**MEASURES REQUIRED for the affirmation of the rights of Albanians in the Preševo Valley**

**March, 2013**

**Background**

**PRESHEVO VALLEY**

**(PRESHEVO, MEDVEGJA AND BUJANOVAC)**

The Preševo Valley (Serbian: Прешевска долина, Preševska dolina, Albanian: Lugina e Preshevws) is an area comprising the municipalities of Bujanovac, Preševo and Medveđa. Geopolitically, the region is the center of the Albanian community in Serbia with Albanians comprising 54.6% of the population of Bujanovac and 89% in Preševo and 26% in Medveđa. The Valley of Presheva is 1,249 km2 with 111,000 residents, a density of 76/km2 and is 62% Albanian.

In Albanian the area is referred to as the "Presheva Valley" (Lugina e Preshevws) or simply "The Valley". Among Albanians also common is the term Eastern Kosovo, which makes reference to the removal of the area from Kosovo and its incorporation into Serbia after 1948.

Geographically, the Preševo Valley is an important communications route, being coterminous with the river basin of Preševska Moravica, from its source near the town of Preševo to the confluence with Južna Morava at Bujanovac. The Valley lies on the Morava/Vardar North-South route across the Balkans, along the path of the Great Morava and Južna Morava through Serbia. This is also the route of the pan-European corridor X and E75.

In 1938, during the colonisation of Kosovo, Preševo was designated in the Turko-Yugoslav Convention as one of the areas whose population would be forced to migrate to Turkey.

Until the end of **WWII** the region was part of Kosovo. Seeking to maintain under Serb rule the road and rail routes that passed through the region and also to control Albanian nationalists, the Yugoslav government separated the valley from Kosovo and included it in Serbia.

During the Kosovo War, six to eight thousand ethnic Albanian refugees were displaced from the Presevo Valley. The refugees reported that they were being conscripted and Serbian paramilitaries were trying to force them into military barracks.

In 2001, as a follow-up to the Kosovo War, there were clashes between Yugoslav security forces and Albanian guerrillas linked to the former KLA and calling themselves the Liberation Army of Presheva, Medvegja and Bujanoc (UÇPMB). The aim of UÇPMB was to take full control of Preševo, Bujanovac and Medveđa and hold them until such time as the adjacent lands, Kosovo and Western Macedonia, also came under Albanian control. This should have been followed by the gradual opening of borders. Lacking the attention of the international media, the incidents paused as the activities spread south of the border into Macedonia from where the twin organization the National Liberation Army (NLA), engaged in a war against the Macedonian authorities. The Presevo valley conflict ended after international mediation that led to a peace treaty, which demilitarised the area, amnestied UÇPMB and granted the Yugoslav army entry to the region under NATO's approval.

The Albanians of the area are represented politically by the Albanian Coalition from Preševo Valley, which won one seat in the 2007 Parliamentary Election.

Representatives from the municipalities of Preševo, Bujanovac and Medveđa adopted a Declaration asking for the formation of the "Preševo Valley region" in early August 2009.

The region is often mentioned in connection with political negotiations in the Kosovo status process. Albanian leaders from the Valley wanted to participate in the talks, but were not allowed. A territorial exchange between Serbia and Kosovo involving the Valley and North Kosovo is an often-mentioned topic in media and informal "probe" statements, but all sides in the official process have so far rejected any prospect of a border change.

The crisis that emerged with regard to the memorial to the fallen UCPMB combatants and its violent removal has shown the fragility of the political and security situation in the Presevo Valley. Because of the possible spillover of the crisis outside of the territories of these municipalities, it is vital to seriously deal with the substance of tensions and problems relating to the rights of the Albanians from this region, i.e. the implementation of the Program[[1]](#footnote-1), and the political requests of Albanian population which arise from the adopted Political Platform[[2]](#footnote-2).

Resolving the question of the Presheva Valley is not only a an issue of security, but in the first place, is a question of the individual and collective rights of Albanians, as well as being a key criteria for Serbia’s European integration.

We believe that democratic governance should serve the needs and interests of the entire population, including national minorities. In this context, we shall mention some of the important international documents which give the national minorities a significant role in *"the preservation of peace and security"*.

In the Helsinki Final Act from 1975, the OSCE participating states emphasize the essential relationship between the respect of the legitimate interests of persons belonging to national minorities and the preservation of peace and security. This relationship was later reconfirmed through adopted documents: *the Madrid Concluding Document* 1983, *the Vienna Concluding Document* 1989, *the Charter of Paris for a New Europe* 1990, *the Lisbon Document* 1996, and the *UN Declaration on the rights of persons belonging to national minorities*. After the adoption of the *Charter of Paris for a New Europe,* all the participating states of the OSCE opted for *democratic governance.*

**In Paragraph 26 of the Helsinki Document, the OSCE participating states have committed to** *"raise the issues of national minorities in a constructive manner, by peaceful means and dialogue of all sides, on the basis of the principles and commitments of the CSCE".*

Besides the commitments that derive from both domestic legislation and international conventions with regard to the protection of the rights of minorities, we consider that the Presevo Valley Albanians are still being subjected to discrimination.

STATISTICAL DATA FROM THE CENSUS OF 2002,

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Municipallity | Nr. of inh | % | Alb | % | Serbs | % | Roma | % | Other. | % |
| Presheva | 34.904 | 100 | 31.098 | 89.10 | 2.984 | 8.55 | 322 | 0.92 | 500 | 1.43 |
| Bujanoci | 43.302 | 100 | 23.681 | 54.69 | 14.782 | 34.13 | 3.867 | 8.99 | 972 | 2.19 |
| Medvegja | 10.760 | 100 | 2.813 | 26.17 | 7.163 | 66.57 | 108 | 1.01 | 673 | 6.25 |
| All | 88.966 | 100 | 57.595 | 64.74 | 24.929 | 28.02 | 4.297 | 4.83 | 2.145 | **2.41** |

The existing situation can be improved by undertaking affirmative measures in the following areas:

* ***Full integration of Albanians;***
* ***Achieving complete security***
* ***Economic recovery;***
* ***Official right to use language, script and national symbols;***
* ***Decentralization in the judiciary;***
* ***Education, culture and information;***
* ***Measures in health and social protection.***

For the implementation of these measures, it is essential to include the international community in the format of the OSCE, the EU Delegation, the US Embassy, the British Embassy, the German Embassy, and other embassies according to the format of the “Friends of the South”[[3]](#footnote-3), as well as Albanian political and institutional representatives and Government representatives.

1. **FULL INTEGRATION**

Article 21 of the Law[[4]](#footnote-4) explicitly states: *“In the course of employment in public services, including the police, it is obligatory to take care of the national composition of the population, adequate representation and the knowledge of the languages spoken in the territory of the authority or service"*. Such an obligation was also confirmed in the later adopted Constitution of the Republic of Serbia, and it is contained also in Article 15 of the Framework Convention for the Protection of National Minorities.

Data indicating the level of representation of Albanians in local administration institutions:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Municipality | Nr of employ. | Albanian | Serbs | Roma | Other |
| Presheva | 484 | 306 | 64 | 2 | / |
| Bujanoci | 848 | 339 | 473 | 30 | 6 |
| Medvegja | 280 | 15 | 259 | 3 | 3 |
| All | **1.612** | **660** | **796** | **35** | **9** |

Data indicating ethnic representation in state institutions at the local level:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Municipality | Nr of employ. | Albanian | Serbs | Roma | Other |
| Presheva | 446 | 212 | 225 | 8 | 1 |
| Bujanoci | 764 | 160 | 597 | 4 | 3 |
| Medvegja | 386 | 15 | 366 | 5 | / |
| All | **1.596** | **387** | **1.188** | **17** | **4** |
| Percent | **100%** | **24.25%** | **74.44%** | **1.06%** | **0.25%** |

The above data does not include the number of employees at the border crossing with Macedonia and Presheva, where the number of Albanians is symbolic.

The Framework Convention[[5]](#footnote-5) puts an obligation on the states parties to *"adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority".*

On the basis of these legal obligations, it is essential to undertake urgent measures to achieve the participation of Albanians in state institutions proportional to their presence in the population of these municipalities. This applies to:

* *The local and border police;*
* *Republican inspections;*
* *The Real estate cadastre service;*
* *The Public revenue office;*
* *The Judicial institutions;*
* *The Social protection institutions; and*
* *Ensure that regionally de-concentrated institutions (with competences outside those of the local government and. the National Council) provide for equal participation of Albanians;*
* *Considering that the existing legal solutions do not offer sufficient guarantees for the representation of minorities in the Republican Parliament, it is necessary, by applying the measures of positive discrimination, to provide a guaranteed participation of minorities in this representative body.*

1. **ACHIEVING COMPLETE SECURITY**

The 2001 Plan and Program for the resolution of the crisis in the municipalities of Bujanovac, Preševo and Medveđa (Government of FRY and Government of RS), Annex 5b Paragraph 2 Point 2 stipulates that the establishment of peace in the region also foresees "*the withdrawal of all extraordinarily-engaged special military and police forces, and the establishment of a local multiethnic police".*

However, 12 years after the adoption of the Plan and Program, the Preševo Valley remains the only area in Serbia where the special security forces are regularly and permanently engaged. They limit freedom of movement, and by creating the image of an emergency situation, they represent a factor which may influence the will of potential investors to invest their capital in this area.

In addition, by their countless arrests, searches and controls (especially of the former UCPMB members), they have had a direct effect on increasing tensions and dissatisfaction among the local population.

The language of communication of state officials towards Albanians has a negative influence on the developments in the region. The use of the word "terrorist", and more recently the comparison with “Al-Qaeda”[[6]](#footnote-6), has had a decisive effect not only on the mood of the population, but it is also obstacle to co-operation with the institutions. An impression has been created that the language of force is Belgrade’s only method of communication with Albanians.

Frequent spectacular arrests of the former fighters, and their subsequent release due to lack of evidence, represents a violation of the Law on Amnesty for UCPMB fighters and creates an assumption of legal insecurity, which, as a consequence, has led to waves of asylum seekers in EU countries.

In the interest of establishment of legal security and permanent peace in the region, it is essential to:

* + *Fully respect the Law on Amnesty from 2001, and all the agreements from the period of the armed conflict[[7]](#footnote-7), and terminate each politically motivated prosecution and release all political prisoners, i.e. the so-called "Gnjilane Group";*
  + *Remove the special security forces from this area;*
  + *Ensure that the multiethnic police is the only security force which maintains peace and order in these municipalities, with respect to the Principles for the establishment of the multiethnic police[[8]](#footnote-8);*
  + *Ensure full, unconditional and undisturbed freedom of movement, with the abolition of imposed fees and opening of local border crossings towards Macedonia and Kosovo;*
  + *Prosecute the cases of murder or kidnapping of Albanians in the period 1999-2001[[9]](#footnote-9);*
  + *Undertake effective measures for the return of the displaced population with the provision of funds for the return[[10]](#footnote-10);*
  + *Ensure an unobstructed implementation of the right to obtain personal documents for the citizens of these municipalities who were displaced from their homes in the period 1999-2000;*
  + *Ensure full freedom to mark national holidays[[11]](#footnote-11) and important dates, as this right is a part of the "freedom of expression" (Article 10 of the European Convention on Human Rights[[12]](#footnote-12)) and should be treated as such;*
  + *Remove the Gendarmerie memorial from the village Lučane as an urgent measure in the interest of stability;*
  + *Return the confiscated memorial to the fallen fighters of UCPMB;*
  + *Prohibiting hate speech and ending the use of the term "Albanian terrorists"[[13]](#footnote-13).*

1. **ECONOMIC RECOVERY**

The Preševo Valley is among the most underdeveloped regions in Serbia. For example, Preševo Municipality, with more than 90% of the Albanian population, is the most underdeveloped municipality with only 200 Euros income per capita, or only 14,8% of the national GDP, and with a record-high unemployment rate of over 70%. Almost similar parameters apply to Bujanovac. This condition is one of the causes of the massive departure of youth from this region.

The reasons for such conditions lie in:

*- The decline of former socially-owned enterprises;*

*- Unsuccessful privatization;*

*- The lack of the state strategy on economic development.*

The program from 2001 foresees the obligation of the state to revive the economy of the region. Likewise, such an obligation derives from the Program for the promotion of balanced regional development[[14]](#footnote-14), which was adopted by the previous Government, yet *during the 12 years of the duration of the political process, only 350.000 Euros of subsidies have been provided for economic activities* in these municipalities*.*

**Active measures for economic development that should be undertaken:**

* *Undertake measures for the promotion of local business (provision of subsidies and favorable loans);*
* *Stimulate foreign investors;*
* *Invest in the improvement of the necessary infrastructure;*
* *Open local border crossings and encourage cross-border co-operation;*
* *Establish a custom-free zone;*
* *Pledge for the introduction of IPA funds (for cross-border co-operation);*
* *Complete the Corridor 10, section through Bujanovac and Preševo;*
* *During 2013, provide the necessary funds from the Budget for the creation of new jobs;*
* *Investigate and suspend all the controversial privatizations, and complete the process of the restitution of certain nationalized enterprises to the municipalities[[15]](#footnote-15);*
* *Establish a special Fund for the development of these municipalities with donations from the Budget[[16]](#footnote-16), international donations and financial participation from Albania and Kosovo.*

1. **OFFICIAL USE OF LANGUAGE AND SYMBOLS**

The right of national minorities to use their language and script is determined by Articles 10 and 11 of the mentioned Law on the protection of rights and freedoms of national minorities, article 79 of the Constitution of RS, and Article 10 of the Framework Convention. Article 11 of the Law describes in detail when and where the use of minority language is mandatory, while the Convention, in Article 10 puts an obligation on the Parties *"to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing".*

Considering that a genuinely democratic society should respect the language identity of the members of national minorities, it is necessary to undertake measures for effective equality before the law in this area, and to remove all the obstacles which still obstruct the official use of the Albanian language on the territories of these municipalities:

* + *In the administrative and court procedures, and in conducting of the administrative and court procedures,*
  + *In communication of public authorities with citizens,*
  + *Issuance of public documents, official record keeping and collection of personal data, and acceptance of these documents in these languages as valid.*

1. **DECENTRALIZATION IN JUDICIARY**

In a democratic society, the decision-making process is as important as the content of the decision to be adopted, and as good governance implies that it is good for the people, this process should include all those who are concerned with those decisions. Such a requisite is stipulated by Article 4, Point 3 of the European Charter of Local Self-Government[[17]](#footnote-17), which states:"Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen".

In accordance with the views expressed in international documents, during the *Reform of Judiciary from 2009[[18]](#footnote-18)*, we drew attention to the fact that the suspension of Municipal Courts, Public Prosecutor's Offices and Misdemeanor Courts in the territories of Bujanovac and Preševo municipalities seriously violates the rights of the Albanians:

* *The right to official use of language and script – these institutions based in Vranje do not have capacities to provide for this;*
* *The right to adequate participation in the work of these institutions – the reform did not bring an adequate participation of the Albanians in their work;*
* *Excessive unnecessary costs are being made – in order to participate in court proceedings, parties and witnesses have to travel more than 50 km to judicial institutions;*
* *Distrust of citizens towards these judicial institutions has increased.*

In accordance with this, it is essential to take measures in Bujanovac and Preševo municipalities:

*- to restore the Basic Courts and Basic Public Prosecutor's Offices,*

*- to restore the Misdemeanor Court in Bujanovac Municipality (also because of the needs created by the Agreement on the Integrated Border Management with Kosovo, which will have, as a consequence, an increased number of cases).*

For decentralization in the spirit of the European standards and the implementation of the principle that "public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen", in order to authorize the local self-governments to deal with issues specific to minority rights, it is necessary to make a more comprehensive Proposal for Decentralization in a separate document, applying the principle of reciprocity with the rights of Serbs in Kosovo.

1. **EDUCATION, CULTURE AND INFORMATION**

Education is an area of life with the most problems. *Problems with the recognition of diplomas, lack of good-quality textbooks, and the need to establish the new higher education institutions* are some of the key topics in this area.

The National Council[[19]](#footnote-19) is an institution which, according to the Law on National Councils[[20]](#footnote-20), has the authority in the area of the *official use of language and script and national symbols, education, culture and information.* The role of the Council in these areas should be recognized and accepted, and its co-operation with line ministries should be developed. The Council should have a key role in the provision of textbooks from Albania and Kosovo, through local authors or translation.

The proposed measures, with the aim of improving the situation in education, are the following:

* + *Recognition of diplomas of all educational institutions from Kosovo, and resolution of the problem with nostrification of those from Albania;*
  + *Establishment of new higher education institutions in these municipalities;*
  + *Resolution of the problem of the lack of textbooks for primary and secondary schools[[21]](#footnote-21);*
  + *Resolution of the issue of passing professional examinations.*

The State should not only recognize, but also accept the key role of the Council in the areas where the competence of the Council is determined by the Law.

1. **HEALTH AND SOCIAL PROTECTION**

Primary health protection, which is the responsibility of the local self-governments, is facing difficulties in providing good-quality medical services due to the lack of adequate medical apparatus. Health Centres do not have wards for acute internal medicine.

The Pharmacy in Preševo is still part of the Pharmacy from Vranje[[22]](#footnote-22). Secondary health protection does not exist. The maternity ward, which is more than necessary, has still not been established in Preševo[[23]](#footnote-23).

It is essential to establish a secondary health institution (hospital) for these municipalities.

There is no institution for the treatment of persons with special needs. The population of these municipalities does not have the possibility to use funds from the Ministry of Labor and Social Affairs. It is necessary to undertake activities to overcome these mentioned problems.

**Final Dispositions:**

* Reconfirming people's will expresed in the 1992 referrendum
* Supporting the "Konculj Agreement"
* Based on the 2006 Political Platform

The Assembly will very soon adopt the Special Program for solving of the political status of the Presevo Valley.

This Assembly will follow the implementation of the proposed meassures proposed in this document. In case of the failure in implementation, this Assembly will reconsider its relationship with state institutions and will be engaged in the implementation of the demands from the 1992 referrendum.

9, March 2013

Assembly of Albanian counselors

Shaip Kamberi

1. The Plan and Programme of the Government of FRY and the Government of Serbia for the resolution of crisis in the Municipalities Bujanovac, Preševo and Medvedja, adopted in February 2001. [↑](#footnote-ref-1)
2. The Political Platform of the Assembly of Albanian councilors from the Preševo Valley, adopted on 14 February 2006. The Assembly is a coordinating political body of the political parties of Albanians from Bujanovac, Preševo and Medvedja. [↑](#footnote-ref-2)
3. The role of the international community in the building of peace and stability of the region is of key importance. [↑](#footnote-ref-3)
4. The Law on the Protection of Rights and Freedoms of National Minorities, adopted by FRY Parliament in 2001. [↑](#footnote-ref-4)
5. The Framework Convention for the Protection of National Minorities, Strasbourg, 1 February 1995. [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. The Law on Amnesty for the former members of PMBLA (The Amnesty is a way out) was adopted by the Parliament of RS in 2001 - its purpose is to abandon prosecution and criminal responsibility for all former PMBLA members who voluntarily surrendered their weapons by 31 May 2001; the letter of Nebojša Čović to the Secretary-General of NATO on this matter; the Programme of the Government for the resolution of crisis; the Declaration on Demilitarization from Končulj. [↑](#footnote-ref-7)
8. The Agreement on the principles for the establishment of the multiethnic police from 2001, signed by the Government of RS, the OSCE, and the representative of Albanians. [↑](#footnote-ref-8)
9. During NATO bombing, on the territory of Preševo Municipality, which was under total control of the security forces of RS, 11 Albanian civilians were killed, and in the period 2000-2001, on the territory of Bujanovac Municipality, another 12 civilians were killed. [↑](#footnote-ref-9)
10. After the withdrawal of army and police units from Kosovo in accordance with the Kumanovo Agreement, and their deployment on the territories of the municipalities Bujanovac, Preševo and Medvedja, when the police repression over civilians started, 6 Albanian places in Bujanovac Municipality with 3100 inhabitants moved out, 1500 in Preševo Karadak, while only about 500-700 Albanians have remained in Medvedja living there. [↑](#footnote-ref-10)
11. November 28 is the national holiday of all the Albanians, which is celebrated as the "Flag Day", i.e. the day when Skenderbeu returned to Albania from Turkey (1443), and as such it does not represent just the national holiday of Albania. [↑](#footnote-ref-11)
12. The European Convention for the Protection of Human Rights and Fundamental Freedoms, Rome, 4 November 1950. [↑](#footnote-ref-12)
13. 12 years after the end of the conflict in the region and the adoption of the Law on Amnesty, Serbian politicians label the former PMBLA fighters as terrorists and compare them with al-Qaeda. [↑](#footnote-ref-13)
14. The Program for the promotion of balanced regional development of the Government of RS from 2011. [↑](#footnote-ref-14)
15. The enterprises Jugocoop and Proleće in Bujanovac Municipality, and Bratstvo and 7 Juli in Preševo Municipality are in the process of nationalization [↑](#footnote-ref-15)
16. The Budget of the Republic of Serbia [↑](#footnote-ref-16)
17. European Charter of Local Self-Government, Strasbourg, 15 October 1985 [↑](#footnote-ref-17)
18. In 2009 the "Reform of Judiciary" was conducted, with the aim of restoring the citizens' trust towards judiciary, but ended up as a process contrary to the European principles [↑](#footnote-ref-18)
19. The National Council was established through general election in 2010 [↑](#footnote-ref-19)
20. The Law on National Councils of National Minorities (Official Gazette of the Republic of Serbia, no. 72/2009) [↑](#footnote-ref-20)
21. The use of textbooks from Albania and Kosovo is more economical and efficient [↑](#footnote-ref-21)
22. The Pharmacy in Preševo is not an independent public health institution [↑](#footnote-ref-22)
23. For several years, the implementation of the project for the opening of the maternity ward in Preševo has been unnecessarily postponed [↑](#footnote-ref-23)