



# World Directory of Minorities

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## Kosovo Overview

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### Environment

Kosovo lies in the western Balkans to the south of Serbia proper and Montenegro and to the north of Macedonia and Albania. The landlocked territory features rugged 'Accursed Mountains' along its borders with Albania and Montenegro.

### Peoples

Main languages: Albanian, Serbian, also Turkish, Romani, Bosnian.

Main religions: Islam, Orthodox Christianity, also Roman Catholicism

The main minority communities are Serbs, Roma, Bosniaks, Turks, Gorani, Ashkalia, Egyptians and Croats.

Kosovo has a population of approximately two million. Ethnic Albanians form the overall majority. Most Albanians are Muslim and they speak Albanian. Serbs are the biggest minority group; they speak Serbian and are Orthodox Christians. Smaller communities include Roma, Ashkalia, Egyptians, Bosniaks, Turks, Gorani and Croats. Within Serb compact settlements, Albanians are effectively a minority.

Accurate demographic data is lacking. The last census in Kosovo took place in 1991, but this was largely boycotted by ethnic Albanians. Important demographic changes took place during the 1998-1999 war and subsequent ethnic violence. Exercising the right to self-identification is difficult in Kosovo, mainly because people are afraid to openly state their ethnicity for fear of discrimination, but also because others do not necessarily respect people's identity, for example international and local actors often grouping Roma, Ashkalia and Egyptians into one. A census was planned for 2007. Most estimates put the ethnic Albanian population at 90 per cent and Serbs at five-six per cent.

Most of the estimated few thousand Ashkalia speak Albanian and their first language and practice Islam. Until the 1990s most Ashkalia identified themselves as Roma. In the 1990, they began to identify themselves as a distinct group. They have not been accepted by the Albanian community. They are widely discriminated against and excluded from economic life. Although the Ashkalia have one reserved

seat in the Kosovo Assembly, they have been excluded from real participation in political life and are excluded from discussions on the future status of Kosovo.

Most of the few hundred Egyptians speak Albanian as their first language and practice Islam. Until the 1990s most Egyptians identified themselves as Roma. In the 1990s, they began to identify themselves as a distinct group, tracing their origins back to Egypt. They have not been accepted by the Albanian community. They are widely discriminated against and excluded from economic life. Although the Egyptians have one reserved seat in the Kosovo Assembly, they have been excluded from real participation in political life and are excluded from discussions on the future status of Kosovo.

Bosniaks are a Slavic people who speak Bosnian, and most of whom are Muslim. There were an estimated 35,000 Bosniaks in Kosovo in 1999. The OSCE's estimate for 2001 was 32,000 and in 2006 Bosniak community estimates were around 57,000. They have one reserved seat in the Kosovo Assembly. They have been excluded from real participation in political life and are excluded from discussions on the future status of Kosovo.

Turks speak Turkish and most are Muslim. They live mainly in the Prizren region. Kosovo was under the rule of the Ottoman Empire from 1455 until 1912. Under the 1974 SFRY constitution, Turkish enjoyed equal status with Serbo-Croat and Albanian in Kosovo. Turkish community leaders estimated their own population to be between 12,000 and 50,000 in 1999. Since then it has substantially decreased and in 2001 the OSCE estimated it at 12,000. Turks have three designated seats in the Kosovo Assembly. They have been excluded from real participation in political life and are excluded from discussions on the future status of Kosovo.

There were an estimated 12,000 Gorani in 2001. They are a Slavic people who speak Gorani as their first language and converted to Islam in 18<sup>th</sup> and 19<sup>th</sup> centuries. They are concentrated in the south of Prizren. The Gorani have one designated seat in the Kosovo Assembly. They have been excluded from real participation in political life and are excluded from discussions on the future status of Kosovo.

## History

Kosovo has always been multi-ethnic. Its history is very important to Albanian and Serbian identities. Ethnic Albanians and Serbs have been living in Kosovo since the 11<sup>th</sup> century. From about 1200 to 1455 Kosovo was part of the Serbian Kingdom. This is when some important Christian Orthodox sites were built in Kosovo. In 1389 the battle of Kosovo Polje took place between a Christian Orthodox army led by a Serbian feudal prince and the Ottoman army. Although Albanians fought in the armies on both sides of the battle, and historians debate the battle's outcome and importance, it has passed into Serbian mythology as a heroic defeat for the Serbs, who in the telling were martyred in a decisive battle for Ottoman dominance of the region. The Ottomans finally conquered Kosovo in 1455, and it remained under Ottoman rule for 450 years. During this time, most of the population of Kosovo became Muslim. The Albanian national revival began in Kosovo, with the 'League of Prizren' in 1878, and in this era of European national awakening, Christian Orthodox history, including the mythology surrounding the 1389 battle of Kosovo Polje, was re-interpreted from religious into ethno-national-Serbian-history.

In 1912 Kosovo was conquered and divided between Serbia, Montenegro and Bulgaria. The largest part went to Serbia and became part of the Kingdom of Serbs, Croats and Slovenes (later Yugoslavia) following World War I. Kosovo was the poorest area of the Kingdom, with the ethnic Albanian population much poorer than the Serbs and Montenegrins who were supported from Belgrade. During this time, Belgrade expelled 45,000 Albanians from Kosovo and replaced them with 60,000 Serb settlers. During World War II, Italy ruled Kosovo as part of greater Albania. Many Serbs were killed and

fled.

Under Josip Broz Tito's Socialist Federal Republic of Yugoslavia (SFRY), power gradually devolved to the authorities of Kosovo, although it formally remained a part of the Socialist Republic of Serbia. In 1968, the government established an Albanian language university in Kosovo's capital, Pristina. The university became the centre of the Albanian dissident movement. In an attempt to defuse national movements, Tito approved a new constitution in 1974 that granted substantial rights of self-government to Kosovo as well as the Serbian province of Vojvodina. This sharpened Serb feelings of resentment.

Following the death of Tito in 1980 and the collapse of the Yugoslav economy, Yugoslav politics became increasingly polarized along ethnic lines. The SFRY was now governed weakly from Belgrade under an eight-person presidency, the chair of which rotated yearly among the constituent republics and Serbia's autonomous provinces. Albanians demonstrated for Kosovo to become a republic, notably in 1981. Many were arrested. Also during this time, Serbs, who were effectively a minority, claimed they were discriminated against by local Albanian authorities. In 1986 the Serbian Academy of Sciences and Arts published a memorandum that laid the intellectual groundwork for the rise of Serbian nationalism, rooted in historical mythology surrounding Kosovo and themes of victimization, including complaints about the Serb position within the SFRY. In the late 1980s, Serbian President Slobodan Milosevic mobilized this discontent in his rise to power by championing the cause of the Serb 'minority-within-a-minority' in Kosovo and by complaining of the bureaucratic devices used to reduce Serb influence within Yugoslavia.

In 1989, the Serbian parliament revoked the right of self-government in Kosovo and Vojvodina, and Milosevic's supporters took control of the republican government of Montenegro, giving Milosevic fully half of the votes in the federal presidency. In Kosovo, ethnic Albanians were fired from the state administration. As Albanian education and media were considerably curtailed, Albanians, under the leadership of their pacifist leader, Ibrahim Rugova, established parallel political and social structures, including a separate educational system.

Belgrade's grasp for the levers of power in the SFRY accelerated the break-up of the Communist Party in other Yugoslav republics, including Slovenia and Croatia. Not only the Communist Party was crumbling; Milosevic's moves to consolidate Serb control over the Yugoslav National Army (JNA) weakened another central pillar of Yugoslav unity. In response to declarations of independence by Croatia, Slovenia and then Bosnia and Hercegovina in 1991 and 1992, Milosevic sent troops. The wars in Croatia and Bosnia and Hercegovina would last until 1995. For the time being, Milosevic did not take military action against the majority Albanian population in Kosovo, where Serb grievances had fuelled his political ascendance. In December 1992, US President George H.W. Bush issued the so-called 'Christmas warning', promising immediate American military action against Serbia if it should intervene in Kosovo. President Bill Clinton reiterated the warning in early 1993. While Washington looked the other way in response to the wars in Croatia and Bosnia and Hercegovina, it feared that war in Kosovo and Macedonia could draw other countries into a wider conflict, including NATO members Greece and Turkey on opposite sides.

The Serbian economy had gone into steep decline under Milosevic and the population was weary of international isolation. With his popularity on the wane, Milosevic played the nationalist card in Kosovo once again. In response to isolated attacks on Serb police and civilians in the province by a small band of guerrillas calling itself the 'Kosovo Liberation Army' (KLA), in February 1998 Milosevic ordered reprisal attacks on ethnic Albanian villages. As the violence escalated and western states showed no signs of intervening, Milosevic grew bolder and broadened his assault on Kosovo Albanian civilians, as well as guerrillas. In early 1998 the KLA was unpopular with most Albanians who feared it would trigger the kind of Serb assaults recently seen in Croatia and Bosnia. But as Milosevic targeted civilians,

the numbers of killed and displaced Albanians climbed, with 300,000 displaced from their homes by October 1998. Anger increased, creating near universal Albanian support for the KLA by 1999. The strengthening KLA posed a very real and increasing threat to minority Serbs in Kosovo, which in turn provided Milosevic with additional fodder for war propaganda at home. Amid mounting atrocities, NATO intervened in March 1999, bombing Serb targets in Kosovo and Serbia proper. Some one million people fled or were expelled from Kosovo between March and May 1999; the NATO bombing stopped in June 1999 following an agreement with Milosevic. Belgrade agreed to withdraw its forces from Kosovo and allow the province to be put under UN administration, although the territory would officially remain a part of Serbia pending agreement on final status. Nearly all ethnic Albanian refugees flooded back to Kosovo from Macedonia, Albania and Montenegro. Subsequent studies place the number of killed during the Kosovo conflict, overwhelmingly ethnic Albanians, at around 10,000.

By the end of the conflict, many radicalized ethnic Albanians viewed the KLA not only as a force for liberation, but one for revenge. Ethnic violence against non-Albanian-notably Serb and Roma-communities erupted. NATO peacekeeping forces (KFOR) helped to contain the violence, but Serbs, Roma, and other non-Albanians increasingly sought security in their own communities, and Kosovo became further segregated. The area north of the Ibar River became the largest Serbian enclave, and the Belgrade government maintained strong influence there. Straddling the Ibar, the town of Mitrovica became a festering flashpoint, its communities separated by heavily armed KFOR checkpoints. March 2004 saw a resurgence of ethnic violence. Protests against the killing of three ethnic Albanian children escalated into an anti-Serb pogrom and clashes with KFOR and UN police. The violence in 2004 claimed the lives of over 28 civilians and one KFOR soldier, and wounded hundreds; 3,600 Serbs were displaced, and 30 Serb churches destroyed along with 200 Serb houses. Violence flared again in June 2005, albeit on a smaller scale, with coordinated attacks against the international presence in Kosovo.

In 2001, Serbia arrested Slobodan Milosevic and transferred him to The Hague, where he stood indicted by the International Criminal Tribunal for the former Yugoslavia (ICTY). In addition to charges relating to the wars in Croatia and Bosnia and Hercegovina, Milosevic faced charges of war crimes and crimes against humanity for allegedly ordering atrocities in Kosovo in 1998-1999. He died suddenly in 2006, as his lengthy trial was nearing its conclusion. Several other Serbian and Yugoslav officials remain on trial over alleged atrocities in Kosovo, as do several Kosovo Albanian militia leaders, including a post-war prime minister, Ramush Haradinaj. Following his trial, Haradinaj was acquitted of all charges. However the Office of the Prosecution appealed against the verdict and in July 2010 The Hague tribunal ordered a new trial, not only for Haradinaj, but for fellow KLA members Idriz Balaj and Lahi Brahimaj, claiming the earlier trial was negatively affected by witness intimidation.

International prosecutors and judges integrated into Kosovo's domestic judicial system have also pursued less prominent war crimes cases.

## **Governance**

In 1999, UN Security Council Resolution 1244 ended the war in Kosovo and established an interim international civil presence (UN Mission in Kosovo - UNMIK) and the KFOR peacekeeping mission. UNMIK has played the lead role in Kosovo's governance for eight years. UNMIK is headed by a Special Representative of the Secretary General (SRSG) who holds the ultimate decision-making power in Kosovo, and can overturn any decisions made by Kosovo Provisional Institutions of Self-Government (PISG). The UNMIK system of interim governance is complicated and divided into four pillars, with defined roles for both the EU and the Organization for Security and Cooperation in Europe (OSCE): 1) police and justice (UN), 2) civil administration (UN), 3) democratization and institution building (OSCE) and 4) reconstruction and economic development (EU). Resolution 1244 included provisions relevant for protection of minority rights and human rights more generally. These include respect for

human rights and the establishment and eventual transfer of power to Kosovan authorities.

The Constitutional Framework for Kosovo adopted in 2001 includes protection of human rights and minority rights. Minority rights provisions are generally too vague to be effective, for example in relation to education and language use. Key international human rights treaties are directly applicable in Kosovo; the problem is implementation and monitoring. An Anti-Discrimination Law, which provides a good legal framework, likewise remains largely unimplemented. For political reasons, no body charged with its implementation was ever established, but implementation and its monitoring were entrusted to the judicial system and an Ombudsperson, the latter being much more effective. Furthermore, there is limited local awareness of the law. The Kosovo Standards Implementation Plan, put together by UNMIK in 2004, spells out how to achieve a democratic society, based on the rule of law and effective equality. It allocates responsibility to UNMIK and PISG for different issues crucial for minorities, such as ensuring sustainable return, rule of law, freedom of movement, participation as well as economic issues such as access to employment. Much remains to be implemented, however.

The Constitutional Framework established the PISG, including the Kosovo Assembly, the presidency, government, courts and ombudsperson. Minority representation is guaranteed, with assigned seats in the Assembly, and there is a Committee on Rights and Interests of Communities made up of two people from each ethnic group that can review draft legislation. Of the seven-person presidency of the Assembly, at least one must be Serb and another from a non-Serb, non-Albanian community. Additionally, at least two ministers must be from minority communities. Undermining this participation mechanism is a lack of accountability of minority representatives to their communities, and a lack of power of the Assembly in general. Measures taken to ensure participation at the municipal level have been largely ineffective. There is very little participation of minorities in the international administration; however, it should be noted that there is also insufficient participation of ethnic Albanians in international administration.

UNMIK and KFOR have proved incapable or unwilling to ensure basic security in Kosovo and bring to justice those responsible for crimes against minorities, including Serbs, Roma, Ashkalia and Egyptians. Ethnic Albanians have directed harassment and violence at these groups on a continuous basis, with notable spikes in 1999 and March 2004. Members of minority communities encounter real barriers to travel outside their camps or compact areas of settlement, including on public transport, and fear for security in their own homes. Despite legal guarantees for language, religious and cultural rights, in practice minority groups must fear violence if they speak their language freely, or practice their own culture and religion. This is particularly the case for Serbs and Roma, but other communities have encountered problems as well. There are many instances of people being attacked for speaking their own language in public. Many Christian Orthodox churches have been destroyed. Many minorities believe that the failure of international forces to protect them reflects a view that such crimes and intimidation are acceptable.

UNMIK has governed without accountability. Beyond not being elected, part of the problem is that the lines of responsibility among UNMIK, PISGs and parallel institutions in compact Serb settlements are unclear, and individuals do not know to whom to go with their concerns. The boycott by many Serbs of Kosovo institutions also weakens their effectiveness.

### **The Ahtisaari plan**

Following talks with Serb and Albanian leaders (but not smaller minorities), UN envoy Martti Ahtisaari unveiled a proposal in February 2007 that would form the basis of Kosovo's de facto independent governance arrangements. For an interim period, EU administrators would replace UN administrators as the territory's highest authorities. Under Ahtisaari's plan, there are a number of key guarantees for

minorities. There will be constitutional provisions, which enshrine international human rights and freedoms. There are plans for extensive decentralization that would lead to six autonomous Serb districts, some of which would include majority Albanian villages. The plan also includes special protections for minority communities, across a range of different sectors including the security and public sectors, where the multi-ethnic composition of staffing would be guaranteed. There are also parliamentary safeguards, entailing that certain 'enumerated laws may only be enacted if a majority of the Kosovo non-Albanian members of the Kosovo Assembly agree to their adoption.', and protection of the Serbian Orthodox Church.

In his speech declaring Kosovan independence on February 17<sup>th</sup> 2008, Prime Minister Hashim Thaci made plain that the Ahtisaari plan provided a comprehensive framework for the future of Kosovo, which his government pledged to adhere to. Moreover, he stated that, "We declare Kosovo to be a democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law." However, it is obvious that whatever the intentions, delivering this vision in Kosovo will be extremely challenging.

The UN General Assembly voted to pass the issue of Kosovan independence over to the International Court of Justice with all parties submitting arguments by April 2009.

A month after the declaration, Serb opponents of independence occupied a court in Mitrovica; more than 100 people were injured in the fighting that followed. A new constitution was adopted by parliament in 2008 and by June of the same year power was effectively transferred to a majority ethnic Albanian government. Kosovo Serbs who refute the legality of independence set up their own assembly, also in Mitrovica. At the end of 2008 the European Union took charge of policing and customs services from the UN and Serbia arrested 10 former Albanian rebels suspected of war crimes.

A UN war crimes tribunal in The Hague acquitted the former Serbian President Milan Milutinovic in February 2009.

In July 2010, the International Court of Justice ruled that Kosovo's 2008 declaration of independence was legal under International law. In November, Kosovo parliament passed a vote of no confidence in the government and Hashim Thaci's Democratic Party was elected by a narrow majority in the ensuing election.

Following a two year investigation, the Council of Europe alleged that the KLA, led by Thaci, were involved in organ trafficking and other crimes during the war, Thaci rejects the allegations and, in Feb 2011, is reappointed as Prime Minister.

## **Current state of minorities and indigenous peoples**

On the 17<sup>th</sup> February 2008, Kosovo's parliament declared independence. The move was swiftly backed by the US and some European states, including Britain, France and Germany but attracted the opposition of others, including Spain, Cyprus, Greece and Bulgaria. Russia vehemently opposed the declaration, urging the UN Security Council to declare the move 'illegal', and signaling that it would block Kosovo's membership of the UN. In Serbia, there was anger and resentment, boiling over into attacks against a number of foreign embassies seen to have supported independence. While the declaration marks the end of one phase of Kosovo's existence, there is grave uncertainty for the future, particularly for minorities in the self-declared State, which for the time being will largely be administered by the EU.

Kosovo Albanians make up an overwhelming majority of the population. Ever since the Serbian assault

of 1998 - 1999, that cost around 10,000 mostly civilian Albanian lives, they have insisted that they could never again be ruled from Belgrade. However, the minority Serb population - thought to number about 140,000 (in 2005) - bitterly oppose an independent Kosovo. In the predominantly Serbian North-Western corner of the country, daily demonstrations were organized against the move, and NATO troops sealed the northern borders after hundreds of protesters stormed two crossing points. There have been mutterings that the Serbian stronghold in the North-West might secede from Kosovo.

In the run-up to the independence declaration, Prime Minister Hashim Thaci vowed to protect the rights of all minorities. But the concerns remain acute. Apart from Serbs, Kosovo's other minority groups, Roma, Ashkali, Egyptians, Croats, Bosniaks, Turks and Gorani. These latter groups have been excluded from international discussions on Kosovo's status.

The minority situation in Kosovo is complex. Serbs and other minorities in Kosovo, including pockets of Albanians in majority-Serb northern Kosovo, face some of the most hostile conditions of any minorities in Europe. Following the withdrawal of Serbian forces in 1999, radicalized Albanians turned on minority communities, especially Serb and Roma. Pogroms in March 2004, hardly contained by NATO peacekeepers and UN police, claimed the lives of over 28 civilians and one NATO soldier, and wounded hundreds; 3,600 Serbs were displaced, and 30 Serb churches destroyed along with 200 Serb houses. Many minorities have fled Kosovo.

Most Serbs who remain are still confined for their own protection to ethnically homogenized enclaves under international armed guard, or live north of the Ibar river in a Serb-controlled area that maintains close connections with Belgrade. Christian Orthodox churches south of the Ibar have required the protection of NATO peacekeepers in order to avoid vandalism by Albanian nationalists. Serbs and other minorities face harassment and physical violence for being who they are, for living in their own homes if they belong to the 'wrong' community, and for speaking their own language. Kosovo government authorities, UN administrators and police, and NATO peacekeepers have been unwilling or unable to bring to justice many perpetrators of crimes directed at minorities.

Several years after the conflict, minority return to pre-war homes has barely occurred. In June 2007 the mission of the Organisation for Security and Cooperation in Europe in Kosovo cited several reasons for this, including the failure to rebuild over 10,000 residential properties destroyed during or after the conflict, bureaucratic inefficiency in processing property and compensation claims, and widespread security fears among would-be returnees. Those who did return, faced not only physical threats, but widespread economic exclusion, including through discrimination in employment and provision of social benefits.

In June 2007 the non-governmental Humanitarian Law Centre (HLC) released a survey of ethnic minorities conducted during 2006. Whilst it found progress in majority Albanian acceptance of Turkish, Bosniak, Ashkali and Egyptian minorities, including their improved freedom of movement, there was little improvement for Serbs and Roma. The HLC survey reported that Kosovo's government had made no attempt at integrating Serb pupils into Kosovo's educational system; Serb and some Gorani children were attending a parallel school system financed and controlled by the Serbian government. Turkish and Bosniak children were being afforded education in their own languages within Kosovo-run schools, but in practice this has proved difficult due to an acute lack of textbooks and trained teachers. Roma-language education was unavailable in either the government or parallel Serb school systems.

In education and other areas, government and international UN administrators found it difficult to develop long-term policies due to the lack of clarity on Kosovo's final status. The status limbo also has had a more directly negative effect on minority rights by encouraging extremists on both sides of the Albanian-Serb divide to stake out maximalist positions and jockey for control of territory by driving out

the other. Since 1999 the divided northern city of Mitrovica/Mitrovicë has been a particular flashpoint in this regard.

After eight years of international rule, Kosovo's Albanian and Serbian communities remain as divided as ever - a failure for which the United Nations and international community must bear a heavy portion of the blame. While the UN mission in Kosovo starts to wind up, the European Union will begin to assume an even more important role. Their involvement will be based on the plan unveiled by UN envoy Martti Ahtisaari in February 2007. EU administrators will replace UN administrators, and extensive decentralization is planned (see above). But much will depend on whether Kosovan Serbian leaders will co-operate with this plan, or whether they will continue to press for their claims of secession.

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