has many and, by now, unknown modalities. In my view, nevertheless, the main issue at stake is that any solution should be perceived by the Albanians as fulfilling their demands and self-determination claims. This is especially important when it comes to the solution of the Kosova issue. But it also relates to the rest of the Albanians living in Serbia, FYROM and Montenegro.

The approach so far has evidently been state-centred. Until very recently this was a position that the international community insisted on. This, however, is gradually changing. There is being crystallised a wise idea stressing not the state-centred approach but the one seeing the region of the Balkans simply as a troubled region that needs to be calmed down. The inclusion of Kosova within the Pact's programmes and activities in the form of a "corpus separatum" that does not take into account the niceties of the international law is a courageous step worth of praise. It shows that people can perceive and implement different realities in a variety of ways. However, these perceptions do matter. They have an impact on reality and can gradually change it. For those who are familiar with the International Relations (IR) decision-making theories, just recall that perceptions did matter very much in the First World War, the Cuban Missile Crisis and the like.

In former times, Kosova drew no attention of the Stability Pact. This was, in my view, due to the state-centred pursued by its leader, Mr. Bodo Hombach. This approach has been and still remains an approach pursued in Kosova by its international rulers, the UNMIK. This attitude remains a big hindrance towards the cooperation in the region as a whole since it leaves Kosova as one of the major hot-spots in the region outside of the main regional activities, political and other. UNMIK should, in my view, follow the path chosen by the Pact leaders recently. This would definitively pave the way, that is, facilitate, a satisfactory solution of the Kosova question, a task that rests with the UNMIK and its mandate given by the UN Security Council Resolution 1244 (1999). Or, to put it another way, the UNMIK authorities should try to facilitate the regional integration of Kosova through the strategy chosen by the Stability Pact recently since this is the only way that paves the secure road towards the solution of the final status of Kosova. So far, UNMIK policy has been quite the opposite pushing Kosova into the corners of isolation in much the same manner as it was done over the past decade.

The strategy of the Pact as it stands at present allows for wider opportunities of cooperation among the Balkan people and this should be further encouraged. The overall cooperation helps in the creation of a permissive environment that would enable the international community to tackle the ethnic issues.⁴³ Only through the exchange of information

⁴³ In fact, the Stability Pact is the first serious attempt by the international community to replace the previous, reactive crisis intervention policy in South Eastern Europe with a comprehensive, long-term conflict prevention strategy. The Pact is a political declaration of commitment and a framework agreement on international co-operation to develop a shared strategy among all partners for stability and growth in South Eastern Europe.

In the founding document, the EU, which has assumed a leading role in the Stability Pact, undertakes the attempt to draw South Eastern Europe "closer to the perspective of full integration... into its structures", including eventual full membership. The European Union and its Member States are collectively the most important donors in the region.

Without democratic institutions that work effectively and the democratic development of a state under the rule of law there can be no long-term economic development and prosperity. Equally, democratisation and non-discrimination are also fundamental preconditions to guaranteeing internal and external security, since the June 2001 Regional Table, Working Table I focuses on four priority areas. In addition to the refugee matters, the media, education and youth, the inter-ethnic dialogue and cross-border co-operation take a prominent place. This area builds on achievements by, *inter alia*, the Human Rights

among peoples can there be a fruitful dialogue leading to international peace and security. Through military and other violent means no ethnic trouble has ever been solved and, I presume, it will never be. The same applies to other troubles and problems facing the modern world, such as international terrorism. The phenomena of international terrorism and terrorist-like activities can be neutralised only through military means, but on a temporary basis. However, their final settlement depends entirely on other non-military means.

Albanians in the Former Yugoslav Republic of Macedonia (FYROM) have signed an agreement with the Slav authorities of this Republic, the so-called *Ohrid Agreement*. This document sets the stage for a political solution of the outstanding problems between these two nations. The tragic conflict in FYROM seems also to have had an effect in terms of increasing the mutual awareness as to the necessity of living together. Parties to the conflict should not miss this opportunity. There exists at present a very permissive environment for a full implementation of the *Ohrid Agreement*. Both sides see that the regional cooperation is to the benefit of all, although the FYROM authorities still stick to the old methods of restricting the freedom of movement among its own Albanians and others living in Kosova and Albania. The programme of the Pact can be of tremendous help as long as they take on the task of a greater involvement in the implementation of the *Ohrid Agreement*, whose full implementation is a precondition for the position of the FYROM Albanians and the stabilisation and integration of this country into the Euro-Atlantic structures.

and Minorities Task Force that has drawn up a comprehensive programme for the promotion of multiethnic coexistence and for the protection of minorities. Human Rights Centres have been established. Legislation reviews, awareness campaigns, and promotion of the status of the Roma population are important activities. The Good Governance Task Force has focused on the development of local governments and the establishment of ombudsman institutions and the reform of the public administration. In the framework of the Enhanced Szeged Process, a mechanism that had originally been established to support democratic forces in the FRY at the time of the Milosevic regime, more than 40 partnerships have been concluded with cities and local authorities governed by opposition parties in Serbia. In March 2001, the partnership programme was extended beyond the original beneficiary FR of Yugoslavia to FYR Macedonia, Bosnia & Herzegovina, and Albania.

One of the main reasons for instability and disorder in Albanian society has been the unsolved status of the Albanians living outside its borders, almost the same number as those in proper Albania, despite the fact that Albania played a very constructive role in recent years, applying an appeasement policy towards Kosova and the region as a whole. No Albanian government has ever encouraged violence and war over the last decade. The same constructive approach was shown during the conflict in the Preshevo Valley and the FYROM. However, in the eyes of the Albanians of both sides of the divide there is a perception that no reward ensued in exchange for all the constructive efforts of the Albanians. Moreover, a new phase of the Association/Stabilisation agreements with the EU seems to be out of reach for Albania. Only a double-track strategy, one with the EU and the other with the Pact, can keep Albania onboard, that is, encourage it to further play a regional, constructive role.

This brings us to the last point I would like to stress, that is, which is the prior task for us: Stability/Association approach or regional integration?! To put it another way, are the EU and the Stability Pact mutually exclusive or interlocking mechanisms and endeavours? Seen from the realist perspective of an IR scholar, the regional approach would encourage the regional balance of power logic and regional hegemony, as seen during the history of the region throughout the 20th century. For this, I think that the central-level approach as foreseen by the Stabilisation/Association approach is more apt to the Balkans compared with the regional-level approach. The latter has always been a fertile soil for regional bosses and hegemonies who have constantly obstructed the trends for equality within and among the peoples of the Balkans.

Enver Hasani

Professor of Public International Law and the Director of Human Rights
Centre of the University of Pristina
Pristina