

Minority Rights in Europe

Preventing the Spread of War in the Balkans



Report on the Action Seminar on
Human Rights and Democracy in Kosovo/a

Brussels, February 3-5 1993

THE DANISH CENTER OF HUMAN RIGHTS

THE EUROPEAN CONSULTATION ON REFUGEES AND EXILES

INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

MINORITY RIGHTS GROUP

Seminar Objectives

The main objective of this seminar was to bring to the attention of the international community the threatening situation in Kosovo/a* and to try to suggest constructive ways forward. The seminar also aimed to contribute to a better understanding of everyday life in Kosovo/a as well as of the background to the conflict. The urgency of the seminar arose from the real possibility of the spreading of the war in former Yugoslavia to Kosovo/a and the attendant risk of its escalation into a major international conflict with incalculable results in terms of loss of life, widespread human rights abuses and probable massive refugee flows. The intention was to suggest constructive proposals both to international bodies like the Conference on Security and Cooperation in Europe (CSCE) and the European Community (EC) as well as to non-governmental organizations (NGOs), and to propose practical ways of ending extensive violations of human rights including group rights in Kosovo/a.

* General usage is 'Kosovo'. The Albanian spelling is 'Kosova'.

Human rights and democracy in Kosovo/a:

Preventing the Spread of War in the Balkans

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WEDNESDAY, 3 FEBRUARY
SESSION I

Introductory remarks

Alan Phillips, Director, Minority Rights Group

Opening of the seminar

Arie Oostlander, MEP, Special Rapporteur

The problems facing Kosovo/a

Christine von Kohl, Journalist, International Helsinki Federation for Human Rights

The present situation in Kosovo/a: witness reports

Questions from the plenary and debate

THURSDAY, 4 FEBRUARY
SESSION II

Panel I

International standards, Federal law and the conflict in Kosovo/a

The Constitution of the former Yugoslavian Federation and the present legal situation

Tanja Petovar, Researcher, Norwegian Institute of Human Rights

The right to self-determination and the protection of minorities: International examples of implementation of the right to self-determination

Payam Akhavan, Researcher, Danish Center of Human Rights

Questions from the plenary and debate

Workshops: What can and should be done on a local, regional and international level?

WORKSHOP 1

Political-organizational perspective

WORKSHOP 2

NGO, peace movement and peace research perspective

WORKSHOP 3

Press and media perspective

SESSION III

Panel II

Conflict implications and resolution perspective

Resolution perspectives

G. Ahrens, Chairman of the Working Group on Ethnic and National Communities and Minorities

Implications for neighbouring countries and regions

James Pettifer, Journalist

Implications for Europe

Jan Oeberg, Researcher, Transnational Foundation for Peace and Future Research

Questions from the plenary and debate

FRIDAY, 5 FEBRUARY
SESSION IV

Mechanisms of resolution and ways forward

Tore Bögh, Ambassador, Head of CSCE

Missions to Kosovo/a, Sandzak and Vojvodina

Concrete steps toward a peaceful solution:

What can and should be done?

Ewa Brantley, lawyer, International Human Rights Law Associates

Workshop recommendations

Panel discussion:

Perspectives on the implementation of the proposed steps

Tore Bögh, Ambassador, Head of CSCE

Missions to Kosovo/a, Sandzak and Vojvodina;

François Fouinat, Coordinator of the UNHCR

Special Operation in the former Yugoslavia;

Bo Kålfors, Ambassador, Swedish Ministry of

Foreign Affairs, Chair of CSCE; Edita Tahiri,

Member of the Presidency of the Democratic

League of Kosova, Pristina; Isa Zymberi,

Director, Kosova Information Centre, London

Closing of the seminar

Press conference

Participants

Abou, Serge, European Commission, Brussels
Ahrens, Geert, International Conference on the former Yugoslavia, Geneva
Akhavan, Payam, The Danish Center of Human Rights, Copenhagen
Almästö, Hilde, Justice Department, Oslo
Azemi, Gani, Democratic League of Kosova, Brussels
Beazley, Christopher, MEP, European Parliament, Brussels
Begu, Shashivar, Trepca, Kosovo/a
Bourlanges, Jean-Louis, MEP, European Parliament, Brussels
Bögh, Tore, CSCE Missions to Kosovo/a, Sandzak and Vojvodina, Belgrade
Braekeleer, Friends of Kosova, Brussels
Braha, Neriman, Union of Albanian Teachers, Albania
Brantley, Ewa, International Human Rights Law Associates, New York
Bundgaard, Bente, Kristeligt Dagblad, Brussels
Buyse, Els, Friends of Kosova, Belgium
Cassanmagnago Cerretti, Maria Luisa, MEP, European Parliament, Brussels
Castellano, Francesco, The Danish Refugee Council, Copenhagen
Christensen, Arne Piel, The Danish Refugee Council, Copenhagen
Christensen, Bent, Labour Movement International Forum, Copenhagen
Coutinho, Sancho, International Conference on the former Yugoslavia, Geneva
Dalsass, Joachim, MEP, European Parliament, Brussels
Dedushaj, Isuf, Kosovo Red Cross, Kosovo/a
Demaj, Agim, Democratic League of Kosova, Brussels
Descan, Jean-Pierre, Minority Rights Group, Belgium
Driessen, Bart, CFC, Amstelveen, The Netherlands
Drüke, Louise, UNHCR, Brussels
Eynde, Anita van den, Caritas Europa, Brussels
Fliert, Lydia van der, European Parliament, Brussels
Florenz, Karl-Heinz, MEP, European Parliament, Brussels
Fouinat, François, UNHCR Special Operation in the former Yugoslavia, Geneva
Friedrich, Ingo, MEP, European Parliament, Brussels
Fumagalli, Alberto, MEP, European Parliament, Brussels
Gagica, Hafiz, Democratic League of Kosova, Stuttgart, Germany
Gallenzi, Guido Cesare, MEP, European Parliament, Brussels
Garapon, Antoine, Fédération Internationale des Droits de l'Homme, Comité Kosovo, Paris
Gashi, R, Democratic League of Kosova, Brussels
Gashi, Sanije, Kosovo/a
Gawronski, Jas, MEP, European Parliament, Brussels
Gontcharenko, Ministry of Foreign Affairs, Kiev, Ukraine
Gubcsi, Tibor, Hungarian Embassy, Brussels
Guga, Sotiraq, Council of Ministers, Tirana, Albania
Habsburg, Otto von, MEP, European Parliament, Brussels
Hasani, Sami, Albakos, Valenton, France
Heintze, Hans, Ruhr University, Institute for Humanitarian Law, Bochum, Germany
Herman, Fernand H.J, MEP, European Parliament, Brussels
Jaeger, Gilbert, Comité Belge d'Aide aux Réfugiés, Brussels
Jansen, J. A., Amnesty International, The Netherlands
de Jonge, Wilco, Netherlands Helsinki Committee, Utrecht, The Netherlands
Kälfors, Bo, Swedish Ministry for Foreign Affairs, Stockholm
Kart, Celalettin, European Commission, Brussels
Keldorff, Soeren, University of Aalborg, Aalborg, Denmark
Kellet-Bowman, Edward, MEP, European Parliament, Brussels
Kelmendi, Sali, Human Rights Council, Pristina, Kosovo/a
Kircher, Ingrid, Minority Rights Group, London
Kjaerum, Morten, The Danish Center of Human Rights, Copenhagen
Kohl, Christine von, International Helsinki Federation for Human Rights, Vienna
Kuczkiwicz, Janek, International Confederation of Free Trade Unions, Brussels
Laak, Jan ter, Pax Christi, Utrecht, The Netherlands
Lagadianou, Julia, Brussels
Langer, Alexander, European Parliament, Brussels
Lenders, Marc, European Ecumenical Commission, Brussels
Lenz, Marlene, MEP, European Parliament, Brussels

Leonhardt, Wolfgang, European Parliament, Brussels
Liversage, Toni, Kristeligt Dagblad, Copenhagen
Lopandic, Dusko, Yugoslavian mission to the EC, Brussels

Magnussen, Tue, University of Roskilde, Denmark
Mantovani, Agostino, MEP, European Parliament, Brussels
Martensen, Kirsten, UNHCR, Brussels
Merz, Friedrich, MEP, European Parliament, Brussels
Metela, Eduard, Ministry of Foreign Affairs of the Czech Republic, Prague
Mols, Friends of Kosova, Brussels
Mormile, Daniela, ECAS, Brussels
Musa, Jupolli, Comité Kosovo, Courcouronnes, France

Naumovski, Ljupco, MILS – Macedonian Information, Brussels
Nyström, Kenneth, Swedish Refugee Council, Kristianstad, Sweden

Oeberg, Jan, Transnational Foundation for Peace and Future Research, Lund, Sweden
Oostlander, Arie, MEP, European Parliament, Brussels
Orfanidis, C., The Hague
Osmani, Rexhep, University of Kosovo, Pristina
Ouchterlony, Thomas, Council of Europe, Office for Liaison with the European Community, Brussels

Pack, Doris, MEP, European Parliament, Brussels
Pedersen, Ebbe Tyge, National Broadcasting of Denmark, Brussels

Peeters, Yvo, Minority Rights Group, Brussels
Peleman, Johan, International Peace Information Service, Antwerp, Belgium

Perez, Maria, Journalist
Petovar, Tanja, Norwegian Institute of Human Rights, Oslo
Pettifer, James, Journalist, London
Phillips, Alan, Minority Rights Group, London
Pollack, Anita, MEP, European Parliament, Brussels
Poulton, Hugh, Journalist
Pula, Luljeta, The Committee for Human Rights and Freedom, Pristina, Kosovo/a

Rautio, Sirpam, Refugee Advice Center, Helsinki
Ringborg, Pontus, Office of the Swedish Ombudsman against Ethnic Discrimination, Stockholm
Rudge, Philip, European Consultation on Refugees and Exiles, London

Saenz-Moeller, Vanessa, The Danish Center of Human Rights, Copenhagen

Sakellariou, Jannis, MEP, European Parliament, Brussels
Sanchez-Soutullo, Jorge, European Parliament, Brussels
Sanislav, Maria, Romanian Embassy, Brussels
Schmidt Christensen, Lene, UNHCR, Brussels
Severinsen, Hanne, MP, Danish Parliamentary Committee on Foreign Affairs, Copenhagen

Shala, Blerim, Journalist, Pristina, Kosovo/a
Sigsgaard, Peter, Mellemløkeligt Samvirke, Copenhagen
Siso-Cruellas, Joaquin, MEP, European Parliament, Brussels
Sluiter, Peter, ECRE, Brussels

Sommeliu, Sören, Transnational Foundation for Peace and Future Research, Lund, Sweden
Spänner, Christina, Transnational Foundation for Peace and Future Research, Lund, Sweden

Stavrou, Konstantinos, MEP, European Parliament, Brussels
Sunde, Ole Petter, The Norwegian Helsinki Committee, Oslo

Tahiri, Edita, Democratic League of Kosova, Pristina
Tebbe, Gerd, European Commission, Brussels
Teslaak, Nelly, MP, Danish Parliamentary Committee on Foreign Affairs, Copenhagen

Thommessen, Annette A., Norwegian Organization for Asylum Seekers, Oslo
Trouillard, Luc, Caritas Europa, Brussels

Vetschera, H., CSCE Conflict Prevention Center, Vienna
Vogt, Werner, Böhrer Hospital, Vienna
Vreila, Marina, European Parliament, Brussels
Vrieze, Franklin de, Pax Christi Vlaanderen, Antwerp, Belgium

Weller, Marc, University of Cambridge, United Kingdom
Wiener, Joseph, Pax Christi, Brussels

Yurttagül, Ali, European Parliament, Brussels

Zajc, Alenka, Embassy of Slovenia, Brussels
Zavvos, Georgios, MEP, European Parliament, Brussels
Zhigalli, Fadil, Pristina, Kosovo/a
Zymeri, Isa, Kosova Information Centre, London

Others attended the Conference, or parts of it, but did not formally register.

Seminar Structure

The seminar was jointly organized by the Danish Centre of Human Rights, the European Consultation on Refugees and Exiles, the International Helsinki Federation for Human Rights and Minority Rights Group. It was concentrated into three days, with participants drawn from a wide variety of countries and backgrounds. The seminar benefited from the input from a sizeable contingent of Albanians from Kosovo/a, who had come especially to take part. Unfortunately, representatives from other Kosovo/a communities, especially the Serb and Montenegrin communities, did not take part. The seminar opened at noon on 3 February.

Much of the discussion took place, and many of the suggestions for ways forward were made, in plenary sessions. Detailed discussion also took place in three workshops which were held in the morning and afternoon of the second day. All participants were able to choose which workshop they wished to attend. The workshops were instructed to concentrate on concrete recommendations. The rapporteurs prepared the assessments of the discussions and presented the recommendations to the plenary session on 5 February. This was then followed by a panel discussion on the implementation of the proposed steps. The seminar closed with a press conference held by the organizers at 14.00 on 5 February.

Introduction to the Seminar

The seminar was introduced by Mr Alan Phillips, Director of Minority Rights Group. He began by pointing out the aptness of holding the seminar in the European Parliament (EP) building, as the European Community (EC) was established with the vision of bringing European states peacefully together and to prevent future wars in Western Europe. He pointed to the need for the seminar to assist the international community – especially states in Western Europe – and NGOs to prevent the spread of war in the Balkans. He also expressed the organizers' thanks to the consortium of EP parties that had ensured that the seminar could take place in the Parliament building. He then outlined the main objectives and the structure of the seminar, and called on all participants to be constructive and realistic, to promote ideas and discussion and to avoid stereotypes by looking in depth at the problem.

Mr Arie Oostlander, Member of the European Parliament (MEP) and Special Rapporteur for the EP on former Yugoslavia, then formally opened the seminar and highlighted the need for the depoliticization of issues relating to matters of ethnicity. He pointed to the experience in the Netherlands and Denmark where all peoples have the possibility of arranging their social and cultural life without state interference. He considered it wise for Western European countries, as well as the Council of Europe, to try to help the new states in forming legislation as a practical way of building peaceful societies. He also stressed the need for a stable Macedonia as a condition for stability in Kosovo/a, and that concepts of 'ethnically pure' states were both unworkable and retrogressive.

SESSION I

The Problems Facing Kosovo/a – the Historical Background and Reports by Witnesses

The session began with Ms **Christine von Kohl** from the International Helsinki Federation for Human Rights, Vienna, presenting a description of Kosovo/a and a short review of its history up to the present acutely dangerous situation. She detailed the relationship between Albanians and Serbs in Kosovo/a over the centuries, pointing to the various population movements in and out of the region. She went on to cover the position of the Kosovo/a Albanians both in the first Yugoslav state and in the post-Second World War Communist regime. She then highlighted the dramatic decline (from the relatively advantageous position enjoyed under the 1974 constitution) in the position of group rights for Kosovo/a Albanians following the rise to power of Slobodan Milosevic in the late 1980s, which resulted in the elimination of autonomy for the region. She continued by describing the progressive deterioration in human and group rights of the Kosovo/a Albanians up to the present. She ended by emphasizing that the political leadership of Serbia rather than the Serbian population *per se* was responsible for the current dismal human rights situation in Kosovo/a. However, no one in the human rights organizations would pretend there had not been nationalists and chauvinists amongst the Kosovo/a Albanians during the 20th Century.

This was followed by testimony from six witnesses on different facets of the current situation in Kosovo/a (their names are being withheld to protect their security). The **first witness** was a journalist and editor of a Kosovo/a weekly magazine. She detailed the problems of being an active journalist in Kosovo/a and the censorship and repression such people face from the authorities. She also gave details of her own arrests for her journalistic activities, the irregularities in her court procedure which appear common to cases of Albanians arrested in similar circumstances, and her subsequent imprisonment in the women's prison in Mitrovica. She finished by stating that some 1,400 Albanian media employees had been sacked and many had left for foreign countries. A few remained in Kosovo/a but were faced with acute financial difficulties as well as continuing repression from the authorities. At her organization, for example, all the expenses had to be met by an income of some 30-40 Deutschmarks per month. It was noted that there had been virtually no protest or gestures of solidarity from journalist organizations in the West in support of sacked Kosovo/a Albanian media employees.

The **second witness** was from the University of Kosovo/a and was in the Kosovo/a delegation

on education matters in talks held with CSCE aid with the Serbian authorities in Geneva and Belgrade. He had also been gaoled in the summer of 1992. He detailed the systematic closure of Albanian schools and the replacement of Albanian headteachers beginning in 1990. He went on to detail the measures taken against ethnic Albanian lecturers at Pristina University and also explained about the parallel teaching of Albanian students and pupils carried out in some 8,000 private schools in homes. He stated that, up to the present, 8,615 ethnic Albanian teachers in Kosovo/a have been beaten, maltreated or imprisoned and gave details of his own case of arrest and imprisonment in Pristina prison. He finished by stating that criminal proceedings were still being taken against him and that if it had not been for international pressure he would not have been allowed to come to the seminar.

The **third witness** was a former mine worker from the Trepca mining complex in Kosovo/a, who had been employed for 18 years at the Stari Trg mine. He gave details of actions and strikes taken by ethnic Albanian mine workers against the stripping of Kosovo/a's autonomy. He told of the mass sackings and arrests even today of those who had taken part in the 1989 mine strike. He himself had been arrested and severely ill-treated in detention. He finished by pointing to the economic hardships faced by the dismissed Trepca miners who survived only on relief aid and solidarity from fellow Kosovo/a Albanians inside and outside the region. As a result about 600 workers, many with their families, had fled to Western Europe.

The **fourth witness** was from the Kosovo/a Red Cross. He pointed to the recent spread of epidemics in Kosovo/a which had necessitated the formation of the Kosovo/a Red Cross. He stated that there had been systematic destruction of the medical system in Kosovo/a, with the mass dismissal of ethnic Albanian specialists and staff and their replacement by poorly trained Serb personnel. He especially pointed to the high rate of infant mortality, a third of all deaths being children because of the spread of infectious diseases and the general poverty of the population, combined with the lack of adequate personnel. A particular problem has been the lack of trust on the part of the ethnic Albanian population in the medical profession after the mass dismissal of ethnic Albanians and their replacement by Serbs. As a result, parents were extremely reluctant to have their children inoculated as they did not trust the doctors or the vaccines. He explained that his organization had not been recognized either by the International Committee of the Red Cross (ICRC) or by the League of Red Cross & Red Crescent Societies in Geneva. Both ICRC and the UNHCR opened offices in Pristina on 2 March 1993.

The **fifth witness** was an Austrian surgeon from the Böhler hospital in Vienna who has twice been to Kosovo/a for the International Helsinki Federation (IHF) on fact-finding missions – in

August 1991 and in November 1992. He also detailed the change in the number, quality and ethnic composition of medical personnel in Kosovo/a. He especially pointed to the current drastic situation in gynaecology and obstetrics due to the lack of trust in the new Serb doctors on the part of ethnic Albanian women. As a result, the maternity clinics were virtually empty, with the vast majority of births taking place at home, where 46 per cent of houses do not have proper water supplies and 50 per cent lack sewerage facilities. He also pointed to the problems experienced by medical institutions in the current situation where there were acute shortages of gas for heating and petrol for ambulances. He finished by underlining that it was the political struggle in the region that had adversely affected health institutions.

The **sixth** and final **witness** was from the Committee for Human Rights and Freedom in Kosovo/a. She had formerly been employed as a lecturer at Pristina University but, along with hundreds of other ethnic Albanians, had been dismissed. Her testimony related to the problems she faced as a mother with two children. She pointed to the 18 children shot dead and the 48 wounded during the last four years of ostensible peace. She detailed the pressures that ethnic Albanian children lived under, due to the heavy military police presence, the lack of education and the extreme poverty, and she pointed to the subsequent traumas suffered by the children. She personally had been repeatedly taken in by the police for interrogation. She detailed the most recent occasion when eight armed policemen had taken her and her husband out of their car, leaving their children behind in the car. As a result, she said, her nine-year-old daughter has had to have continual psychiatric care. She finished by stating that all human rights activists in Kosovo/a faced similar harassment.

Questions

Following these statements a number of questions were asked which fell into four main areas. The first related to media matters. In response to a question about the impact of privatization laws on the media it was stated that at present the main media outlets had not been privatized and were controlled by the Serbian authorities. All Albanian journalists had been sacked from Radio and Television (RTV) Pristina, so that only Serbs, Montenegrins and a few Turks and Roma employees remained. Some thought that before the newspaper media were fully privatized, all Albanians would be dismissed. While at present non-Serbian newspapers were not mere translations of Serbian ones, it was thought that this may soon happen. In response to a question about lack of information on Kosovo/a there were calls for Western reporters to be stationed there permanently.

The second area related to employment and health care. The witnesses confirmed that those who did use the official mechanisms of rights of

appeal etc. against their dismissals received no replies. Thus the laws were not used properly, even the emergency laws, which, it was stated, were adapted and changed by the authorities to their advantage to fit whatever circumstances arose. It was also noted that every discriminatory law against Kosovo/a Albanians had been passed unanimously by the Serbian Parliament with no votes against or abstentions. The situation of miners with tuberculosis, who after their dismissal were unable to get medical treatment, was raised, as was the case of a woman who had had to leave hospital after it was discovered that her husband was a sacked miner.

The third area related to inter-community relations between Albanians, Serbs and Montenegrins. It was asked if there were cases of, for example, Serbs and Albanians in Kosovo/a working together at the local level. The Kosovo/a Albanians replied that they had never blamed the Serbian population as a whole for the current situation; they were sure that there were such cases, but these had been few, and the Serbian authorities had pressured those Serbs who had shown such a willingness.

The last area of questions focused on policing and related matters. As to whether there had been any cases of the Serbian police or military objecting to implementing the current repression, the Kosovo/a Albanian delegation replied that while they did not exclude such possibilities they had not noticed any cases, nor had the Serbian media reported any. Regarding how the Kosovo/a Albanian population policed itself in view of its distrust of the Serbian police, it was stated that the local Albanian population turned to local organs of the Albanian organizations instead of the official police force in cases of crime in the community; it was further stated that such crime had decreased due to the discipline of the Kosovo/a Albanian community in the face of the political repression. As regards the observance of legal norms, it was stated that these were often not observed in cases involving ethnic Albanians. Ethnic Albanian lawyers, while competent, were hindered from doing their job properly when defending ethnic Albanians on political charges.

SESSION II

International Standards, Federal Law and the Conflict in Kosovo/a

This session was opened by Ms **Tanja Petovar**, a former Belgrade lawyer currently at the Norwegian Institute of Human Rights. She began by noting that both the federal constitution and the constitution of Serbia have clauses giving weight to international human rights norms. She then briefly pointed to some factors which are necessary (but not always sufficient) to guarantee a functioning democracy, such as an independent and impartial judiciary, separation of powers and pluralism, as well as institutions like an ombudsman and the role of NGOs and the media. The reality in the new Yugoslavia was, however, very different to this. It was, she stated, in effect, an extreme dictatorship, with the rights of all citizens – whether Albanians, Serbs, Croats or Muslims – violated on an individual level. Many of the articles relating to inter-communal issues in the constitution of the new Federal Republic of Yugoslavia (FRY), e.g. linguistic rights, were deliberately vague. Those rights that were mentioned were left to be ‘in accordance with the law’. She asserted that the current FRY constitution was, like previous constitutions of the Communist period, mere paper documents, and she pointed to an obvious error in the wording of Article 14 which has not been corrected.

Ms Petovar then pointed out that the 1974 constitution which guaranteed more collective rights for Kosovo/a and the Vojvodina was very complex and stressed the rights of ‘working people’ and ‘the nationalities’ rather than ‘the citizen’ or ‘the individual’. There was a duality in the system between rights for state power and ones for ‘self-management associations of working people’. While republican rights were those deriving from state powers, rights of the autonomous provinces of Kosovo/a and the Vojvodina were delegated to self-management rights, although in practice both provinces had *de facto* republican rights. The point she emphasized was that in both former Yugoslavia and Kosovo/a, even at the best period for collective rights for Kosovo/a Albanians, individual human rights were never recognized and respected. She wondered if this was a reason why, even in this period of great *de facto* autonomy, the movement for republican status and even secession had begun in earnest. She finished by agreeing that the current situation was indeed terrible but again stressed that the rights under the 1974 constitution were not democratic rights but rather an ethnic division of power. The international community must prevent a major conflict in Kosovo/a, she said, as the majority of victims would be women, children and old people.

This was followed by a presentation by Mr **Payam Akhavan**, a researcher at the Danish

Center of Human Rights who took part in the 1992 CSCE mission to Croatia, and the January 1993 CSCE mission to Montenegro and Serbia. He pointed to the evolving international concepts of self-determination and to the fact that the fundamental basis of international law was state practice, i.e. international customary law. He then briefly alluded to three approaches to independent statehood. The first he characterized as the ‘romantic’ approach whereby a historical notion of a ‘nation’ was used. This approach, he asserted, often has grave repercussions for human rights, as it is by essence exclusionary, seeing one nation as the ideal and occasionally leading towards fascism. The second approach he termed ‘radical’. This sees all citizens as equal but in practice tends to try to assimilate all to the majority identity, with a strong emphasis on linguistic and cultural homogeneity – examples being France and Turkey. The third approach was, he said, a human rights approach where the state was seen not as an instrument of a particular nation but as an instrument for implementing human rights. This entailed political, social and cultural rights resulting in popular participation in the democratic process and the right of minority populations to maintain their identities. He pointed out that the territorial integrity of the sovereign state was the single greatest taboo in international law. In his view the best option was democratic pluralism, and secession was only justified in cases where human rights were being violated on a major scale and where there was gross discrimination and repression. He pointed out that under international law secession was merely one expression of self-determination – others being confederation, federation, devolution and autonomy – and he pointed to the cases of Quebec and the Swedes of Finland.

Mr Akhavan also pointed out that post-Second World War concepts of self-determination began to change due to the decolonization process, and that some colonies were given the status of statehood in a nascent stage. This was recognized in Chapter 11 of the United Nations Charter, referring to non-self-governing territories, which saw all those inhabiting a colony as a people; and thus the colonial boundaries should be kept, however illogically they appeared to have been drawn up in the first place. This principle was applied when addressing the disintegration of the Soviet Union and former Yugoslavia. Furthermore, unlike the USSR constitution which explicitly recognized the right of union republics to secede, the 1974 Yugoslav constitution only made indirect reference to such a right and then stated that the nations of Yugoslavia had exercised their right to self-determination through the creation of a federation which was binding upon them. He also pointed out that when the international community recognized Slovenia and Croatia there was no reference to the 1974 Yugoslav constitution.

Mr Akhavan finished by asking how, if his criteria for justified secession were accepted, the

international community could decide when gross and flagrant discrimination was such that secession was merited. He recommended the following:

- The International Court of Justice should be asked to give an advisory opinion.
- There should be systematic monitoring of the human rights situation in Kosovo/a to assess the situation accurately. CSCE involvement was a good step forward but this needed to be expanded.
- The international community – especially the United States and the EC – should warn Serbia that respect for its territorial integrity is conditional on the treatment of the Kosovo/a Albanians. This, he asserted, amounted to an international protectorate for Kosovo/a, *de jure* independence not being as important as the *de facto* situation.
- There should be a credible threat of military intervention against large-scale ethnic cleansing or genocide in Kosovo/a. The world community should not create the illusion that negotiations alone can prevent such atrocities. Apparently, negotiations in Bosnia have not put a stop to ethnic cleansing.
- Those responsible for the systematic war crimes taking place in the current conflict in former Yugoslavia should be brought to justice, if necessary by an international tribunal, and this should include not just those actually committing outrages but those responsible for issuing the commands leading to war crimes. It should be emphasized that such punishment would promote inter-ethnic reconciliation by absolving nations of collective guilt for acts perpetrated by extremists.

The last two points dealing with possible intervention and prosecuting war criminals proved to be controversial, and throughout the seminar differing views were expressed (see below).

SESSION III

Conflict Implications and Resolution Perspective

This session was opened by Mr Geert Ahrens, Ambassador and Chair of the Working Group on Ethnic and National Communities and Minorities, the International Conference on the Former Yugoslavia, Geneva. He began by pointing out that there were two working groups, one dealing with the problems of Serbs in Croatia, the situation in the Vojvodina, the Sandzak and Macedonia, and the other dealing with Kosovo/a. He then gave an overview of international efforts regarding the situation in Kosovo/a. These had begun on 7 July 1991 with the Brioni Accords, more than two years after the Serbian constitutional changes which had stripped Kosovo/a of its autonomy. The Hague Conference, beginning in September 1991, had eight representatives from former Yugoslavia, with Serbs as delegates for the Vojvodina and Kosovo/a. The Kosovo/a Albanians were willing to take part, but the principle then was to deal with republics only. At the beginning of October 1991 a working group was set up, led by himself, which met with the Kosovo/a Albanians and fed back both to the EC and to the Serbian delegates.

Repeated efforts to have trilateral talks between Serbs, Kosovo/a Albanians and the EC had failed due to the Serb refusal to have outsiders (i.e. the EC) present for what they considered to be an internal matter, and the Kosovo/a Albanian refusal not to have them. This impasse lasted until August 1992 and the London Conference, when Milan Panic met Ibrahim Rugova and himself. He then detailed the continuing talks *re* education and the problems which had arisen. The main stumbling block was that the Kosovo/a Albanians wanted to reopen education on all three levels without conditions and then negotiate, while the Serb authorities wanted the problems of the teaching programmes, the teaching personnel and the issue of time spent in parallel underground educational institutions discussed and assessed before reopening the system.

Ambassador Ahrens stated that his working group had worked out an autonomy solution based on the 1974 constitution and the cases of South Tyrol, Spain, the Aland Islands, Bosnia-Herzegovina, Croatia and others, but that they did not want to impose a solution. There was a need for real autonomy for Kosovo/a, and the FRY federal government had prepared a paper recommending to the Serbian government which of the emergency measures in force in Kosovo/a needed lifting. The working group would follow this up. Ambassador Ahrens then detailed what his working group had achieved in Macedonia in attempting to alleviate tension between the Macedonian and the ethnic Albanian communities there.

This intervention was followed by Mr James

Pettifer, a journalist, on the implications for neighbouring countries and regions. He began by pointing to President Bush's warning to Serbia over Kosovo/a, and to the large, well-organized Albanian lobby in the USA, headed by Senator Robert Dole, which had developed following the changes in Albania, as well as to the presence of many former Albanian emigrants who have returned to Tirana and who are sympathetic to the Kosovo/a Albanians' plight. He contrasted this viewpoint with the general European view of Kosovo/a, seeing it as a part of Serbia. He then gave some up-to-date appraisals of the situation following Arkan's (Zelko Razjatovic's) election as member of parliament for Kosovo/a in the December elections. He assessed that both Arkan and Milan Babic, the leader of the Serbian Radical Party in Kosovo/a, had plans for further 'ethnic cleansing' but that this did not necessarily mean war. In his view Belgrade made the real decisions, and Belgrade reckoned that war in Kosovo/a was not now advisable while the situation to the north was still unstable. 'Ethnic cleansing' had already happened in Kosovo/a. Arkan's supporters had settled in the north of Kosovo/a and around strongholds, so that if necessary incidents could be staged around Serbian monasteries, where Arkan has placed his supporters. In this way Serbian public opinion could be galvanized and Arkan could be seen as the defender of Serbian interests. However, this was a worst-case scenario. In Pettifer's opinion, Serbian extremists view 'ethnic cleansing' as a form of social Darwinism and they hope the Albanians will move out without recourse to a full-scale war.

If such a war did break out, Mr Pettifer thought, there would be a massive population movement southwards, leading to a long-drawn-out conflict in Macedonia, with refugees ultimately heading for Greece. This might in turn lead to Greece closing its northern border. He then assessed the relative strength of forces within Kosovo/a, estimating that Arkan has some 8,000 to 10,000 men, the federal army about 20,000 (although some reports suggest there has been some transfer north) and the police some 10,000 – not enough to mount a war akin to that in Bosnia-Herzegovina without outside assistance from Serbia proper, even if the conflict was confined to Kosovo/a. Such confinement he thought unlikely given that President Berisha of Albania has strong Kosovo/a connections. Mr Pettifer also noted that Pristina has no air defences at all and is very vulnerable to an air strike – a point raised by Berisha in talks with Turkey. Mr Pettifer pointed to Bulgaria's internal instability and said that substantial parties there still have claims on Macedonia. He thought that Turkey would also be a destination for refugees due to the long historic links and previous waves of migration there. So far Turkey has kept out of the Balkan problems but he mentioned Islamic groups pressing within Turkey and he saw the possibility of a change in this non-interventionist policy some time in the future. Italy was also

deeply involved and he pointed out that the Italian army was the only Western European army actually on the ground in the region in Albania through Operation Pelican.

Mr Pettifer concluded by again pointing to the situation, at first sight a paradoxical one, whereby the success of the Serbian extreme parties in the December 1992 elections may actually delay bloodshed as they appear to be dictating events at the moment. At the same time their success has caused a pall of fear to fall over sections of the Kosovo/a Albanian population. Also, due in part to the almost permanent absence of their leaders, who are concentrating on attempting to win Western support for their cause, there is, he believed, a leadership vacuum among the Kosovo/a Albanians with splits appearing especially among the young radicals in Pec and Djakovica.

The next presentation was by Mr **Jan Oeberg** of the Transnational Foundation for Peace and Future Research in Sweden. He began by praising the Kosovo/a Albanians for continuing to use peaceful means to solve the crisis. He also stated that he believed that intervention by the USA would and should not happen. He stressed conflict mitigation as opposed to confrontation and rejected notions of *Realpolitik*, the politics of revenge or power politics as ways forward. Instead he called for new methods of thinking to help others solve their own problems and not impose solutions upon them, pointing out that conflicts in themselves could be positive forces which could lead to pluralism, and that only some ways of handling conflicts were bad. Violence of all sorts he saw as proof of incompetence in the face of conflicts and he stressed that violence never solved conflicts but merely sowed the seeds for further violence later. He pointed to past mistakes by the international community, such as the recognition of Bosnia-Herzegovina before peacekeeping troops were sent in, and with the federal army in the area, and to cap it all on the anniversary of Hitler's attack on Yugoslavia in 1941. He reflected that the Yugoslav crisis had come at an unfortunate moment for the EC due to the Maastricht debate, but that this was no real excuse for the poor response to the crisis.

Mr Oeberg considered sanctions a bad idea as they do not influence those, like the Serbs, who somehow feel they fight for existential issues, but he stressed that an arms embargo was necessary. He pointed to the small CSCE budget – especially in contrast to the NATO budget – and to the fact that there was no funding for conflict resolution. In his view the West was not equipped for future conflicts which may arise in Eastern Europe and Central Asia and, although the Cold War had ended, Cold War ideas and ways of thinking still predominated. Any military intervention would, in his view, be a catastrophe and might even lead to the end of the UN. What was needed, on the contrary, was for the UN to institute early-warning mechanisms to highlight situations like former Yugoslavia before they become acute, and

more 'good offices' like the Geneva process, as it was essential to try to help solve such conflicts.

Mr Oeberg specifically called for the following:

- The lifting of sanctions and a tightening of the arms embargo.
- Giving economic aid to all parties, local and national, that act progressively for peace. He believed in rewards rather than punishment.
- Recognizing the FRY, which in his opinion should have taken place while Milan Panic was Federal Prime Minister.
- Reopening of all international forums for the FRY, including access to the UN. He pointed out that democracy has to be taught by example and that there would be no peace without Serbian participation.
- Boosting the UN presence to at least 50,000 to 70,000, predominantly civilians, and boosting the CSCE permanent missions all over former Yugoslavia.
- Helping all democratic voices within former Yugoslavia (in the same way that the West had helped such voices in the former Eastern Europe and the Soviet Union during the Cold War), and allowing access to Western Europe for a necessary period only to those who have to leave. For the others, giving refugee aid to local areas and regions and using refugee problems as a resettlement opportunity and a reconciliation measure.
- Opening negotiations parallel to the Geneva process at different levels so as to reinforce it.
- Abandoning all talk of military intervention or so-called humanitarian intervention, as such measures destroy more than they protect.
- Abandoning all ideas of finding immediate final solutions. The only way forward was by small steps, and he suggested, for example, giving autonomy to Kosovo/a in exchange for a guarantee from the Kosovo/a Albanian leadership not to demand unification with Albania for at least 10 or 20 years.
- Trying to create solutions by peaceful means. He pointed out that in place of punitive measures there was a whole array of peaceful measures such as constant missions, a permanent humanitarian presence, 'condominium' solutions, protectorate solutions, demilitarization solutions and rewards. Peacekeeping must be integrated with peacemaking and peacebuilding. Measures such as these are possible, particularly in Kosovo/a since war has not broken out there.
- He also called on the West to be more self-critical and especially pointed to the Western European and US media as being culpable of poor standards of journalism. The West should not merely blame Serbia and the Serbs. Labelling people as war criminals and calling for their prosecution did not lead anywhere, as the leaders

of Serbia have to be negotiated with, whether we like it or not. He also pointed out that if punitive measures had to be used (he did not believe that they should), then they must be used fairly and thus Croatia should also be censured for its violations of international law.

Mechanisms of Resolution and Ways Forward

The session was opened by Mr **Tore Bögh**, Ambassador and Head of the CSCE missions to Kosovo/a, the Sandzak and the Vojvodina. He began by pointing out the emotional element in the way all sides view the crisis in former Yugoslavia and how the West must not be dragged into the ethnic maelstrom. He then explained that the main task of the CSCE missions was not to propose settlements on constitutional issues like independence, autonomy or unification; nor was it their primary aim to observe and monitor, although of course they do this. The overriding aim was to try to prevent armed conflict from spreading to Kosovo/a, the Sandzak or the Vojvodina. The missions operate in a buffer capacity. They are not prosecutors, investigators or judges, but they must remain impartial and keep reasonable relations with all parties whether they be governments, police, army or ethnic groups. When they do highlight incidents it is to have them rectified, not to call for punishment. Thus, he said, their mandate was to prevent avoidable ethnic conflict which may lead to greater bloodshed.

Mr Bögh went on to explain that in practice the missions were constantly mediating between groups and the authorities in matters such as the misuse of power and the excessive use of force, and he pointed out that human rights as perceived in the West had never really existed in the area. While former Yugoslavia had formal guarantees, in practice the society had failed, and still fails, to provide the necessary mechanisms for all citizens to gain redress from the authorities. This was particularly evident in matters of ethnic tension in areas like Kosovo/a. In a truly democratic society, ethnic matters were not so problematic, and what were needed were modern democratic independent institutions, such as an ombudsman. At present the CSCE missions were trying to perform such roles with some success. He saw the key as offering protection against arbitrary rule with neutral and effective institutions to deal with human rights complaints. Throughout the whole FRY he saw a law-and-order problem, and he reflected that sanctions appeared to be aiding paramilitary organizations that thrived in racketeering and sanctions-busting.

Regarding Kosovo/a, Mr Bögh thought it essential for the world community to care but pointed to the current overstretching of UN resources and warned that UN power to pacify such deep-rooted conflicts may be limited. He pointed out that in the last four years the UN has been involved in more peacekeeping operations than in all the previous 43 years put together. He concluded with the following:

- A solution was possible, but a sustainable arrangement could only be made if the peoples of the area accept each other and cooperate – even if they decide to separate they will still be neighbours.

- A steady development towards a truly democratic society is the only guarantee that a negotiated settlement will hold.

- For the immediate future, as long as the fighting continues in Croatia and Bosnia-Herzegovina, the war psychosis will also continue. In the meantime the most we can hope for is that all parties in Kosovo/a see it in their interests not to start major hostilities there.

This was followed by a presentation by Ms **Ewa Brantley** from International Human Rights Law Associates, New York. She began by stressing the responsibility of all people rather than merely laying the blame on governments and she agreed with Jan Oeberg that what was needed was new modes of thinking. Similarly she agreed that conflicts were not always negative and could be positive and she stressed that a solution must be found for the whole region and that this could not be imposed from outside. On a basic level she called for opening more lines of communication and for a de-villainizing of the parties concerned. She regretted that enmities and an 'us-against-them' mentality had become institutionalized and permeated the UN and other bodies. She denied that the conflict was between 'Serbs and Albanians' and said it was necessary to specify actually who had committed a particular offence, pointing out that Serbs also think they are victims.

Ms Brantley then briefly went through the recent past and how the international community had failed to try to protect human rights as the situation developed, noting for example the lack of protest from the West against the imposition of the emergency laws in Kosovo/a. Regarding the EC response to the disintegration of former Yugoslavia, she saw as a positive step forward the new idea of granting recognition not only as per the Montevideo Convention on territorial control but also based on guarantees to the EC of respect for human and minority rights, the establishment of a government founded on the rule of law with truly independent judiciary and police, and pluralism with free expression. However, she said that there had then been a loss of nerve and a reversion to old ways of thinking regarding territorial integrity etc. She saw the current threat of non-recognition of the FRY as very dangerous, as the criteria used for non-recognition had not been applied to Croatia, the Commonwealth of Independent States or states like Bangladesh in earlier times. She again stressed that Serbia must not be vilified and put in a position like Germany after the First World War. She also noted that any military intervention had to be voted by the UN Security Council and she considered that China would not agree, due to fears of similar actions *re* Tibet – likewise Russia *re* Tatarstan.

Given all this, Ms Brantley proposed the following:

- To make Kosovo/a a safe haven, similarly all the ethnically mixed areas in Serbia and Macedonia.
- Ensure humanitarian aid and expand the CSCE missions. NGOs and the CSCE should hold mass workshops in the field for Serbs and Albanians to help teach human rights.
- Use the numerous procedures available in the UN and other bodies, e.g. the Rapporteur for Summary and Arbitrary Executions. She called for the Special Rapporteur on Former Yugoslavia Tadeusz Mazowiecki's mandate to be expanded and for his monitors to be based permanently in the field, so that objective action could be taken by UN bodies on objective information.
- Bolster the promotion of human rights. In her opinion the actual situation and the dignity of all were more important than labels like independence.
- Stop the vilification of the respective sides.
- Avoid all forms of military intervention but tighten the arms embargo.
- Give refugees a safe haven in Western Europe.

Ms Brantley finished by stressing that the issues were not about territorial integrity but about respect for human rights and democracy, and that we all have a duty to try to solve the problems, as we are all responsible.

After the recommendations of the working groups were read out (see below), there was a panel discussion which was opened by Mr **François Fouinat** of the UN High Commission for Refugees (UNHCR) Special Operation in the former Yugoslavia. He pointed out that the UNHCR was playing a double role. The first role was the traditional one of protecting and assisting refugees, mostly of Bosnian origin, who now numbered over one million. This included helping governments in countries where they had fled to assist them. The second, less traditional role was that of dealing with the humanitarian aspects of the crisis. Following the London Conference, the UNHCR was also Chair of the conference on humanitarian issues and thus had a permanent role mostly in Bosnia-Herzegovina to bring assistance to the people suffering there. At present there were some 1.7 million people in this category in Bosnia-Herzegovina, of whom about half were internally displaced, and the rest were either besieged or directly exposed to warfare or other related problems. This was a major operation, with a budget of currently \$400 million and employing 500 to 600 people. He saw the promotion of human rights as essential and pointed to the need to establish systems to monitor them. He saw an enhanced international presence as one way of achieving this and pointed to the UNHCR's limited experience where an international presence has had a direct impact on lessening abuses. In his view, low-level, low-key

intervention has helped to provide minimum security for people who felt otherwise completely abandoned.

Mr Fouinat thought this needed to be expanded to all places where abuses are or might occur and suggested a three-pronged approach:

- A military presence like the United Nations Protection Force (UNPROFOR) in Krajina and UN troops now in Macedonia, with a limited mandate but where their presence was seen and felt.
- Close monitoring of the human rights situation. This should be done not by delegations coming and visiting for a few days but by professionals permanently based there.
- Humanitarian assistance by international organizations and NGOs to bring support to help end discrimination and overcome the sheer economic difficulties.

While he saw such a set-up as possibly not readily available at the moment, he saw such a combination as necessary to give people hope. The motto he put forward was that safety should be brought to people rather than people brought to safety. However, where this was not possible people have to be brought to safety. Regarding Bosnia-Herzegovina the UNHCR had appealed to governments to grant refugees from the area temporary protection pending a solution to the crisis. Regarding Kosovo/a he felt that when asylum requests were examined due consideration should be given to the prevailing situation and that governments should consider not forcefully returning refugees there due to the complicated situation.

The expanded role of the UNHCR in the human rights debate and in its cooperation with NGOs in recent years was noted. There was agreement on an urgent need for coherent planning by the EC regarding refugees, and MEPs were urged to take note of this, as *ad hoc* reactions were not sufficient. The seminar organizers pointed out that they would also be taking the points raised in the seminar back to their respective organizations.

Mr **Bo Kålfors** from the Swedish Ministry of Foreign Affairs then gave a brief description of the Swedish position; of the 69,000 refugees from former Yugoslavia in the country, over 50,000 were Kosovo/a Albanians. He joined the debate about whether war criminals should be brought to justice and whether this would act as a prevention of human rights abuses by pointing to an ICRC report which said that a real threat of prosecuting war criminals may prevent many brutalities in former Yugoslavia. He did fully agree on the need for increasing the size and duration of missions especially to Kosovo/a as perhaps the only means of preventing major conflict starting there. He welcomed the fact that after months of endeavour the UNHCR had finally established an office in Pristina, which, although small, could possibly be increased. As current Chair of the CSCE, Sweden was keen to strengthen its operative capability, including its

peacekeeping role, in close cooperation with the UN and other bodies.

Ms **Edita Tahiri** from the Democratic League of Kosova then gave an address detailing the recent events in the area. She stressed that the Democratic League considered that the best prospect for Kosovo/a was for it to be an independent neutral entity with political pluralism and respect for human rights where no nationality would be considered as a national minority. Being aware of the international community's views on changing borders by force, the Democratic League did not claim a state for all Albanians in former Yugoslavia (i.e. including those in Macedonia, southern Serbia and Montenegro), nor unification with Albania. The proposed republic of Kosovo/a would be a demilitarized state posing no dangers to any of its neighbours. She pointed out that:

- Recognition of the right of the Kosovo/a Albanians to self-determination would be a direct success for non-violence and thus possibly open a new era in the Balkans for solving disputes.
- Recognition of an independent neutral Kosovo/a would transform it from a 'powder keg' to a factor for stability.
- If war starts in Kosovo it will internationalize and thus threaten all Europe. In view of this she appealed to the international community to take the following concrete steps:
 - to prevent the escalation of the conflict in Kosovo/a by deploying UN peacekeeping troops there;
 - to demilitarize Kosovo/a;
 - to open a corridor for humanitarian relief for the people of Kosovo/a who are suffering acutely this winter.

There then followed a general debate. Among other matters raised was the question of other peoples in Kosovo/a apart from ethnic Albanians, Serbs and Montenegrins. If Kosovo/a did become autonomous or even independent, what guarantees could the international community ask for the protection of all minority rights for all groups there? It was pointed out that in the final analysis respect for human rights comes from within a society and is not imposed from without, and the importance of independent institutions within the country for addressing and rectifying abuses was again stressed. The Kosovo/a Albanians emphasized that for their part they were willing to agree to all international standards pertaining to this in a constitution.

The question of refugees from Kosovo/a was raised, and the UNHCR representative was asked if his office could issue an opinion on this matter. Reference may be made to the European Consultation on Refugees and Exiles (ECRE) network of lawyers across Western Europe, founded especially to deal with problematic cases. The UNHCR was asked if it could perform 'passive monitoring' of refugees who were returned, so as to assess the situation more clearly.

There was also a call to view young Kosovo/a Albanians who flee military service not so much as draft dodgers but as helping to keep the peace.

The recent action of the Danish Parliament (which passed a resolution that all missions from the parliament should if possible go to the Baltic states to heighten the international presence there at a particularly sensitive time during the break-up of the Soviet Union) was mentioned. Similar measures were suggested for Kosovo/a so that a concentrated international presence should be there in the coming problematic times.

The role of the UN was again stressed, and it was noted that there were now over 20,000 UN people from many nations in former Yugoslavia. The need for high-quality personnel, not merely increased numbers, was stressed. There was a call to stop deploring the problems of how overworked the UN was but to help turn it into an early-warning and peacekeeping organization. The problem was one of mandate and determination, and the UN was what its member countries made of it. It was pointed out that the UN's peacekeeping budget for 1992 was a fraction of what governments spent on armaments. More determination was called for to back up the UN in its peacekeeping role.

It was pointed out that we who live in relatively democratic societies can make a difference, and there was a call for individuals and NGOs to take part actively by lobbying governments and drafting resolutions for governments and the UN etc. A workshop or an alternative peace seminar to be held in Serbia was suggested, with invitations to all those concerned to come and take part in discussions. This might help voices within Serbia working for pluralism and democracy to help build peace from the bottom upwards.

WORKSHOP REPORTS

WORKSHOP 1

Political-Organizational Perspective

CHAIR: *Mr Alexander Langer*

RAPPORTEUR: *Mr Kenneth Nyström*

The Kosovo/a Albanian members of the workshop stressed three areas as being especially important:

- humanitarian assistance;
- an international presence in Kosovo/a;
- support from the outside for the Kosovo/a Albanian government to avoid it being replaced by a more militant group.

The workshop did not try to establish a complete consensus, and therefore the recommendations may not necessarily be mutually compatible. The recommendations are not in any order of preference but may be seen as part of a three-stage action:

- to prevent war without solving the underlying problems;
- to enforce respect for human rights;
- to give the inhabitants of Kosovo/a the chance to express their views with regard to the kind of government they want.

The recommendations were:

- 1 To improve the representation of the Kosovo/a Albanians in the Geneva process.
- 2 To establish a so-called 'international protectorate'. A lot of attention was given to this point, which was seen as a kind of mixture between incentives and coercion. It was suggested that the Serbian government be given a pre-emptive warning that it jeopardized its territorial sovereignty if it carried on with its current policy in Kosovo/a. Arguments against this were, firstly, that Serbia and the FRY had already had all the warnings necessary without changing policy. Secondly, such an action could be seen as giving international blessing to the Serbian regime in Kosovo/a, whereas most felt the present arrangements of Serbian control lacked any real legitimacy. A no-fly zone was also proposed and it was stressed that for the immediate future military escalation should be avoided.
- 3 To monitor the situation in Kosovo/a with official as well as non-official observers. The monitoring process should include civilian as well as military observers. The Albanian Kosovo/a representatives stressed that monitoring should not take place just at the borders but should be throughout the area. It was stressed that any monitoring should be meticulously carried out, as any misrepresent-

ation of the actual situation would be extremely detrimental. The workshop was aware that any placement of observers along the borders of Kosovo/a would be seen from a Serbian perspective as an encroachment on Serbian sovereignty. As new measures were not likely to be accepted, it was recommended to enlarge initiatives already in place. The workshop emphasized the difference between the fact-finding role and the conciliatory role of the various missions and that the former should not adversely affect the long-term aims of the latter.

- 4 To send more delegations to Kosovo/a, e.g. representatives of professional organizations should visit their counterparts there, as part of a stepped-up presence. This was seen as a preventive measure.
- 5 To invite delegations from Kosovo/a to Western European countries. The visit of Premier Bukoshi to the European Parliament was mentioned as an encouraging example.
- 6 To increase the representation of the Kosovo/a Albanians abroad, with more information offices like the London one.
- 7 To get information into and out of Kosovo/a. (This question was more thoroughly dealt with in WORKSHOP 3.)
- 8 To improve dialogue inside Kosovo/a between Albanians, Serbs and Montenegrins.
- 9 Finally, due to the large number of different groups already working on the issue, a further group was proposed specifically to monitor the activities of them all.

WORKSHOP 2

NGO, Peace Movement and Peace Research Perspective

CHAIR: *Mr Philip Rudge*

RAPPORTEURS: *Ms Toni Liversage and Mr Soeren Keldorff*

The Chair started by quoting the five key aspects of all NGO/civil society work. These are:

- to invoke the human rights conventions;
- to work for a democratic environment;
- to assist people suffering from human rights violations;
- to work for peace, dialogue and discussion;
- to represent a certain constituency (e.g. churches, intellectuals, human rights activists and refugees).

The Kosovo/a Albanians were asked to signal their priorities for NGO solidarity and assistance, and they pointed to the educational and health sectors. On the educational question they called for international pressure to reopen normal educational facilities. They also pointed to the urgent need for the return of Albanian medical staff who have been dismissed. The workshop mentioned Caritas (Antenna) as well as the organization Médecins sans Frontières as helping through local contacts. It was pointed out that the policy of sanctions was adversely affecting the plight of the Kosovo/a Albanians.

The following recommendations were made:

- 1 To keep the lines of communication open.
- 2 To arrange solidarity visits from Western Europe to Kosovo/a. These would both keep up an international presence there and aid the monitoring process.
- 3 To arrange for groups from Kosovo/a to visit Western Europe.
- 4 The education question was seen as especially important and it was stressed that Western Europeans should bring more support to bear at the university level. The work of the forthcoming round-table meetings in the Aland Islands was mentioned, as was the possibility of bringing people from Belgrade and Kosovo/a there.
- 5 It was recommended that the Kosovo/a Albanians organize some form of counterpart to the proposed Western European cooperation initiatives. The Red Cross organization and the International Labour Organization (ILO) were mentioned as possible channels of communication. It was suggested that some of the dismissed Kosovo/a intellectuals visit Scandinavian universities.

WORKSHOP 3

Press and Media Perspective

CHAIR: *Ms Christine von Kohl*

RAPPORTEUR: *Mr Sören Sommelius*

The workshop pointed out that the media had often been used to play a destructive role in the conflicts raging in former Yugoslavia. In Kosovo/a almost all the Albanian media have been closed down, and this was part of a campaign against Albanian culture by the Serbian ruling élite. The workshop felt that, given this situation, the media question should be a top priority.

It recommended:

- 1 That international journalist associations should be asked to support their Albanian colleagues in Kosovo/a both financially and morally.
- 2 That the UN be asked to set up a new commission to deal with the problems of the media in former Yugoslavia, with special emphasis on the blockade of Rilindja and RTV Pristina.
- 3 The workshop stressed the need for freedom of information in Kosovo/a.
- 4 The workshop also considered that increased sanctions against the FRY would create a very dangerous situation in Kosovo/a. It was suggested that supplying mobile radio transmitters and fax machines might be one way of ensuring the flow of information in such a situation.
- 5 In view of the lack of day-to-day information from Kosovo/a, it was urged that international news agencies consider the possibility of ensuring the continual flow of information from there, bearing in mind the current financial constraints on the Kosovo/a Albanian media.
- 6 It was proposed also that the major world newspapers establish contacts with Kosovo/a Albanian journalists and media establishments.

Conclusion and Specific Suggestions

Mr Morten Kjaerum, Director of the Danish Center of Human Rights, presented the concluding remarks. He stated that there was overwhelming evidence of gross and systematic abuse of individual human rights and group rights in Kosovo/a. Failure to address these issues as a matter of urgency raises the risk of war in Kosovo/a and throughout the Balkans, with the consequence of increased human suffering and the generation of another large refugee flow from the region. The long-term strategy of the region must be to mobilize material and other benefits whereby each community has a major incentive to seek peace and to respect human rights.

In the immediate future a full range of peaceful measures available to the international community must be mobilized speedily, including:

- a major international presence in Kosovo/a of UN and intergovernmental bodies, parliamentarians, NGOs and journalists;
- mechanisms to assure a flow of accurate information on the evolving situation within the region and beyond;
- facilitating a dialogue for peace between all levels of society in the region, to build trust and confidence between communities and to combat the mistrust and hatred which are breaking society apart;
- developing the widest range of personal and professional contacts through visits and exchanges;
- ensuring that urgent humanitarian assistance is made widely available to all the people of Kosovo/a.

Seminar Administration

The seminar initiative was taken by the Danish Peace Foundation which also provided substantial financial support. The responsibility of further fundraising and of planning the framework of the seminar was given to the Danish Center of Human Rights (DCHR). The European Consultation on Exiles and Refugees (ECRE), London, International Helsinki Federation for Human Rights (IHFHR), Vienna, and Minority Rights Group (MRG), London, provided important support for this work. The substantial administrative arrangements were made by the DCHR in close cooperation with the ECRE representation in Brussels. The IHFHR was responsible for the contact with the Kosovo/a-Albanian witnesses that contributed to the seminar.

At the time of the seminar, service was also provided by the Euro Citizen Action Service (ECAS) based in Brussels. Our warmest appreciation also goes to the staff members of the European Parliament who gave important practical support and ensured the smooth functioning of the seminar.

Minority Rights Group prepared a paper for the conference itself and were also responsible for preparing this conference report. The conference paper and the conference report can be obtained from the organizers.

Financial & Material Support

The conference organizers would like to thank everybody who through their contributions made this conference possible. It was able to be held in the European Parliament in Brussels thanks to the cooperation of various political groups who generously made their facilities available. These were: the European People's Party (Chr. Dem.), the Socialist Group, the Liberal and Democratic Reformist Group, the Green Group and the Rainbow Group. The conference was financed by grants from the following:

The Danish Peace Foundation
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Charity Know How

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The Danish Center of Human Rights was established in 1987. The Center has, among its primary tasks, to establish original and

independent Danish research in the field of human rights; to be in charge of information to voluntary organizations, researchers, public authorities and the public concerned; to establish public library facilities and a computerized documentation center; and to promote coordination between and assistance to voluntary organizations' work on human rights and human rights documentation.

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European Consultation on Refugees and Exiles is a forum established in 1973 for cooperation between more than 55 non-governmental organizations in Western Europe concerned with refugees and the right of asylum. ECRE's objective is to promote a humane and liberal asylum policy in Europe through joint analysis, research and information exchange. ECRE is concerned with the needs of individuals who seek asylum in Europe and the development of a coherent response to the global refugee problem.

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International Helsinki Federation for Human Rights is a non-governmental organization that seeks to promote compliance of the participating States with the human rights provisions of the Helsinki Final Act (1975) and its Follow-up Documents.

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Minority Rights Group is an international non-governmental organization. It works to secure justice for minority groups and to seek the peaceful coexistence of minorities and majorities. This is achieved by the publication and wide distribution of research on minorities to increase knowledge and understanding; the advocacy of minority rights to draw attention to problem areas and prevent the escalation of dangerous and destructive conflicts; and the development of education programmes to reduce prejudice.



Minority Rights Group

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