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WORKING GROUP ON ETHNIC AND NATIONAL  
COMMUNITIES AND MINORITIES

18 JAN - 18 DEC 1993

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UNITED NATIONS  
HIGH COMMISSIONER  
FOR REFUGEES

L'Envoyé Spécial  
pour l'ex-Yugoslavie

VISOKI KOMESARIJAT  
UJEDINJENIH NARODA  
ZA IZBJEGLICE

The Special Envoy  
for former Yugoslavia

F A X 1/4

To Mr T Stoltenberg, SRSG, Geneva  
Fm Nicholas Morris, Zagreb Nicholas Morris  
Date 18 Dec 93  
Ref OSE/278  
Subject Persecution of minorities in Banja Luka

DISTRIBUTION:	
ACTION	INFO
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1. In the early hours of 15 December, the authorities again used explosives against mosques and Muslim cemeteries in Banja Luka. Our colleagues reached the 16th century Ferhad Pasha mosque before 8 am to find only a small part of the structure still standing and bulldozers and lorries already moving both the rubble and the old walls and access gate, which had been untouched by the blasts. When I called on the Mufti the next day in his office adjacent to the site, the operation to remove all trace of this masterpiece was still in full swing. The intent of the authorities is clear: to terrify the remaining Muslims into leaving. The Catholics are also again coming under severe pressure.

2. When the High Commissioner raised the continued gross violations of human rights with Dr Karadzic on 18 November, he repeated what he had told me on 16 October: these were the work of criminal elements that he was trying to bring under control; the rights of minorities would be respected. I met the Mayor of Banja Luka after meeting the Mufti. I asked him what I should report to you in advance of your meetings with the leaders this coming week. He had nothing to say beyond a weak affirmation that the minorities should stay and a listing of alleged violations of the rights of Serb minorities elsewhere. Neither the Mayor nor the senior police and military officers with him challenged my statement that these and earlier explosions could not have occurred without official sanction and material support.

3. The Mufti presented me with the attached appeal. He is convinced that his office will be the next target and he fears for his life and the lives of his colleagues. These fears are well founded. We should be grateful if you would take the opportunity of your forthcoming meetings to recall to Dr Karadzic the solemn commitment he made on 18 November to ensure respect for human rights, and to hold him accountable for what is happening to, and for the safety of, minorities in areas under his control.

With best regards



Islamska zajednica Bosne i Hercegovine

Muftijstvo za Bosansku Krajinu

## Odbor Islamske zajednice

Banja Luka; ulica Kralja Petra I 46; tel.: 078 11-822; 11-840

2/4

Gospodin  
NICOLA S MORRIS  
izaslanik UNHCR-a  
za bivšu Jugoslaviju

Vaš broj: \_\_\_\_\_

Broj: 335

16.12.1993.g.

Datum: \_\_\_\_\_

PREDMET: Dramatičan apel svjetskoj zajednici  
za spas Muslimana Banja Luke.

Poštovani gospodine,  
Koristimo Vašu drugu posjetu našoj Zajednici u proteklih pet mjeseci te Vas molimo da cjelokupnoj svjetskoj zajednici prenaset naš ljudski ali očajnički apel za sprečavanje daljnjeg genocida, urbicida i kulturocida nad Muslimanima i njihovim preostalim obilježjima u Banja Luci u kojoj su stoljećima živjeli i žele da ostanu u njoj.

U ovom, dramatičnom i alarmantnom trenutku po muslimanski narod u ovim krajevima, najkonkretnije se radi o slijedećem:

- nastavlja se nesmanjenom žestinom teror nad Muslimanima izražen kroz hapšenje, upućivanje na prisilni rad ("radna obaveza") pljačku njihove imovine, izbacivanje iz stanova, premješćivanje na ulici i zatvorima itd;

- u ranim jutarnjim satima 15.12.1993.g. srušeni su jedni od posljednjih objekata islamske arhitekture iz XVI stoljeća (Ferhadpašino turbe, Turbe bajraktara, Halil-pašino turbe, Sahat-kula i dovršeno je rušenje džamije u Vrbanji);

- Najbolnije što nam se u nizu neprilika i terora nad nama moglo desiti je uznemirivanje mrtvih Muslimana jer se posv-  
navaju teškom mehanizacijom i naša groblja;

- rušenje neporušenih sadržaja kompleksa Ferhadpašine džamije (kapija, šedrvan-česma, dvorišna ograda i nagrobni spomenici) se ruše javno usred dana na očigled gradjana Banja Luke, a po nalogu nadležnih organa vlasti;

- nama kao i drugim gradjanima Banja Luke vjerovatno predstoji epidemija zbog neodvoženih smetljišta sa javnih površina koje stanje lokalne vlasti obrazlažu nedostatkom nafte i naftnih derivata potrebnih za kamione Komunalnog preduzeća "Čistoća", a itekako imaju nafte za revnosno odvoženje ruš-  
nih ostataka porušenih turbeta i rušenja dotad neporušenih sadržaja;

3/4

U ime svih Muslimana Banja Luke a posebno u ime umrlih  
na koje se u ovoj fazi etničkog čišćenja na ovim prostorima ata-  
kuje, molimo da se na bilo koji način zaustavi ovaj nezapamćeni  
genocid i nad živim i nad mrtvim.

To neka se učini barem u ime savjesti i pijeteta prema  
mrtvima, ako su živi stavljeni ad-acta.

S poštovanjem,

PREDSJEDNIK ODBORA

(Gušić Bedrudin dipl.ing.)



MUFTIJA BANJALUČKI

(h. Ibrahim ef. Halilović, prof.)





4/4

16 December, 1993

Mr. Nicholas Morris, UNHCR Special Envoy for Former Yugoslavia

SUBJECT: Dramatic appeal on the international community to save Moslems in Banja Luka

Dear Sir,

On the occasion of your second visit to our Community in the last five months, we ask you to convey to the world community our desperate appeal on preventing further genocide, urbicide and cultur-cide over Moslems and the remaining Moslem families in Banja Luka, where they have lived for centuries and where they wish to stay.

In this dramatic and alarming times for the Moslem people, these are the concrete cases:

-Terror over Moslems is continuing in the same fierce manner and is not decreasing. It is being done to Moslems through arrests, forced labor, looting and robbing off their property, evictions from their apartments and by beating them on the streets and in prisons, etc...

-In the early morning hours on December 15, 1993, the last remnants of the Islamic architecture from the 16th century were destroyed. (Ferhad-Pasha mosque, Clock Tower, Barjaktar-Turbe, Halil-Pasha Turbe, while the devastation of the Vrbanja Mosque has been completed.)

-The most painful fact is that not even dead Moslems are left in peace - our cemeteries are being flattened by heavy road machines.

-Under an order by the authorities, everything which is left of the complex of the Ferhad-Pasha mosque, (the entrance, the fountain, a building in the courtyard and a tombstone), is being openly and publicly destroyed.

-All citizens of Banja Luka are probably facing epidemics because the garbage is not being collected, which the authorities explain, is caused by a lack of fuel for trucks. At the same time there is enough fuel for those trucks which eagerly and regularly transport the debris left after the destructions of our monuments.

On behalf of all Moslems of Banja Luka, and particularly those who are dead, and who are also subjected to the attacks in this phase of ethnic cleansing, we ask for an end to this outrages genocide over the living and the dead.

If the living have been put 'ad acta', let this be done in the name of conscience and respect towards the dead.

Faithfully yours,  
Ibrahim Halilovic

Mufti of Banja Luka

3.6.93

## COREU

INTERNATIONAL CONFERENCE  
ON THE FORMER YUGOSLAVIASub Group on the Former Yugoslav  
Republic of Macedonia

At the request of the Secretariat of the International Conference on the Former Yugoslavia, the Presidency is circulating the following report by the Chairman of the Working Group on Ethnic and National Communities and Minorities.

1. A delegation of the International Conference on the Former Yugoslavia, headed by Ambassador Ahrens, held talks in Skopje with representatives of the Government and of Serbs from the former Yugoslav Republic of Macedonia. Also present were Ambassadors Hall and Rey and Mr. Coutinho.
2. The Group first met with the Serb representatives, led by Mr. Ristic. Ambassador Ahrens began by saying that he had discussed with the Government the four issues which the Serbs had previously risen: Constitutional position of the Serbs; education in the Serbian language; religious services; and media. Regarding the Constitutional position of the Serbs in the Former Yugoslav Republic of Macedonia, Ambassador Ahrens explained that, at the moment, the Government seemed to have problems in getting the majority needed in Parliament to change the Constitution. However, the Government was ready to interpret the Constitution as if the Serbs were already mentioned in the Preamble and in Article 78, which would give them the right to two seats in the Council for Inter-Ethnic Relations. Concerning education, Ambassador Ahrens said that he has received assurances from the Government that the existing laws on elementary and secondary education provide the right to choose the teaching language if certain numerical requirements are fulfilled. He added that the CSCE was prepared to witness acts of choice by the parents. The question of religion was more difficult to deal with seen that it was not a Government matter. However, Ambassador Ahrens had met previously with the head of the Macedonian Orthodox Church and informed the Serbs of its readiness to have priests of Serbian nationality belonging to that Church perform their duties in parishes in which the majority is of Serbian nationality and which submit a request to that effect. Ambassador Ahrens then informed the Serbian representatives that the Government had declared that Serbian language media will not be discriminated against and that they will be assisted and supported in the same way as the media of other nationalities of comparable size.

The Serbian representatives once again confirmed that these were their four requests, but showed discontent with the fact that the Constitution would not actually be changed. They strongly insisted on this point.



3. The Group then met with Minister of the Interior of the Former Yugoslav Republic of Macedonia, Mr. Frckovski. Mr. Frckovski reiterated that there was no possibility of changing the Constitution at this stage. Nevertheless, he was ready to treat the Serbs as if they were already mentioned in the Constitution. He added that the Church issue should indeed be dealt with directly with the Church.
4. The Group then held a short trilateral meeting (Conference, Government, Serbs) during which a draft document entitled "Agreed Minutes", which had been earlier prepared by Ambassador Ahrens, was distributed. Both parties were, in principle, in agreement with this paper and a further meeting is planned to take place on 8 June when this document might to be finalised (see Annex).

# ANNEX

Skopje, 27 May 1993

## AGREED MINUTES

A delegation of the Macedonian Government, consisting of the Minister of the Interior, Mr. Ljubomir Frckovski, and ... met in Skopje on 27 May 1993 with a delegation of [the] Serbs living in Macedonia, consisting of .... The meeting was chaired by Ambassador G. Ahrens, Chairman of the Working Group on Ethnic and National Communities and Minorities of the International Conference on the Former Yugoslavia (ICFY), who was accompanied by Ambassador M. Rey and Messrs. A. Ritz and S. Coutinho. A representative of the CSCE Mission in Skopje, Mr. ..., was also present. The meeting recorded the following undertakings and understandings:

1. The Government delegation declared that the Government would accord to the Serbian nationality in Macedonia, as well as to all other nationalities, all human and minority rights set out in the international instruments specified in Chapter II of the "Treaty Provisions for the Convention" formulated in The Hague on 4 November 1991 by the EC Conference on Yugoslavia and accepted by President Gligorov in a letter of ... 1992 addressed to the Arbitration Commission of that Conference, or set out in Chapter II itself. The Government representatives declared in particular that the Serbian nationality will be treated completely equally with other nationalities living in Macedonia.
2. The Serb delegation declared that the Serbs would [strive to] fulfil their aspirations only within the framework of the existing Republic of Macedonia and that they would not engage in separatist activities.
3. The Government delegation declared that the Government would interpret the Macedonian Constitution as if the Serbs had been mentioned in the Preamble and in Article 78. Consequently, the Serbs will have two seats on the Council for Inter-Ethnic Relations provided for in Article 78, and their constitutional status will be equal in every respect to that of the other nationalities listed in the Constitution.
4. The Government delegation declared that, according to Article ... of the Law on ... and Article ... of the Law on ..., Serbian language instruction will be provided in each Elementary and Secondary School in which the parents of at least ... children make a request to that effect. The CSCE representative declared the readiness of his organization to monitor the expressions of choice by the parents, if so requested by either the Government or the parents, so that undue pressures be avoided.
5. The ICFY delegation informed the participants of the readiness of the Macedonian Orthodox Church to have priests of Serbian nationality belonging to that Church perform their duties in parishes in which the majority is of Serbian nationality and which submit a request to that effect. Participants welcomed this information but agreed that questions of Church Constitution and functions are outside the mandate of the current consultations.



6. The Government delegation declared that Serbian language media will not be discriminated against and that they will be assisted and supported in the same way as the media of other nationalities of comparable size.
7. The Government delegation announced that in April 1994 a national census would be conducted in Macedonia, monitored by a panel of international experts headed by the Chairman of the European Population Committee of the Council of Europe. The Serb delegation took note of this with satisfaction and promised full cooperation.
8. The Government delegation declared that, to facilitate the implementation of the undertaking to apply the provisions of Chapter II, 5, c) and Chapter IV, 7 of the above-mentioned "Treaty Provisions for the Convention", the Government will promptly submit a request to the Council of Europe for assistance in the earliest possible establishment of the human rights protection mechanism for Non-Member States provided for in Resolution 93(6) of the Committee of Ministers of the Council. This mechanism is intended to bridge the period until Macedonia becomes a full member of the Council of Europe.

The ICFY delegation stated that it considered these undertakings and understandings as responding fully to the requests and complaints put before the ICFY by [the] Serbs from Macedonia. The ICFY was prepared to discuss any problems arising in the course of implementing these undertakings and understandings, should either party so request.

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Ljubomir Frckovski

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Witnessed:

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Geert Ahrens

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(CSCE)



# INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA



Palais des Nations, 1211 Geneva 10

## WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

1. A delegation of the Working group on Ethnic and National Communities and Minorities (Ambassador Ahrens, Ambassador Rey, Mr. Coutinho) travelled to Skopje by road via Tirana on 19-22 January. The delegation had talks with representatives of the Albanian and of the Serbian communities separately. These talks were enlarged by Government representatives. In Tirana the delegation was received by President Berisha.

2. Meeting with Macedonian Government and Albanian representatives.

a) The sub-group on Macedonia met in Skopje on 20-21 January with representatives of the Government and representatives of the Albanians in Macedonia.

The Chair handed the paper of 11 January to both delegations and added that this paper prepared by Mr. Coutinho (see annex) had a purely descriptive character and did not contain any proposals or comments by the Conference. The Chair then proposed to discuss pending items in the order of that paper.

b) The sub-group had a short discussion of the June 1992 proposals of amendments to the Constitution (following more detailed discussions with both delegations separately). The Albanians insisted on these changes but shared the view that under present circumstances it would be very difficult to get the 2/3 majority needed in Parliament. The Chair proposed to leave this subject on the table but not to have a more detailed discussion now. This was accepted.

c) The sub-group then discussed the media situation. The editor of the Albanian language television programme presented his proposal for an enlargement of the Albanian language programme to altogether about 4 hours/day. He added that he was pessimistic about the chance that his proposal had of being accepted by the leading figures of RTV Macedonia (RTVM) because he felt that they lacked the political will for a change. This view was supported by other Albanian representatives. The Government side replied that one should not be premature and that one should give RTVM at least two weeks to consider the proposals which had been submitted to them on 15 January. This was generally accepted, but the Chair added an urgent appeal to the Government side to really try and solve this issue which might endanger the positive attitude of the Albanians towards the Republic and the good human rights record of the Republic. Ambassador Tosevski, while stressing the independence of RTVM, informed the sub-group that



Prime Minister Crvenkovski had invited directors of RTVM for a discussion which would also deal with the creation of a separate channel for emissions in languages other than Macedonian. The sub-group agreed that possibilities for financial assistance in this area should be checked as well. If projects were envisaged, the sub-group should participate at least in the initial stage. The Albanians said that their minimum requirement was a full fledged programme of their own of at least 5 hours/day. They also informed the Group that their request for more Albanian radio emissions had not been followed up. The Chair proposed to discuss the issues concerning television and radio at the next meeting in Skopje together with the responsible personalities of RTVM. This proposal was accepted.

As far as local radios are concerned, the Albanians stated that no progress had taken place. The Chair proposed to visit one of these places, for example Tetovo, during one of the next visits to Macedonia. This would also give a possibility to discuss the amount of Albanian language contributions to local newspapers. Upon Albanian suggestion, the Government agreed to prepare for the next meeting in Macedonia a paper on the situation of local media in the Republic.

The Albanian side proposed to make the establishment of private radio stations easier. The Government informed that a new law on radio and television was under preparation. The passage of this law would take some time and was, because of the international context, not possible before the recognition of the Republic.

### 3) Meeting with Macedonian Government and Serbian Representatives.

Before the trilateral meeting the sub-group met with Serbian representatives in order to gather information about the recent incident in the village of Kuceviste near Skopje. This incident was apparently caused by a group of young Serbians who on the occasion of the new year raised the Serbian flag and displayed pictures of Mr. Milosevic, Mr. Seselj and Arkan. The Macedonian authorities found this provocative and sent an important special police force which according to the Serbs used dogs, arms, water cannons and tear gas. The press conference given by the Serbian representative, Mr. Stamenkovic, on 15 January apparently took place as a result of the emotion caused by the above mentioned incidents. Mr. Stamenkovic did not repeat his radical views of 15 January.

During the trilateral talks, the sub-group reviewed the points raised by the Serbian representatives in Geneva on 1 December 1992:

- Religious Matters: The Serbs reiterated their wish to have Serbian Orthodox churches with Serbian priests. The Government did not see any problem provided that these churches were legally established according to the law. The situation has become more difficult after the recent nomination, by the Orthodox Church in Belgrade, of a Serbian bishop as an apostolic delegate in Macedonia, which is perceived by the Macedonian Church as a deliberate disregard of its autocephalous status. The Serbian



Church could only look after the Serbian diaspora in Macedonia. Ambassador Ahrens promised to take this up with the Serbian Orthodox Church at the next occasion in Belgrade.

- Education: Ambassador Ahrens underlined that the main point was that parents should be guaranteed a freedom from outside pressure when choosing the teaching language for their children according to the appropriate procedures.

- Media: The sub-group decided to deal with this matter at the next occasion, i.e. talks on Albanian language television programmes. A new channel might be reserved for all emissions in the languages of the nationalities. Financial difficulties remaining the main problem, the sub-group will explore the possibility of assistance by specialized international organizations.

- Constitution: The Serbian representatives reiterated their request regarding the Preamble and Article 78 which does not mention the Serbian nationality. They also stated that they wanted to benefit from the same rights as the other nationalities in Macedonia, no more and no less. The Government reaffirmed their good will towards these amendments to the Constitution but underlined that these could only take place at a later stage when the present political situation would be eased. Changes to the Constitution should be done as a whole incorporating the changes requested by other national groups. While confirming the urgent need for these changes, the Chair supported the view of the Government and suggested that these changes take place at the latest after the census.

4) Meeting with President Berisha of Albania.

President Berisha started by expressing his concern for the situation in the area. He strongly underlined his opposition to the destabilization of Macedonia. In Kosovo, it was in the hands of the local Albanians to decide the best way of negotiating. Ambassador Ahrens informed President Berisha of a new impetus the Conference intended to give to Kosovo negotiations. In conclusion, the President expressed his deep appreciation and support for the efforts made by the Conference.





# INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA



Palais des Nations, 1211 Geneva 10

## WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

### SUB-GROUP ON MACEDONIA

1. The following amendments to the Constitution were proposed by the Albanian representatives:

#### Preamble:

Should be deleted or changed. ("... Macedonia as a National State of the Macedonian people...") as opposed to other nationalities.

#### Art. 1, Paragraph 1 (Considered by the Albanians not to be strictly necessary):

After "The Republic of Macedonia is a sovereign independent democratic and social state" the words "for all its citizens" should be added.

#### Art. 7 (official languages):

Should read as follows:

"The Macedonian language written in its Cyrillic alphabet is the official language in the Republic of Macedonia;

- In the units of local self-government where Albanians form more than 10% of the population the Albanian language, written using its alphabet, is also an official language;

- The same solution shall be applied with regard to other languages and alphabets in respective units of self-government".

Subsequently, the Albanians proposed:

- to make Albanian an official language in central Government organs.

- to make Albanian an official language in all municipalities where Albanians live.

#### Art. 8 (fundamental issues):

After the second tiret, the following tiret should be added:

"- proportional representation of nationalities at all levels of state institutions".

#### Art. 19 (religious freedom):

The words "The Macedonian Orthodox Church and others" should be deleted from paragraph 3 and 4.

Art. 48 (rights of nationalities):

- Paragraph 1 should read "The citizens have the right to freely express, foster and develop their national identity and national attributes".
- The last word of Paragraph 2 should be "citizens" rather than "nationalities".
- Paragraph 3 should read "The citizens have the right to establish institutions and associations in order to express, foster and develop their national identity".
- The first four words in Paragraph 4, "Members of the nationalities", should be replaced by the words "The citizens".
- A Paragraph 5 reading as follows should be added:  
"All nationalities who form a substantial percentage of the entire population shall have the right to education at university level in the mother tongue. The state shall, in due time, establish the necessary conditions to fulfill these rights".

Art. 51, Paragraph 1:

After the word "law" the following sentence should be added:

- "Where a law is to specify contents or application of the basic rights and freedoms, such legislation must respect the essential contents of these rights and freedoms".

Art. 56, Paragraph 2 (cultural heritage):

Should read as follows:

"The Republic guarantees the protection, promotion and enhancement of its historical and artistic heritage and treasures, regardless of its legal status".

Art. 78 (Council of Interethnic Relations). Two alternatives for national participation in the legislative branch:

- A two-Chamber Parliament, Chamber of Citizens and Chamber of Nations, each elected in its own way.
- A National Council formed by the Parliamentarians of the different nationalities, which would have the right of veto in cases to be listed in the constitution (based on the Belgium model).

\*\* As a compromise, the Chair suggested the possibility of developing the Council of Interethnic Relations provided by Art. 78 into a proportionally composed representative body that would participate in the legislation concerning ethnic matters. Composition and voting procedures of such a Council would need further consideration.\*\*

Chapter V, Arts. 114-117 (Local Self-Government):

The Albanian side criticized the limited scope of local competences of municipalities in general and stated that local self-government did not correspond to "the political and territorial autonomy of Albanians in Macedonia" for which 99% had voted on a referendum organized by them on 11/12 January 1992.

The Chair suggested that a constitutional law should be passed or a new Chapter VI should be added after Art. 117, under the title of "Autonomy". In this law (chapter) municipalities with an Albanian majority would be given the rights provided for in



c) of Chapter II (Special Status) of the Treaty Provisions for the Convention. In particular, these municipalities would be given the right to form associations which would have a legislative body and an administrative structure concerning this association. The Government side informed that the draft law on Local Self-Government contained some of those elements.

\*\* The Government continues to refuse any discussion of changes to the Constitution and maintains its opinion that discussion should be concentrated on ordinary legislation. The Albanians are of the opinion that the above-mentioned changes in the Constitution are necessary.

#### MEDIA

##### Newspapers:

On 31 July, the Albanians requested Government subsidies in order to make it possible for "Flaka e Vellazerimit" to go on being published and to become daily. At 4 November, subsidies for "Flaka e Vellazerimit" continued to be paid on an irregular basis although the Government still had the intention of securing its daily appearance. The Albanians appealed to the Government to provide for the necessary means in the 1993 budget.

The Albanians also complained about the very small amount of Albanian language contributions to two local newspapers that appear in Kumanovo and Tetovo/Gostivar.

##### Television:

On 31 July, the Albanians requested an emission of at least 5 hours/day for all areas where Albanians live. Presently, they do not get more than 60 minutes/day of Albanian programmes. In the latest meeting of the Sub-Group with TV representatives, on 8 December, it was agreed that the editor of the Albanian language TV programme would work out proposals on how to improve this unsatisfactory situation.

##### Radio:

On 31 July, the Albanians requested one radio programme of their own which should reach all Albanians living in the Republic; local radio stations managed by the Municipalities should have more emissions in Albanian and employ more Albanians.

\*\* The Government states that it is not in an influential position with regard to television and radio.\*\*

#### LANGUAGE

Transcription of Personal Names according to the three laws on Identity Cards, on Personal Names and on Civil Registration:

According to the Government, three Bills have been submitted to Parliament, which fulfill the Albanian wishes to have the writing of personal names first in the Macedonian alphabet and after in the original alphabet and language of the nationalities existing in Macedonia.

Bilingual Identity Card forms:

The Government states that it is not now politically possible to provide bilingual Identity Card forms, but that there is an intention to try at a later stage.

Law on Passports:

The two Albanian proposals - i) to have Albanian names written in the original Latin alphabet form, and ii) to have bilingual passport forms - have not been accepted in parliament.

School Documentation:

The Albanians complain about the fact that according to the present laws on elementary and secondary education in Macedonia both documentation and records in schools where Albanian is a teaching language must be kept in both Macedonian and Albanian languages. There is agreement, in principle, to make a distinction between less important documentation or records, that would be kept only in the language of the school concerned, and more fundamental documentation which has to be kept bilingual in schools where Macedonian is not the teaching language.

The Albanians suggest changing one article in each of the existing laws on elementary and secondary education.

The Government states that a totally new legislation on elementary and secondary schools is under preparation and would solve the problem in the above-mentioned sense.

\*\* The Albanians insist that a global solution to the language issue should be found through a law on the official use of national languages.\*\*

## EDUCATION

Albanian Pedagogical Faculty:

On 4 November, the Government stated that the problem of the establishment of an Albanian Pedagogical Faculty in Skopje was at the time under consideration and that proposals on the matter were expected for the end of the 1992 year.

Pre-schools:

The Albanian request is for the right of nationalities to have



pre-school education in their mother tongue to be recognized, and that this should not be dependent of financial possibilities.

Elementary Education for the Handicapped and in the Fields of Music and Ballet:

The Albanians request to have elementary education for the handicapped and music and ballet schools in the languages of the nationalities. The Government states that schooling for the handicapped belongs to the elementary education whereas music and ballet schools are not part of the compulsory school system. The Government claims there is a shortage of qualified Albanian language teachers in this field and that Albanian language teaching in these sectors will be provided for if the appropriate conditions are met.

\*\* In our meeting of 4 November, the Albanians agreed to inform the Government, in a detailed way, on where and how they consider the establishment of such teaching possibilities visible and necessary.\*\*

Number of Macedonian Language Lessons per Week in Albanian Language Elementary Schools:

The Albanians consider the number of Macedonian language lessons per week in Albanian language schools to be excessive. In nationally mixed environments the Albanian students are overloaded with 3 hours per week of lessons more than the Macedonian students. On 4 November, the Government stated that this subject was under consideration in connection with the preparation of a new law on elementary education. On 8 December, the Government revealed that the Pedagogical Institute had been asked for a reapproval of the corresponding curriculum.

Textbooks:

On 8 December, the Government confirmed that the authors of Albanian language school books should be selected on the basis of competition and that the corresponding proposals had been submitted to the publishing house.

Admission of Albanian Pupils to Albanian Secondary Education:

Participants at the meeting of 8 December agreed that there was considerable improvement in this area for the school year of 1992/93. The Albanians complain about the unfavourable relationship between the number of Macedonian language and the number of Albanian language secondary school pupils and about the unequal distribution of secondary schools throughout the different municipalities of Macedonia. The Government informed that there would be a general reconsideration of the network of secondary schools.

Enrolment of Albanian Students in University:

The Albanian request is to have a quota of 10% on the overall number of students which enroll every year. Participants in the meeting of 8 December agreed that the number of Albanians in the institutions of higher education is clearly much lower than their proportion of the population at large and that this

is unsatisfactory.

Inadequate Participation in Educational Institutions at all Levels:

This question is to be dealt with according to "Representation of Albanians at all levels of institutions".

National Subjects and Values and the Teaching of Subjects like Literature, History and Music:

On 8 December, the Albanians proposed to discuss these matters at a later stage.

OTHER PROBLEMS

Census:

All parties are in favour of a new census as soon as possible. The Albanians did not participate in the 1991 Census but are willing to do so now under international participation.

Law on Local Self-Government:

Both sides agree on the basic contents of the new law. There is one major disagreement regarding this law. It refers to the percentage of population which a minority has to reach before it can claim certain rights like official use of language. The Government considers 20%, while the Albanians want something between 8 and 15%. The Government said that the law should be adopted between February and March 1993.

Autonomy:

The Albanians claim that the law on local self-government cannot effectively deal with their request for autonomy which has been the subject of a referendum organized by them on 19 January 1992, and that what the constitution has to say in Article 115 about local self-Government is not enough and has to be changed.

The Government expresses its conviction that autonomy-related issues can and will be dealt with by the law on local self-government, and that there can be a special part of such a law dealing with municipalities that have an Albanian majority. This will reflect c) of Chapter II of the Treaty Provisions for the Convention.

Citizenship:

The Macedonian law on citizenship was passed in October 1992. The point where there was disagreement was solved in the sense of the Government's original ideas not to take into account the Albanian proposals: citizens of other Yugoslav republics that lived in Macedonia must have stayed there for 15 years (the Albanians had proposed 5 years) in order to receive Macedonian nationality. The Government will only propose a change if all former Yugoslav republics agree on a different



unified solution.

National Symbols:

The Albanians complain about the present law which allows for police and Court action against those who wear the symbols or fly the flag of their nationality and insist on the urgency of a new law on the use on national symbols.

On 2 December, the Government said that the new law on national symbols, which would meet the Albanian complaints, was under preparation. In the meantime, the Government would not apply certain provisions of the existing law.

On the same day, the Albanians stated that the new law should contain an obligation for the Government to show flags of nationalities if such nationalities form a substantial part of the population in the sense of the law on local self-government.

Election Laws:

The two laws that regulate elections in the Republic, the election law and the law on constituencies, are at present the same that regulated the first multi-party elections two years ago. The Albanians complain about the size of certain constituencies forcing an Albanian candidate to collect more votes than a Macedonian in order to be elected.

It was agreed that both laws could be changed three months, at the latest, before the next elections. Participants at the meeting of 2 December agreed to study the law on constituencies at the next opportunity and that the election law would later be studied from the point of view of civic and political rights according to Chapter II of the Treaty Provisions for the Convention.

Representation of Albanians in all Levels of Institutions:

The Albanians complain about a strong under-representation of Albanians and other minorities. They specifically raise the point with reference to Education, Courts, Police, State Administration and Defence. On 2 December, Minister Frckovski informed that, as far as the police were concerned, he hoped to have an adequate representation of Albanians within two years. On the same date, it was also agreed that this subject should be reviewed from time to time.

SC

11/1/93



## INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10

### WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

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030/6 6/7

A delegation of the Working Group on Ethnic and National Communities and Minorities (Ambassador Ahrens, Ambassador Rey, Mr. Coutinho) held talks in Tirana and Skopje on 19-22 January 1993. In Tirana, the delegation was received by President Berisha who voiced his concern about the development in the south-eastern part of former Yugoslavia, particularly in Kosovo and Macedonia. The President was informed about the Working Group's and the Special Group on Kosovo's endeavours to help solve the conflict involving ethnic Albanians in Kosovo, Macedonia, Montenegro and Serbia outside Kosovo (Bujanovac, Presevo). He voiced Albania's support for these endeavours and added that everything should be done to stabilize the situation concerning Macedonia.

In Skopje, the delegation first received two representatives of the party of the Serbian minority in Macedonia. After one hour, these talks were enlarged by a Government delegation headed by the Minister of the Interior, Mr. Frckovski. The two Serbs said that they wanted nothing more, but also nothing less, than other minorities in the Republic. Their demands concerned constitutional equality with other minorities, some practical problems with Serbian language school instruction and in the media sector, as well as a demand for Serbian Orthodox Churches and services which involves the delicate relationship between the Serbian and the Macedonian Churches. These problems should, in the main, be solvable, provided no outside influence takes place.

Talks with the Albanian ethnic group and the Government, represented by a delegation led by the Minister Without Portfolio, Mrs. Siljanovska, followed the same pattern of bilateral talks first, followed by a trilateral meeting. These talks were in continuance of many similar gatherings and were, this time, mainly devoted to the media sector where the Albanians are still under-represented (on three TV channels, only one hour daily in Albanian). The editor of the Albanian programme presented an enlargement proposal to be discussed soon. Besides this, all sides renewed their continued support for a population census to take place as soon as possible.

The delegation had a fruitful exchange of information and views with the acting UNPROFOR Commander in Skopje, Col. Hoglund, and with the civilian adviser, Mr. Janusz Sznajder.

SC/jc  
24/1/93



INTERNATIONAL CONFERENCE  
ON THE FORMER YUGOSLAVIA

At the request of the Secretariat of the International Conference on the Former Yugoslavia, the presidency is circulating the following report by the Chairman of the Working Group on Ethnic and National Communities and Minorities.

A delegation of the Working Group on Ethnic and National Communities and Minorities (Ambassador Ahrens, Ambassador Rey, Mr. Coutinho) held talks in Tirana and Skopje on 19-22 January 1993. In Tirana, the delegation was received by President Berisha who voiced his concern about the development in the south-eastern part of former Yugoslavia, particularly in Kosovo and Macedonia. The President was informed about the Working Group's and the Special Group on Kosovo's endeavours to help solve the conflict involving ethnic Albanians in Kosovo, Macedonia, Montenegro and Serbia outside Kosovo (Bujanovac, Presevo). He voiced Albania's support for these endeavours and added that everything should be done to stabilize the increasingly dangerous situation concerning Macedonia. The delegation had reason to understand this as a promise of moderating influence on the Albanian minorities.

In Skopje, the delegation first received two representatives of the party of the Serbian minority in Macedonia. After one hour, these talks were enlarged by a Government delegation headed by the Minister of the Interior, Mr. Frckovski. The two Serbs said that they wanted nothing more, but also nothing less, than other minorities in the Republic. They made an appeal to fulfil their, as they said, moderate demands in order to prevent more radical Serbian elements from gaining more influence. Their demands were indeed not exaggerated and concerned constitutional equality with other minorities, some practical problems with Serbian language school instruction and in the media sector, as well as a demand for Serbian Orthodox Churches and services which involves the delicate relationship between the Serbian and the Macedonian Churches. These problems should, in the main, be solvable, provided no outside influence takes place.

Talks with the Albanian ethnic group and the Government, represented by a delegation led by the Minister Without Portfolio, Mrs. Siljanovska, followed the same pattern of bilateral talks first, followed by a trilateral meeting. These talks were in continuance of many similar gatherings and were, this time, mainly devoted to the media sector where the Albanians are still under-represented (on three TV channels, only one hour daily in Albanian). The editor of the Albanian programme presented an enlargement proposal to be discussed soon. Besides this, all sides renewed their continued support for a population census to take place as soon as possible. On this issue, an EC financial assistance proposed by the Conference is under consideration.

The delegation had a fruitful exchange of information and views with the acting UNPROFOR Commander in Skopje , Col. Hoglund, and with the civilian adviser, Mr. Janusz Sznajder. A meeting with representatives of the CSCE mission in Skopje, who had been invited to attend the talks of the Working Group, did unfortunately not materialize, due to the short notice which, for technical reasons, could not be avoided.





# INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10

## WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

### Special Group on Kosovo

#### Meeting with the Co-Chairmen

During the meeting of the Special Group on Kosovo (27-28 January), the delegations of the Federal Republic of Yugoslavia and of the Albanians from Kosovo were successively received by the Co-Chairmen in the afternoon of 27/01/93.

A. **Meeting with the Delegation of the Federal Republic of Yugoslavia** (Professor Ivic, Federal Minister for Education, Professor Grubac, Federal Minister for Human Rights and Minorities)

- The Co-Chairmen stressed their desire to see rapid results in the talks on education. They stated that President Milosevic had confirmed to them recently his willingness to settle the most urgent problems in all three levels of education.
- Professor Ivic replied that a pragmatic breakthrough in education is of highest priority for his authorities. His delegation had no mandate to deal with other issues than education in the Special Group on Kosovo. He noted, however, that the talks with the Albanians had shown that the most pragmatic approach inevitably raises questions of the statute. The Albanian delegation presented teaching plans in which even the past reality of Serbia and Yugoslavia were ignored. This is unacceptable. Professor Ivic had, therefore, the mandate to enquire on the ideas of the Conference for the future statute of Kosovo. Discussions in Belgrade on constitutional changes are underway. Inputs might be most efficient at the highest level. Did the Special Group have a mandate insofar?
- The two Co-Chairmen reminded that the Special Group has a global mandate ("to recommend initiatives for resolving ethnic questions in former Yugoslavia"). If the educational situation cannot be improved without touching on aspects of the statute, the Special Group will have to clear the ground in order that the matter can be taken up at the appropriate level. According to the principles of London, the Conference is not

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considering independence for Kosovo, but is asking for a real autonomy in that Province. To deal with this problem, the ground should be cleared as soon as possible with the help of legal expertise.

B. **Meeting with the delegation of the Albanians from Kosovo**  
(Prof. Agani, Dr. Statovci, Dr. Islami and R. Osmani).

- The Albanians expressed strong disappointment that after nine meetings the Special Group is not able to reach even minimal results. Their only request is permission for their children to return to school. They cannot accept that the reopening of school premises is linked to any condition (teaching plans, etc.). This would mean for them to recognise an unconstitutional situation and to accept negotiations on unequal footing. The reopening of school premises is a fundamental right for the Albanians. Once the schools are reopened, the Albanians are ready to address any question which might be put forward by the other side. The Albanians pointed out that they cannot indefinitely participate in negotiations without any result. They added that the Yugoslav delegation asked to include in the teaching plans Yugoslav writers who openly advocated expulsion of Albanians from Kosovo.
- The Co-Chairmen acknowledged the bleak situation and recognised the difficulty of bringing together rather distant positions of the two delegations. They, nevertheless, urged the Albanian representatives to make a further attempt, according to the agenda proposed by Ambassador Ahrens. If no breakthrough can be achieved, the approach will have to be revised and the matter taken up by the Conference at the appropriate level.

AR/jc

cc: Ambassador Okun  
Ambassador Hall  
Ambassador Ahrens  
Ambassador Rey  
Mr. Ritz  
Mr. Coutinho



## CONSTITUTIONAL PRINCIPLES FOR THE AUTONOMY OF KOSOVO

### **I. General Provisions**

1. Kosovo shall be an autonomous Province within the framework of the Republic of Serbia and the Federal Republic of Yugoslavia without the right to secede from either of them.
2. The Province shall not have any international legal personality and may not enter into agreements with foreign States or with international organizations.
3. Ethnic groups in the Province shall, however, have the right of contacts across the frontiers with citizens of other States with whom they share a common or ethnic origin, cultural heritage or religious beliefs.
4. When the Central Government enters into international negotiations on matters which internally are of the competence of the Province, the authorities of the Province are to be consulted beforehand.
5. The highest level of internationally recognized human rights shall be provided for in the constitution which shall also provide for the ensurance of implementation through both domestic and international mechanisms.
6. The Albanians, Macedonians, Serbs, Turks, Montenegrins and members of other ethnic groups shall enjoy equal rights and shall be protected by the highest level of internationally-recognized minority rights to be provided for in the constitution.
7. Citizens residing in Kosovo will have the right to communicate either in Albanian or Serbo-Croat with all governmental bodies in the Province.

### **II. Distribution of Competences**

1. The Province is to have legislative competence for:
  - education
  - culture
  - media
  - social services
  - health care

- provincial communication, e.g., local roads, airports
  - water resources
  - energy production
  - tourism and sports
  - agriculture
  - forestry
  - hunting and fishing
  - mining
  - environmental protection
2. The Province is to have executive competence for:
- implementation of provincial legislation
  - implementation of Republican and Federal legislations, unless otherwise specified in these legislations.
3. The Province is to have jurisdictional competence for the application of its own legislation but an appeal to the constitutional court of the Republic of Serbia and the Federal Republic of Yugoslavia is to be provided for. For other legislation an appeal to the competent Republican and Federal Courts is to be provided for.
4. Whenever the internal division of competences is not clearly established, there is a presumption in favour of the Province.

### III. Governmental Structure of the Autonomous Province

1. The basic principles of the autonomous government will be laid down in a constitutional law on the autonomy of Kosovo.
2. The Province shall have a democratically elected legislature and democratically chosen chief executives, and a judiciary independent of the two other branches of Government, and a Civil Service which shall reflect the ethnic composition of the population. The initial elections are to be CSCE supervised.
3. There will be a provincial police force responsible for public order and security in the Province. Republican and Federal police forces will be stationed in Kosovo to the extent necessary for the accomplishment of their constitutional obligations.
4. The president of the executive council of the Province will have the right to assist in discussions in Central/Federal Government when issues of direct concern for Kosovo are addressed.



#### IV. Financial Resources

1. The Province of Kosovo will have the right to levy its own taxes.
2. Direct taxes will be in the competence of the Province. The Province will cede a fixed percentage of the collected tax revenues to the Republic/Federal Government.
3. Indirect taxes will be in the competence of the Republic of Serbia and/or the Federal Republic of Yugoslavia. A fixed amount of the collected taxes will be retro-ceded to the Province.
4. The responsibility for collecting taxes will stay in each field with the respective authorities. Any of them have the right to consult the fiscal documentation of the other.

#### V. International Monitoring

1. For the protection of human rights and minority rights, every citizen will be entitled to lodge complaints with the Court of Human Rights in Strasbourg, after having exhausted all internal legal means at his disposal.
2. Settlement of disputes between the Province and the Republic/Federation on questions of their respective competences will be addressed in the first instance to the Constitutional Courts. There will be a mechanism to bring an appeal on the instigation of either the Federal/Republican Government or the government of the Province to an international jurisdiction.

## ELEMENTS OF AN AUTONOMY STATUTE FOR KOSOVO

### 1. Introduction

Without substantial autonomy, it is hard to imagine a peaceful settlement for Kosovo.

To spell out the autonomy principle contained in Chapter II, (c) of the Treaty Provisions of the Convention, inspiration can be found in the following sources:

- The Yugoslav and Serbian legislation before 1987.
- The Statute for Southern Tyrol
- The proposed constitutional structure for Bosnia and Herzegovina.
- The Croatian Constitutional Law on Minorities

Kosovo Albanians still praise the autonomy they enjoyed under the 1974 Constitution. Serbs would, however, never accept any explicit reference to it.

The Statute for Southern Tyrol reflects rather different conditions, but is an example of an internationally-anchored solution, which was agreed between Italy and Austria under U.N. supervision.

The principles devised by the Conference for the Bosnia and Herzegovina Constitution are based on a strongly decentralized structure, whereas those elaborated by the Croatian Government still suffer from certain ambiguities.

Annex I gives an idea of how competences are distributed between central government and autonomous units in these four examples. The checklist is based on the one used for the negotiations on Bosnia and Herzegovina.

Federal constitutions of countries like U.S.A., Canada, Germany, Switzerland or autonomy statutes in more centralized state organisations - such as the Statute for Catalonia in Spain - provide, in many respects, further sources of inspiration.

### 2. Main Issues

#### 2.1 Division of Competences

Kosovo's problem being ethnical differences, the highest degree of autonomy will have to be granted in all fields affecting directly the identity of the local population, i.e.:

education;  
culture;  
media.



It is logical to have far-reaching autonomy for questions which are otherwise subject to special minority rights protection.

Extended local autonomy is also necessary, when personal relations between the citizen and the authorities play a key role. Most important examples of this category are:

- health care;
- social services.

As autonomy is an expression of decentralized government, a third block of autonomous decision-taking should cover public utilities and infrastructures of local character such as:

- roads;
- airports;
- river and sea transport;
- cable car transport;
- water resources;
- recreational parks;
- sports installations.

In a market economy, organisation follows from the bottom to the top. In such an environment, autonomous units ought to be entrusted with the authority of setting framework conditions in fields like:

- agriculture;
- forestry;
- hunting and fishing;
- mining;
- energy production;
- environmental protection.

This is not an exhaustive list, but the topics enumerated can be found in almost all existing autonomy statutes, even in those shaped within a centralized state structure (e.g., Southern Tyrol, Catalonia).

Real autonomy means that autonomous units can take legislative action on their own, having to conform only to the constitution, international agreements and basic national interests. The concept of national interests must encompass the protection of minority rights (c.f. the Statute for Southern Tyrol).

Below the primary legislative competences which constitute the hardcore of autonomy and must therefore be based on clear constitutional provisions, lesser degrees of autonomy can and should be achieved in other fields by the concept of shared competences. Several possibilities exist in this regard:

- The central authority sets legislative principles, the autonomous unit can take in this framework further legislative action (this device is often used for environmental protection).
- The legislative competences are divided between the central and the autonomous authorities (whereas civil and penal laws are largely decreed by the central authorities, procedural legislation is often left to autonomous units).
- Legislation is reserved for the central authorities, the autonomous unit is however responsible for implementation (this principle appears even in the modest proposal of the Serbs for an autonomous statute in Kosovo).
- Where implementation is also reserved for central authority, the autonomous unit may have the right to name representatives in local executive bodies of the central authority (e.g., in Southern Tyrol presidents and vice-presidents of public savings banks are appointed by the provincial authorities).

There are governmental functions which, by their nature, belong to the central authority (foreign affairs, defence, money).

Most autonomy statutes provide, however, for a right of consultation, when the central government enters into international negotiations on matters which internally are in the competence of autonomous units.

According to the Copenhagen document of the CSCE, ethnic groups have the right of contacts across the frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage or religious beliefs.

Finally, in cases where the internal division of competences is not clearly established, there should be a presumption in favour of local competence as long as the central authority has not become active ("residual competence").

## 2.2 Structure of the Autonomous Government

The attribution of functions obviously has an influence on the structure of autonomous government.

Kosovo had a fairly elaborated structure of self-government under the 1974 Constitution. The very limited autonomy proposal under the present Serbian Constitution provides also for a parliament with 90 members elected for four years, and an executive



council with a president and vice-president appointed by the parliament.

Autonomy implies that the organization of local government should be left as far as possible to the people directly concerned. It is more important to determine the material competences of the autonomous government than to sort out detailed prescriptions on how it should be organised for that purpose.

Given the situation in Kosovo, it will be necessary, however, to address some aspects of governmental organisation which should be incorporated in the constitutional law on autonomy.

Among the issues deserving careful attention, the following can be mentioned:

- Separation of legislative, executive and judicial functions.
- Democratically elected legislative body (it seems hardly necessary to have a 2-house system in Kosovo, a parliament of approximately a hundred members could be envisaged with either a fixed or a proportional number of seats being reserved for local minorities. A fixed number, implying a positive minority premium - e.g. 15 - could be justified if Albanians were to receive the same treatment in their representation to republican and federal parliaments.)
- A government/executive council with a president and two vice-presidents, one of the vice-presidents being reserved for local minorities. The list of cabinet members should be based on the same criteria retained for the composition of parliament. Again, similar treatment should be given to the Kosovo Albanians at the level of republican and federal government.
- The structure of civil service in Kosovo would have to reflect progressively the ethnic composition of the province. Knowledge of both Albanian and Serbo-Croat would be a prerequisite to admission into the civil service.
- Members of all Courts in Kosovo should be appointed by the parliament of the province. For fostering confidence of local minorities, a rather high number of seats (e.g. one quarter) could be reserved for their representatives. For federal and republican law the Courts of the province would function as a first instance. For matters of provincial competence, an appeal to the constitutional court of the republic and the

federation would always be possible.

- Police forces should be appointed by the government/executive council of the province according to the same principles as members of the courts. Republican and federal police forces stationed in Kosovo for nationwide duties should not exceed a certain percentage (e.g., 25%) of the local police forces.
- Federal/republican authorities may appoint a commissioner in Kosovo to represent them before the authorities of the province and inform them on the application of federal/republic law and decisions.
- The president of the provincial government/executive council should have the right to assist in deliberations in central/federal governments, when issues of direct concern for Kosovo are addressed.
- In order to have the right to vote on provincial matters, residence in the province for an uninterrupted period of (2) years should be required.
- Citizens residing in Kosovo would have the right to communicate either in Albanian or Serbo-Croat with all governmental bodies in the province.

### 2.3 Financial Resources

Successful autonomy is heavily dependent on provisions for financial resources. Existing autonomy statutes hardly offer satisfactory solutions in this regard. Most autonomous authorities rely on the partial cession of centrally-collected tax revenues. They have only very limited capacities to levy their own taxes.

For real financial autonomy one has to look into the constitutions of federal states. There, the federal units enjoy not only the right to have their own tax system, they are frequently entrusted with the responsibility for the collection of federal taxes.

Taxation is a highly sensitive issue in Kosovo, at least for two reasons:

- (a) Tax payers' morale in Kosovo, as elsewhere in the Balkans, is not very high. Boycott of taxes has repeatedly been used as a political arm.
- (b) Kosovo's economy is poor, complete financial



autonomy could not be afforded. On the contrary, Kosovo needs some system of financial redistribution.

Therefore, careful balancing of contradictory interests will have to be devised. As a working hypothesis, one could think along the following lines:

- (a) Taxes on personal revenues are in the exclusive competence of the provincial authorities. They would, however, have to cede a fixed percentage (e.g., 20%) to the republican/federal governments.
- (b) Taxes on sales or value added would be in the exclusive competence of the federal/republican authorities, it being understood that they also would have to retro-cede a fixed percentage to the provincial authorities.

In each field, the responsibility for the collection of taxes would stay with the respective authorities. Both of them would, however, have the right to consult the fiscal documentation of the other (on different assumptions, such a "droit de regard" is, for instance, granted to the provincial authorities of Southern Tyrol).

On top of that remains the thorny question of financial re-channeling as well as an eventual direct access of the province to international financial aid without prejudging the fact that Kosovo would not have any international legal personality.

#### 2.4 Provisions for International Monitoring

Chapter II(c) of the Treaty Provisions for the Convention establishes the principles of international monitoring.

Even disregarding Chapter II(c), one must expect the Kosovo Albanians to push very hard for international supervision. They would never trust an autonomy merely guaranteed by the Serbs.

International "anchorage" is therefore to be envisaged for:

- (a) The protection of human rights and minority rights. Any citizen of the federation/republic should be entitled to lodge complaints with the Court of Human Rights in Strasbourg, after having exhausted all internal legal means at his disposal.
- (b) Settlement of disputes between the province and

the republic/federation on questions of their respective competences. The first instance for such disputes would be the constitutional court, with a possibility for all parties concerned to appeal either to the International Court of Justice in the Hague (that is the solution for Southern Tyrol), or to the Court of Dispute Settlements recently created in the framework of the CSCE.

### 3. Approaches to Negotiations

It took more than a decade to negotiate the "package" for Southern Tyrol. Two further decades were necessary to complete implementation. Many of the 137 measures agreed to have recently been put into practice.

The problems of Kosovo can hardly be qualified as less complex. Therefore, careful attention will have to be given to possible strategies for the negotiations.

At least in theory three basic options can be considered:

- the Conference presents to the parties a fully drafted text of constitutional changes with the corresponding autonomy statute;
- the Conference submits to the parties a questionnaire inviting them to indicate which governmental functions they would ask or be ready to transfer into the competence of the province;
- the Conference takes a gradual approach, seeking in a first step agreement on basic principles and starting only later with negotiations on texts.

It is not certain at all that the first approach would necessarily lead to quick results. By sending out a questionnaire one might probably receive answers which can largely be anticipated (complete independence for the Albanians, an autonomy restricted to cultural matters for the Serbs). So the gradual approach seems the most appropriate, even if rather lengthy negotiations are to be expected.

The gradual approach would mainly consist of three successive steps:

- The Conference presents the parties with some basic principles on autonomy (a list of local competences, elements for the structure of provincial government and administration, references to financial resources, and international monitoring). A possible draft of such a declaration is enclosed in Annex II.



- Once the parties have agreed to basic principles, negotiations will start on the drafting of fundamental texts: modifications in the constitution and the corresponding autonomy statute.
- In a third step a list of necessary changes in ordinary legislation and administration measures would be established, fixing the content of such changes as well as the timetable for their realisation.

If the first option were to be preferred to the third (the second one seems rather useless), the Conference would immediately need legal advice from experts familiar with local conditions. In all cases, however, indications would have to be given on what the Conference considers as a reasonable degree of autonomy in Kosovo. For that purpose, existing statutes in centralized states, obviously adjusted to the local conditions, could provide the necessary guidance for establishing some sort of bottom line.

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21/01/93

WORKING GROUP ON ETHNIC AND NATIONAL  
COMMUNITIES AND MINORITIES

Special Group on Kosovo

Jan. 18, 1993

Activities

1. **Macedonia**

A delegation of the Working Group (Ahrens, Rey, Coutinho) will travel via Tirana to Skopje. There will be high level contacts with the Governments both in Tirana and Skopje and the continuation of the trilateral talks between the Macedonian Government and the Albanians living in Macedonia, and between the Macedonian Government and the Serbs living in Macedonia.

There is a good chance of making further progress particularly in the talks with the Albanians. The Group will appeal to both the Governments in Tirana and Skopje for moderation. Unfortunately, a definite solution which seems to be quite possible is highly improbable as long as the recognition and the name issues have not been solved.

2. **Kosovo**

- (a) On 26th of January, the Education talks are to resume. So far, both the Federal and the Serbian Governments have not given a definite response, but Ambassador Pavicevic was quite positive. In Skopje next week there will be a meeting with the head of the Kosovo Albanian delegation, Mr. Agani.
- (b) In the week after Monday 25th there will also be a continuance of constitutional contacts, most probably with "Prime Minister" Bukoshi, and with both the Federal and Serbian delegations expected for the talks on education. Ambassador Pavicevic had told the Group that preparations for new constitutional arrangements for Kosovo are presently taking place in Belgrade organised by the Adviser to the Federal Presidency, Professor Stojanovic. Ambassador Ahrens will meet Professor Stojanovic most probably at a seminar in Austria on Friday, 22nd January.
- (c) The Special Group, particularly Mr. Ritz, is presently working on proposals about constitutional arrangements for Kosovo which would show the Serbian Government what the international community and the Conference actually expect from them with regards to the Kosovo problem. The original Special Status Provisions would have to be enlarged in two respects:



- which matters concerning the Special Status area are to be in the competence of the Kosovo Albanians;
  - which organisations in all three branches of Government are to be set up and what their relation to the Serbian Government is to be.
- (d) The visit to Tirana on Tuesday, 19 January, gives another opportunity to tell the Albanian Government that unilateral independence for Kosovo is out of the question and that the problems have to be solved on the basis of an autonomy. The Co-Chairmen had the impression that the Milosevic administration might now be ready for serious talks on a realistic basis, and that this should be tested.
- (e) CSCE supervised census and elections in Kosovo.

The Special Group intends to have first contacts with both sides on this as soon as possible. Then the present CSCE presidency (Swedish Ambassador Anders Bjoerner) should be approached. It might be advisable to discuss this matter with the 12 first and develop some idea about timing.

### 3. Vojvodina, Sandzak

The Federal Government had started Conference moderated trilateral talks which took place with the Hungarians in November and with the Slovaks in December. A similar meeting with the Muslims from Sandzak was to be held in January. After the internal developments in Belgrade, these matters will have to be discussed again with the Yugoslav and Serbian delegations possibly next week when they are here for the Kosovo talks.

### 4. Croatia

Members of the Working Group will meet high ranking Croatian representatives during a seminar on Yugoslav minorities to be held in Austria from January 21st to 23rd. It is intended to discuss the situation of the Serbs living under Croatian administration, whose number has diminished dramatically. This gives also an opportunity to talk about the Serbs in Gorski Kotar who have recently addressed the Conference again after a visit to the area and talks with them in Belgrade earlier last year.



# INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

Palais des Nations, 1211 Geneva 10

Office of the Co-Chairmen



*Chun*  
*"CROATIA"*

*030/6*

To: Ambassador Geert Ahrens  
From: Herbert S. Okun

Geert -

I am attaching a self-explanatory letter to Mr. Vance which was delivered to our hotel during our visit in Belgrade on January 6. As you will see, the letter from Mr. Dusan Zlokas, "Representative of Gorski Kotar Serbs in the Republic of Croatia", asks that special status be granted his people and that this be examined in the Working Group on Minorities.

Herbert S. Okun  
10 January 1993

cc. Ambassador Hall



Working Group III(Ethnic and National Communities and Minorities)Serbian Democratic Forum

Mr. Milorad Pupovac  
Mr. Vladimir Ivkovic

Albanians in Montenegro

Mr. Mehmet Bardhi  
Mr. Djerdjo Djokaj  
Mr. Mustafa Capuni

Muslims from Sanjak

Mr. Sulejman Ugljanin  
Mr. Alija Mahmutovic  
Mr. Harun Hadzic  
Mr. Rizah Gruda  
Mr. Alija Mahmutovic  
Mr. Fevrija Murio  
Mr. Vasvija Gusinac  
Mr. Zijad Colovic

Albanians from Kosova

Mr. Ibrahim Rugova (Ukë)  
Mr. Shaqir Shaqiri (Emin)  
Mr. Gazmend Zajmi (Jahja)  
Mr. Adnan Morovci (Kadruch)  
Mr. Bujar Bukoshi

Albanians from Macedonia

Mr. Nevzat Halili  
Mr. Naser Zyberi  
Mr. Mersim Pollozhani  
Mr. Mithad Emini  
Mr. Iljaz Halimi

Serbs from Krajina

Mr. Goran Hadzic  
Mr. Zdravko Zecevic  
Mr. Stojan Spanovic

Croats from Voivodina

Mr. Bela Tonkovic  
Mr. Ivan Poljakovic

Hungarians in Voivodina

Mr. Andras Agoston

Serbia and Montenegro

Mr. Obradovic Konstantin  
Mr. Gajovic Milan  
Mr. Basta-Posavec Lidiya  
Mr. Prica Sladjana  
Mr. Ilic Zagorka

Bosnia-Herzegovina

Mr. Hajrudin Somun  
Mr. Kasim Trnka  
Mr. Drazen Petrovic

Macedonia

Mr. Ivan Tosevski  
Mrs. Mira Krajacik

Slovenia

Mr. Mirjam Skrk  
Mr. Anton Bebler  
Mr. Jure Gasparic

Croatia

Mr. Lerotic  
Mr. Vukas



### 3. Ethnic and National Communities and Minorities

Chairman

- 2 -

~~Amb. Gert Ahrens~~  
Advisers

Amb. Rey

#### FRY

Konstantin Obradovic  
Milan Gajovic  
Lidija Basta-Pasavec  
Zogorka Ilic

#### Croatia

Lerotic  
Vukas

#### Slovenia

Mirjam Skrk

#### Bosnia

Hajrudin Somun  
Kasim Trnka  
Drazen Petrovic

#### Macedonia

Ivan Tosevski  
Mira Krajacik

#### Serbian Democratic Forum

Milorad Pupovac  
Vladimir Ivkovic

#### Serbs from Krajina

Goran Hadzic  
Zdravko Zecevic  
Stojan Spanovic

#### Muslims from Sandjak

Sulejman Ugljanin  
Rasim Ljajic  
Harun Hadzic  
Rizah Gruda  
Alija Mahmutovic  
Fevrija Murio  
Vasvija Gusinac  
Zijad Colovic

#### Croats from Vojvodina

Tonkovic  
Poljakovic

/Contd ..

Hungarians from Vojvodina

Andras Agoston

Albanians from Kosovo

Ibrahim Rugova (UKE)  
Shaqir Shaqiri (EMIN)  
Gazmend Zajmi (JAHJA)  
Adnan Morovci (KADRUCH)  
Bujar Bukoshi

Albanians from Montenegro

Mehmet Bardhi  
Djerdjo Djokaj  
Mustafa Capuni

Albanians from Macedonia

Nevzat Halili  
Nazer Zyberi  
Mersim Pollozhani  
Mithad Emini  
Iljaz Halimi

4. SUCCESSION ISSUES

Chairman

- (EC)

FRY

Dobrosav Mitrovic  
Miroslav Solaja  
Sanja Petrovic  
Mira Stavljanin

Croatia

Bokac

5. ECONOMIC ISSUES (MEETING IN BRUSSELS)

Chairman

Mr Jean Durieux

(O) 010 32 2 235 3826  
(H) 010 32 2 374 4024  
(FAX) 010 32 2 236 5979/4304

FRY

Kosta Mihajlovic  
Janko Radulovic  
Borisa Vukovic  
Dragana Gnjatovic  
Dragoljub Dimitrijevic

/Contd ..