

**DECONSTRUCTION OF THE IDEA OF UNIFICATION:  
THE FUTURE OF RELATIONS BETWEEN  
KOSOVO AND ALBANIA**

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## Executive Summary

The Albanians in Albania and Kosovo have never lived within a single, common state. In the time of the Ottoman Empire they were divided in different *vilayets*. Following Albania's declaration of independence in 1912 and the establishment of the Kingdom of Yugoslavia in 1918, the region's Albanian population was divided between the two states for nearly a century. Over the ensuing decades, Albania provided minimal support toward Kosovar Albanians, either during the time of Ahmet Zogu, or during the time of Enver Hoxha. As a result, the ways in which these two societies evolved separately have manifested in significant differences between Albanians living in Kosovo and Albania.

In this context, the importance of the process of the formation of the state of Kosovo in former-Yugoslavia should not be underestimated, altogether with the decentralized and anarchic nature, sometimes even with contradictory objectives, of Albanian nationalism. Political discourses between Kosovo Albanian politicians and intellectuals for the acquirement of the status of the republic within Federal Socialist Yugoslavia, which had started around half a century earlier, have created a firm and independent political and state identity of Kosovo.

With the fall of the Berlin Wall in 1989, the geopolitical context in the Balkans dramatically changed. The formation of a pro-Western orientation of the Albanians in both, Albania and Kosovo, together with the military intervention of NATO in 1999, created conditions for renewed cooperation between the two countries at the turn of the millennium. With the Declaration of Independence of Kosovo on February 17<sup>th</sup>, 2008, the limitations of bilateral collaboration were eliminated, and for the first time in history, the cooperation between the two countries was enabled at the inter-state level.

Nevertheless, in the period after the declaration of independence of Kosovo, despite of the fact that both countries have as their common objective the Euro-Atlantic integration, they operate in different international circumstances in respect to integration processes. Albania has been a member of NATO ever since the year 2009, and a candidate member for the European Union (EU) since 2014. Meanwhile, Kosovo, suffers from the truncated international legitimacy and limited integration into international organizations, including here the fact that it is not a member of the UN, and that it is not recognized by five members of the EU, which drastically limits its prospects for Euro-Atlantic integrations.

However, in despite of deficiencies in the state functionality of the two countries, the idea of unification of Kosovo and Albania was one from the most vocal issues in the public discourse of the two countries over the last two years.

Nonetheless, the possibility of unification of Kosovo with Albania within the framework of the constitutional system of the Republic of Kosovo is almost inexistent, given that for this the consent of the Serbian community and other non-majority communities is required. Also, eventual initiation of the referendum for unification by the Assembly of the Republic of Kosovo is almost impossible, given that in this case, again, the consent of the Serbian community and of other non-majority communities is required. Meanwhile, despite of the fact that the decision for the unification outside of the Constitution can be taken by what is termed '*pouvoir constituant*' (constituent power), which is the constitution-making power, the political implications of undertaking such an extra-legal step in the current circumstances would be unpredictable, and could translate into inter-ethnic hostilities in Kosovo.

On the other hand, the absolute majority of the citizens of Kosovo, if they have to choose between unification of Kosovo with Albania and the EU membership, would prefer the EU membership, and they are also against the unification, if this unification would require the change of borders, or the division of Kosovo. Furthermore, if the two countries unilaterally decide to unify without transatlantic consensus, either by the option of the absorption of Kosovo by Albania, or by merger of the two states into a single joint one, this would have fatal consequences for the statehood of Kosovo, and will seriously damage the existential and vital interests of Albania. In this case, Kosovo could quite easily cease to exist as a state, and this could simultaneously lead towards the imposition of sanctions by the United Nations, expulsion from NATO, and the blockade of the process of integration, or the full expulsion of Albania from the EU integration and membership. In such circumstances, except of the fact that both, Kosovo and Albania, will be considered by the West as rogue states, Prishtina and Tirana would risk the vital interests of the West regarding the security and the stability of the region, including here the weakening of the cohesion of NATO and the EU.

Furthermore, the associational initiatives between Kosovo and Albania, which would not create a new subject of international law, but will instead have integrative character between the two countries, and which will be in line with the European integrations, with the policies of NATO, and with cooperative regional initiatives, could even have the support of Brussels and Washington. However, a necessary precondition for such associational initiatives to be useful for both countries,

and to be complementary, rather than in collision with the policies of the West in the region, is that they should be carried out in a transparent manner with political and civil actors in both countries, and only after prior consultations with NATO and the EU.

On the other hand, the increase of state capacities of the two countries will determine the progress, not only of the integration in the Euro-Atlantic structures, but also of their integration with one-another, and would wither their differences, as well as archaic nationalisms. There is no doubt that the Copenhagen Criteria and the *acquis* of the EU should serve as a guidance of the inter-state cooperation towards integration. In this way, the risk that bilateral agreements would not be compatible with *acquis* would be avoided, while at the same time acquiring the full support of the Euro-Atlantic community for the strategic cooperation between the two countries.

In the parts not covered by *acquis*, which among others deal with the fields of fiscal policy, youth, education, and strategic infrastructure, both countries should strive to create common integrative policies.<sup>1</sup> This should be followed by efforts to identify respective competitive advantages in both countries, as well as with the common development of the human resources through investments in research and development (R&D) with the aim of boosting the regional competitiveness of the two countries.

Regarding strategic cooperation, it is necessary to coordinate under the umbrella of the EU and NATO, in close consultation with the United States (U.S.), as well as with other countries of the Quint (Great Britain, France, Germany, and Italy). In this regard, the strategic cooperation between Kosovo and Albania should be associated with their projection as credible states and trustful allies of the West.

## Introduction

While the London Conference of 1913 helped create a homeland for the Albanian people in the heart of the Ottoman Empire, the newly-created state only contained less than 50% of the region's ethnic population. The declaration of independence of Albania in the year 1912, and the decisions of the Conference of London one year later, created the largest national minority in Europe, by leaving outside of the newly created Albanian state half of the territories inhabited by Albanian majority, and more than 50% of the Albanians living in the region. As a result, there were two epicenters of Albanian nationalism: one remained in Albania proper, the other in Kosovo. Such political and geostrategic reality had as an impact that throughout all these years the issue of unification remained an emotional and sentimental perception, expressed through a populist and nationalist narrative, rather than an issue elaborated in detail in Tirana or Prishtina.

After the liberation of Kosovo in 1999 and its declaration of independence in 2008, opportunities emerged for more intensive bilateral relations between the young country and its older neighbor to the southwest. However, in despite of this newfound momentum for increased cooperation, the opinion prevails that bilateral cooperation in general was formal and emotional, rather than substantial and in the interest of citizens. Recently, the stumble and delay of the process of integration of Albania and Kosovo in the European Union has increased the nationalist tendencies in both countries, and has re-actualized the issue of unification of the two states. Furthermore, dissatisfaction toward the European Union regarding its noncommittal stance on enlargement has sparked renewed interest in unification among well-connected politicians in both Tirana and Prishtina.

The Prime Minister of Albania, Edi Rama, presented the idea of a joint project for national unification between Albania and Kosovo during a meeting of governments officials in November 2018. On this occasion, Prime Minister Rama asked his Kosovar counterpart, Prime Minister Ramush Haradinaj, for their countries' foreign ministries to prepare a strategy that would pave the way for unification by the year 2025. Additionally, desperate with the process of dialogue with Serbia, with the stumble in European integrations, and particularly with the non-liberalization of visas, the Kosovo President Hashim Thaçi encouraged the Assemblies of Kosovo and Albania to issue statements for unification of the two countries. According to him, this unification can happen under the umbrella of the European Union, but also under the Albanian umbrella based on the will of the people of Kosovo and Albania to live in a joint state. Undoubtedly, the idea for the exchange of

territories with Serbia or for the partition of Kosovo has influenced the option of unification of the two countries to be viewed as a possible option for solving the Albanian issue.

The goal of this paper is to deconstruct the idea of potential unification of Albania and Kosovo by analyzing different modalities of this issue. For this purpose, the internal and international considerations were particularly analyzed, which have a direct impact on the feasibility and sustainability of the idea of unification of the two countries. The structure of the paper consists of six chapters, including the Introduction and the Conclusion. The second chapter provides a brief historical overview of Kosovo Albanians during the period 1913–2008. The following chapter provides Kosovo's standpoint on a critical review of bilateral relations between Kosovo and Albania after the year 2008. With the goal of deconstructing the idea of potential unification of Albania and Kosovo, the third chapter provides a detailed analysis of internal factors that may affect the sustainability of an unification project. The fourth chapter identifies external considerations that must be acknowledged in unification proposals, drawing on the international law literature. This section also sheds light on how international bodies, such as the United Nations (UN), the North Atlantic Treaty Organization (NATO), and the European Union (EU), would respond to an proposed unification plan. The paper ends with a summary of main findings and recommendations on how this controversial debate might unfold over the course of the current decade.



## I. A Brief Review of the History of Kosovo Albanians (1913 – 2008)

The weakening of the Ottoman Empire at the end of the 19<sup>th</sup> century also coincides with the beginning of the nationalist renaissance for the Balkan peoples, a period in which they started struggles for national territorial expansions. Albanian nationalism and national renaissance have practically emerged as a defensive reaction to Serbian and Greek territorial claims towards Albanian majority inhabited lands. After the Berlin Congress of 1878 ignored the demands of the Albanians, in the same year, about 80 delegates came together to form the organization of the Prizren League. Originally, the League aimed to unite the four Albanian vilayets and thwart the implementation of the St Stephen's Treaty, which provided for lands with Albanian populations to be given to Serbia, Montenegro and Bulgaria. Although these demands were defensive in character and the League did not seek the creation of an independent Albania, the Ottoman Empire crushed it by force. In spite of its early demise, the Prizren League represents the first resistance of Albanians against the expansionist policies of the neighbouring Balkan states and the first attempt to unite the Albanian national movement towards achieving the goal of an independent Albanian state. The League also helped to further the Albanian national development, thus subsequently contributing to the declaration of independence of Albania on 28 November 1912.

The physical separation between the Albanians of Albania and those of Kosovo, as a consequence of the Balkan Wars and the London Conference in 1913, led to pronounced socio-cultural differences and visible distance between two peoples.<sup>2</sup> With the confirmation of the borders, which are roughly the Albania's borders of today, the Conference has affirmed the existence of the Albanian state, but has at the same time created a politically complicated situation in which more than 50% of all ethnic Albanians across the Western Balkans resided outside the newly-created Albanian state. Most of the areas inhabited by Albanians were given to Serbia and Montenegro, whilst Greece took the large Southern region known as Northern Epirus by Greece, or as Çamëria by Albania.<sup>3</sup>

Regardless of the fact that most of the uprisings for the creation of the Albanian state were carried out by Kosovo Albanians, contrary to their will, Kosovo remained under the Serbian rule and outside of the newly created Albanian state. As a result, two epicentres of the Albanian nationalism

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<sup>2</sup> Interview with Hajredin Kuçi, Vice President of the Democratic Party of Kosovo and former Deputy Prime Minister of Kosovo, Prishtina, May 27<sup>th</sup>, 2019.

<sup>3</sup> Tom Gallagher, *Outcast Europe: The Balkans, 1789-1989*, London: Routledge, 2001, pg. 64.

were created: one remained in Tirana, while the other was transposed to Albanians remaining outside of the Albanian state, particularly to those of Kosovo. Consequently, these distinctions have through decades resulted in two completely different socio-political realities that in turn caused large, sometimes even dramatic, differences between Kosovo and Albania.<sup>4</sup> It should be also stressed that the struggle of Kosovo Albanians was carried out first and foremost for survival as a political entity and for the preservation of demography in favour of the Albanian majority. Whilst the major priority in Albania was the consolidation of the independent state, and, afterwards, the socio-economic well-being, the primary goal in Kosovo was personal and national survival.<sup>5</sup> In addition, Albania was predominantly characterized with an ideological struggle which to a large extent resulted in political divisions, which are present even today.<sup>6</sup> As we will see below, these different circumstances would even shape the ways in which Albanians in these two states would interpret the major events of the 20<sup>th</sup> century. For instance, the very independence of Albania, for the Albanians living within the borders of the new state was experienced as liberation, while for the Albanians in Kosovo who remained under Serbia, it was perceived as the continuation of occupation - one which was even more violent than the one during the Ottoman Empire.

The period between the creation of the Albanian state and the First World War was characterized with the growth of a nationalist movement among Kosovo Albanians. Armed resistance was common during this period, as the Albanians rebelled against the military power of Serbia and later Bulgaria (1915–1918). The major goal was the unification of the territories of the Albanian cultural areas left outside the state borders of Albania with those of Albania.<sup>7</sup> The Albanian nationalists were organized primarily around the Committee of National Defence of Kosovo, which came into existence in May 1915. This Committee was established in Shkodra with the primary objective of campaigning against the decision of borders set by the Conference of Ambassadors, that is, for the liberation of Kosovo and unification of all territories inhabited by Albanians. Yet another objective was the organization to attack Serbian positions and smuggle weapons for insurgents in the border areas. When the Kingdom of Serbs, Croats and Slovenes was created on 1 December 1918 – termed informally as Yugoslavia – a very large portion of the Albanian people was against their will integrated within the state of Serbia and Montenegro under extremely violent conditions. The largest

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<sup>4</sup> Interview with Agron Bajrami, Editor in Chief of the newspaper Koha Ditore, Prishtina, June 10<sup>th</sup>, 2019.

<sup>5</sup> Interview with Valon Murati, The President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>6</sup> Interview with Jetlir Zyberaj, Advisor of the Foreign Minister of Kosovo, Prishtina, June 21<sup>st</sup>, 2019.

<sup>7</sup> Interview with Albin Kurti, The President of the Vetëvendosje Movement, Prishtina, June 10<sup>th</sup>, 2019.

part of the period between the two world wars was characterized with the periods of Albanian armed resistance against Serbian authorities, and with repressive policies of the government of Serbia. The armed resistance was led by the Kosovar Committee, and among the insurgents, known as 'kaçaks,' was a number of eminent Kosovar patriots, including Hasan Prishtina, Bajram Curri, Azem Bejta and Shote Galica.<sup>8</sup>

Serbian authorities were convinced that allowing Albanians to be educated in their own language could nourish Albanian nationalism within their borders. Therefore, linguistic assimilation was the key part of the strategy to Serbianize the region, reshaping the cultural landscape to reflect the long-term ideology of Belgrade's political class. Serbian authorities closed all Albanian language schools, originally opened by the Austro-Hungarian Empire during the First World War.<sup>9</sup> The only educational institutions that were allowed by the Serbian regime were religious schools, Islamic, as well as Catholic ones. Through this strategy, the Serbian state sought to emphasize the religious rather than ethnic background of Kosovo Albanians.<sup>10</sup>

Furthermore, in 1937, Vaso Čubrilović proposed that the Albanians should be re-classified as "Turks" and be made to endure difficult living conditions that would prompt their emigration from Yugoslavia. With the goal of changing the ethnic makeup of Kosovo, Serbia undertook the so-called "agrarian reform," as a means of expropriating the land of the Albanians in Kosovo. Furthermore, the Albanians were to be expelled from Kosovo, and their land given to colonizing Slav farmers. To this end, the Turkish-Yugoslav Agreement of 1938 expelled nearly 250,000 Muslims to Turkey. The fact that the population of the cities was excluded from the migration suggests that the main purpose was the displacement of the Albanians, given that urban areas were mainly inhabited by Turkish nationals.<sup>11</sup> As a consequence, during the period until 1939, more than half a million of ethnic Albanians were forced to emigrate from the region, while around 40.000 Orthodox Slav citizens were displaced into Kosovo, driven by the provision of the land free of charge and of other benefits.<sup>12</sup> It should be emphasized that the issue of Kosovo, and of other areas inhabited by Albanians, had a considerable impact on internal and external policies of Albania before Ahmet

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<sup>8</sup> Noel Malcolm, *Kosova: Një Histori e Shkurtër*, New York: New York University Press, 1998, pg. 283-286.

<sup>9</sup> Henry Perritt Jr, *The Road to Independence for Kosovo: A Chronicle of the Abtisaari Plan*, Cambridge: Cambridge University Press, 2010, pg. 18.

<sup>10</sup> Ina Merdjanova, *Rediscovering the Umma: Muslims in the Balkans between Nationalism and Transnationalism*, Oxford University Press, 2013, pg. 43.

<sup>11</sup> Shkëlzen Gashi, *Historia e Kosovës në tekstat mësimore të historisë në Kosovë, Shqipëri, Serbi, Mal të Zi dhe Maqedoni*, Prishtinë: Instituti për Studime në Shoqëri e në Kulturë "Alter Habitus", 2016, pg. 83.

<sup>12</sup> Hugh Poulton, *Who Are the Macedonians?*, London: Hurst, 1995, pg. 91.

Zogu seized power.<sup>13</sup> During the early period of Zogu's rule, his administration was a close ally of Serbia and a staunch enemy of Albanian insurgents; this, in turn, meant that the debate around Kosovo's independence was not a focal point of Albania's foreign policy. It was only after 1928, when Albania was largely subjected to Italian subordination that Zogu, due to Mussolini's interest to destabilize Yugoslavia, started advocating for the unification of Albanian lands.<sup>14</sup>

The period of the Second World War was the only one during which Albania and Kosovo experienced a short history of unification (1941–1944), which happened under fascist occupation. Although such unification was a product of geopolitical dynamics of the Powers of Axis, this period is considered as the only one during which the two countries were united into an Albanian centralized state. During this period, Albanian language schools were opened throughout Kosovo in order to increase the level of national awareness among the Albanian population.<sup>15</sup> The occupation period also brought economic benefits and improvement of economic perspectives for both countries. For instance, in 1942, 20,000 tons of wheat and 30,000 tons of corn were exported in Albania from Kosovo. Economic projects undertaken by Italian authorities ensured a considerable surplus of agricultural products.<sup>16</sup> However, even this historical period was experienced differently by the Albanians in both sides of the border. In Albania, which was formally a free and sovereign country, the fascist invasion was basically experienced as an occupation. Conversely, for Kosovar Albanians, the fascist forces were hailed as heroes for liberating them from the oppressive Yugoslav state. These divergent realities not only influenced these two states' political development for years to come, but also fundamentally altered their national consciousness. While in Albania they were fighting against occupation, in Kosovo the citizens were mainly enjoying liberation from Serbia.<sup>17</sup>

After the World War II, Kosovo Albanians again remained part of socialist Yugoslavia in spite of promises that they would be able to join Albania if they aligned with partisan factions. Consequently, at the meeting of the Kosovo communists in Bujan, a resolution was issued saying that the fight against the German occupiers is the best way to resolve the national question of unification with

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<sup>13</sup> Initially as the first president (1925-1928), and then as the King of Albania (1928-1939).

<sup>14</sup> For a detailed explanation regarding the attitude of Ahmet Zogu towards Kosovo see Malcolm, 1998, pg. 288-300.

<sup>15</sup> For an illustration, before the war there were 252 schools in Kosovo with teaching only in Serbian language. Around the end of the year 1945 there were 392 schools with 357 classes in Serbian and 279 classes in Albanian. See Malcolm, 1998, pg. 331.

<sup>16</sup> Dritan Sulçebe, *Shqipëria dhe Kosova në kërkim të një të ardhmeje të përbashkët*, Tiranë: Friedrich-Ebert-Stiftung, 2016, pg. 15.

<sup>17</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20th, 2019.

Albania based on the principle of self-determination.<sup>18</sup> However, in July of 1945, at the Conference of National-Liberation Council of Kosovo in Prizren, a resolution was approved, according to which Kosovo was to remain part of Serbia.<sup>19</sup> Moreover, the Kosovo Albanians in socialist Yugoslavia were recognized as nationality, rather than as a nation, since their national Albanian ‘homeland’ was outside of the territory of Yugoslavia.<sup>20</sup> Additionally, though the 1948 civil census lists that Serbs and Montenegrins only comprised 27.5% of Kosovo’s population, the two ethnic groups dominated the territory’s governing institutions, particularly the security ones.<sup>21</sup> Surprisingly, Albania had good relations with Yugoslavia in the early years of the post-war period (1945-1948). Many prominent officials in Tirana held the attitude that Kosovars should fraternize with their Yugoslav compatriots. This policy of ethnic intermingling pushed forward by Albanian communist politician Enver Hoxha was observed by Joseph E. Jacobs, the Chief of the first Mission of the United States of America in Tirana. In one of his reports, Jacobs notes that although “there are around half a million Albanians in the area of Kosovo of Yugoslavia,” the Albanian authorities have accepted Yugoslavia’s stance toward existing borders. According to the American diplomat, this could be explained by the great influence that Yugoslav President Josip Broz Tito exercised over Tirana.<sup>22</sup> Moreover, the long-term objective of Enver Hoxha at that time was to unite Albania with Yugoslavia and Bulgaria in the so-called “Balkan Federation.” The ideological split between Tito and Stalin in 1948, resulted in the total suspension of cooperation between the Albania and Kosovo, and in the hermetic closing of the borders, while Enver Hoxha became the loudest criticiser of Tito’s policies.<sup>23</sup>

The most damaging consequences of the fallout between Albania and Yugoslavia were suffered by Kosovo. The Yugoslav authorities closed most of the schools in Albanian language which were opened immediately after the liberation. They also prohibited the display of national Albanian symbols and banned the celebration of their national holidays.<sup>24</sup> During 1950s, efforts were made to disenfranchise Albanians through the disarmament campaigns. Albanians suspected of possessing

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<sup>18</sup>Shkëlzen Gashi, *Historia e Kosovës në tekstet mësimore të historisë në Kosovë, Shqipëri, Serbi, Mal të Zi dhe Maqedoni*, Prishtinë: Instituti për Studime në Shoqëri e në Kulturë “Alter Habitus”, 2016, pg. 92.

<sup>19</sup> It should be mentioned that out of 142 participants in the Conference, only 33 were Albanians. See Noel Malcolm, *Kosova: Një Histori e Shkurtër*, New York: New York University Press, 1998, pg. 328-329.

<sup>20</sup> Dennison Rusinow, *The Yugoslav Experiment 1958-1974*. Berkeley and Los Angeles: University of California Press, 1977, pg.188.

<sup>21</sup> Tim Judah, *Kosovo: What Everyone Needs to Know*, Oxford: Oxford University Press, 2008, pg. 51.

<sup>22</sup> Bekim Sejdiu & Luzim Peci (2017): Engaging with the self-captive nation: Albania in the US official documents from 1945 to 1980, *Southeast European and Black Sea Studies*, Volume 18, Issue 1, 2018, 89.

<sup>23</sup> For details see Noel Malcolm, *Kosova: Një Histori e Shkurtër*, New York: New York University Press, 1998, pg. 332-334.

<sup>24</sup> Shkëlzen Gashi, *Historia e Kosovës në tekstet mësimore të historisë në Kosovë, Shqipëri, Serbi, Mal të Zi dhe Maqedoni*, Prishtinë: Instituti për Studime në Shoqëri e në Kulturë “Alter Habitus”, 2016 , pg. 93.

weapons were detained, interrogated and beaten by the police. Albanians were again forced to identify themselves as “Turks” if they sought to receive an education, as the only schools available to them taught exclusively in Turkish. At the same time, in 1953, a governmental treaty was signed with Turkey, which allowed the Yugoslav Turks to emigrate. This triggered a massive exodus to Turkey, in which a large number of Albanians and Slav Muslims declared themselves as Turks in order to be able to leave their country.<sup>25</sup> As a consequence, the Albanian nationalism in Kosovo and in other parts of Yugoslavia increased, as a reaction against systemic ethnic discrimination. This was compounded by the creation of national republics of Serbia, Macedonia and Montenegro exclusively upon ethno-linguistic premises. Institutionalised discrimination and marginalization helped raise awareness of an Albanian identity and had the unintended effect of promoting pan-Albanian solidarity across multi-ethnic Yugoslavia. Throughout this period, the Albanian people organized themselves to respond to the unprecedented violence of the Yugoslav state and the occupation of Kosovo by Serbia. The main organization of Kosovo Albanians was the National Democratic Committee of Albanians (NDSH), which aimed to liberate Kosovo by any means necessary and ultimately unite it with Albania.<sup>26</sup>

The situation improved in 1966, when the notorious UDB Secret Service chief Aleksandar Rankovic was fired at a party plenum in Brione. A series of measures aimed at improving the position of Albanians were introduced, especially after the constitutional changes of 1968. The official designation of the province was changed from “Kosovo and Metohija” into “Kosovo”. More importantly, the provinces were granted the same socio-political rights as Yugoslavia’s constituent republics. This turned Kosovo into a legitimate entity at the federal level with the right to exercise almost all of the competences of a republic. Albanians, however, were not satisfied with these half-measures; thus, in 1968 the demonstrations were organized, in which protesters chanted for the establishment of a “Kosovo Republic” as well as “We want university,” “Long live Albania,” and “Long live Enver Hoxha”. Although the demonstrations were violently suppressed, in the following period the position of the Albanians in Kosovo was further improved by the adoption of a new set of constitutional amendments. Among other things, from 1969 Albanians in Kosovo were allowed to use the Albanian flag, and in 1970 the University of Pristina was established. During this period,

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<sup>25</sup> According to Yugoslav sources, during this period around 80,000 people did emigrate, meanwhile, according to Turkish sources the figure comes to 150,000; Merdjanova, 2013, pg. 43.

<sup>26</sup> Shkëlzen Gashi, *Historia e Kosovës në tekstet mësimore të historisë në Kosovë, Shqipëri, Serbi, Mali i Zi dhe Maqedoni*, Prishtinë: Instituti për Studime në Shoqëri e në Kulturë “Alter Habitus”, 2016, pg. 93.

the rapprochement between Yugoslavia and Albania occurred as well, since the relations between Tito and Khrushchev had improved since Stalin's death in 1953. Consequently, in 1970, the University of Prishtina signed an agreement with the University of Tirana that allowed nearly 200 professors from Tirana to lecture in Kosovo in Albanian language over a five year period.<sup>27</sup> At the same time, cooperation in other fields was also rapidly increased, culminating in 1972's "Congress of Orthography" that unified the Albanian language. This momentous occasion was an essential precondition for the creation of a common identity of all Albanians in the Balkans.<sup>28</sup>

A further advance of Kosovo's political position occurred with the Yugoslav Constitution of 1974, which granted the autonomous provinces of Kosovo and Vojvodina close to equal status with the country's constituent republics that granted to Kosovo direct representation in the main political bodies of Yugoslavia. The 1974 Constitution also provided local governments with tools for self-governance. This meant that all peoples of Yugoslavia had the right to establish social, cultural, religious, and sports associations in their respective languages for the purpose of cultivating their heritage. In general, the years following the Yugoslav Constitution of 1974 are regarded by Albanians in the former Yugoslavia as a golden age. They were freer, more educated, and of a higher standard of living than they had been in their entire history. However, despite these advances, Kosovo as a province did not have an extremely important right compared to the republics in Yugoslavia - the right to secede from the Federation. Consequently, a series of demonstrations by Albanians erupted in 1981 that again demanded the elevation of the Kosovo's status into the one of a republic. The demonstrations were brutally suppressed by special police forces; throughout Kosovo a state of emergency was declared, and a large number of Albanians, mostly young people, received harsh prison sentences. Although the official number of casualties listed by Yugoslav authorities was 57, the actual number is likely to have been over 100. Over the next eight years, more than half a million Kosovo Albanians were either arrested or interrogated by state security forces.<sup>29</sup> Troublingly, some 80% of all Yugoslav political prisoners in this period were ethnic Albanians.<sup>30</sup> Relations between Yugoslavia and Albania quickly soured, resulting in the termination of cooperation in all fields including the one between the universities of Prishtina and Tirana.

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<sup>27</sup> Noel Malcolm, *Kosova: Një Histori e Shkurtër*, New York: New York University Press, 1998, pg. 338-340.

<sup>28</sup> Interview with Enver Hasani, Professor at the University of Prishtina and the former President of the Constitutional Court of Kosovo, Prishtina, June 10th, 2019.

<sup>29</sup> Tim Judah, *Kosovo: What Everyone Needs to Know*, Oxford: Oxford University Press, 2008, pg. 58.

<sup>30</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10th, 2019.

The abolition of the autonomy of Kosovo in 1989, and the repressive and nationalist policies of Slobodan Milošević in Kosovo, have further worsened the Serb-Albanian relations. Albanians reacted to the suppression of Kosovo's autonomy with mass protests throughout the province. Thousands turned out to take part in demonstrations that were violently crushed by special police forces, resulting in the killing of 29 protesters, along with the wounding of 97 civilians and 30 police officers.<sup>31</sup> These ethnic protests were strongly supported by Albanian intellectuals, students and ordinary citizens from all over Kosovo, many of whom were later arrested and tried themselves. On 5 July 1990, the Serbian Assembly dissolved the Kosovo Assembly as well as the Kosovo Government, thus taking full and direct control of the province. The entire structure of the provincial administration was dissolved and practically overnight the Albanians were fired from their jobs, denied the right to education in their mother tongue, and were exposed to a massive abuse of human rights and civil liberties.<sup>32</sup>

It should be noted that during the Cold War, relations between Tirana and Belgrade were shaped more by ideological hostilities and divisions within the communist camp than by nationalist sentiments. It is interesting to note that during this period, Kosovar Albanian aspirations to establish a republic within the Yugoslav federation were opposed by both Belgrade and Tirana. Albania saw the solution of the Kosovar issue within the prism of the Marxist-Leninist struggle for liberation from the “Tito’s clique”. Moreover, there was genuine fear among the political establishment in Tirana that the “Republic of Kosovo” could be used as a mean for prompting the regime change in Albania.<sup>33</sup> Therefore, it is not surprising that the Kosovar Albanian ambitions to create a republic within the Socialist Yugoslavia were smeared by Enver Hoxha as “Kosovar chauvinism.”<sup>34</sup>

The fall of the Berlin Wall and the collapse of Communism in the Soviet Union enabled political pluralism in the former Yugoslavia as well. Thus, in December 1989, the Democratic League of

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<sup>31</sup> According to official figures, 24 Albanians were killed during these demonstrations, meanwhile, the non-official notes say that the number of demonstrators killed was 70.

<sup>32</sup> The abolition of the autonomy of Kosovo was followed by a series of legal acts, valid only for the territory of Kosovo, with which the Kosovo Albanians were deprived of numerous elementary human rights. These do include the Act on Working Relations in the Special Circumstances, the Act on Education, and the Act on the Limitation of the Transactions for Real Estate. As a result of this, from 170,000 Albanians employed in the public sector, 115,000 were fired. The Act on Education had expelled almost half a million of juvenility from the state educational system; see Muhamedin Kullashi, “Kosovo and Disintegration of Yugoslavia,” in the editorials of Dušan Janjić and Shkelzen Maliqi, eds., *Conflict or Dialogue: Serbian-Albanian Relations and Integration of the Balkans*, Subotica: Open University, 1994, pg. 183.

<sup>33</sup> For e more detailed explanation see, for instance, Et’hem Çeku, “Kosovo during the tense relations between Albania and Yugoslavia in sixties and seventies of the twentieth century,” *International Relations Quarterly*, Vol. 5, No.2, (Summer 2014).

<sup>34</sup> Ibid. f.16.



Kosovo (LDK) was formed with President Ibrahim Rugova, that aimed at organising the peaceful opposition of Albanians against the Yugoslav state and internationalizing the Kosovo issue. The LDK was committed to resolving the issue of Kosovo and the Albanians in Yugoslavia based on the principle of self-determination. On 2 July 1990, the Assembly of Kosovo issued the Constitutional Declaration which stated that Kosovo had acquired the status of a republic within the Yugoslav federation. Two month later, on 7 September 1990, the Constitution of Kosovo was declared as well.<sup>35</sup> After the disintegration of Yugoslavia, on 26 September 1991, a referendum on the issue of Kosovo's independence state took place. Nearly 100% of the Albanian population in Kosovo voted in favour of independence.<sup>36</sup> Meanwhile, with the formation of other political parties, on 24 May 1992, the parliamentary and presidential elections were held in Kosovo, and the government led by LDK was created.

During this time, peaceful resistance of Albanians in Kosovo was initially endorsed by the Albanian Parliament. The body approved a declaration on 21 October 1991 which stated country's support of Kosovo's independence. However, less than three years later the political course of Tirana formally took a different direction. In 1994, the Government of Albania, led by the Democratic Party (PD), declared that Kosovo was an internal matter of Yugoslavia. The same position was embraced by the Prime Minister Fatos Nano of the Socialist Party (PS), who, after meeting with Milošević in Crete in November 1997, declared that the situation in Kosovo was an internal human rights issue of Serbia.<sup>37</sup>

Meanwhile, while Albanians led by Ibrahim Rugova, through peaceful resistance, tried to convince the world that they deserve freedom, the increased Serbian violence in Kosovo was becoming unbearable. As a result of such ongoing repression, the Kosovo Liberation Army (KLA) emerged in 1997, with the goal of protecting the civilian population and liberating Kosovo from Serbia's police and military forces. Starting in February 1998, a large-scale armed conflict between the KLA and the special police forces and regular units of the Yugoslav Army began in Kosovo.<sup>38</sup> To prevent the ethnic cleansing of Albanian civilians by Yugoslav security forces, on 24 March 1999, NATO

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<sup>35</sup> Shkëlzen Gashi, *Historia e Kosovës në tekstet mësimore të historisë në Kosovë, Shqipëri, Sërbi, Mali i Zi dhe Maqedoni*, Prishtinë: Instituti për Studime në Shoqëri e në Kulturë "Alter Habitus", 2016, pg. 103.

<sup>36</sup> Marie-Janine Čalić, "Kosovo in the twentieth century: A Historical Account," në Albrecht Schnabel and Ramesh Thakur, eds., *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*, Tokyo: United Nations University Press, 2000, pg. 22.

<sup>37</sup> Dr. Ilir Kalemaj, *Marrëdhëniet Kosovë – Shqipëri: Quo Vadis?*, Friedrich Ebert Stiftung, Tirana, 2014.

<sup>38</sup> Agon Demjaha and Lulzim Peci, "Interethnic Relations in the Western Balkans Implications for Kosovo." Policy Paper No. 6/14, Kosovar Institute for Policy Research and Development (KIPRED), December 2014, pg. 23.

launched its military intervention against Serbia. On 10 June 1999, after 78 days of NATO bombing of Serbian military targets, the "Kumanovo Technical-Military Agreement" was signed and the Serbian forces withdrew from Kosovo's territory. Following the entry of NATO forces into Kosovo, the UN Security Council, on 10 June 1999, adopted Resolution 1244, according to which Kosovo was formally placed under the United Nations administration.

During the period between 1998 and 1999, around 900,000 Albanians were displaced from Kosovo. Many found refuge in Albania and in Macedonia, but also in Montenegro and other countries in Europe and the world. Albania alone sheltered 444,600 Albanians from Kosovo, who stayed there until the end of NATO's military intervention in June 1999. At the same time, Albania provided considerable support to the Kosovo Liberation Army throughout the conflict and it served as "a base outside of the country" for its units and commanding structure.<sup>39</sup> The end of the war enabled the beginning of a new era, in which Albania and Kosovo reconnected after half a century of total isolation. On the other hand, with the end of the war in Kosovo and the establishment of the United Nations Administration in Kosovo (UNMIK), for the first time since independence, Albania virtually ceased to share its interstate border with Serbia, which led to a major geopolitical change in the relations of the Belgrade - Pristina - Tirana triangle. Then in 2008, Kosovo's declaration of independence not only gave an additional impetus to relations between Kosovo and Albania that now began to develop as inter-state relations, but also finally sealed relations in the Belgrade-Pristina-Tirana triangle.<sup>40</sup> The independence of Kosovo was at the same time a historic moment that Albanians in both countries experienced in the same manner – as a final liberation of a part of the Albanian nation. At the same time, the independence of Kosovo opened new horizons of cooperation between two independent states in almost all the fields.

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<sup>39</sup> Pandeli Majko, (former Prime Minister of Albania), Opinion: Lufta në Kosovë [Opinion: War in Kosovo], TV KLAN, Tiranë, March 27<sup>th</sup>, 2013, <https://www.youtube.com/watch?v=eyU3FQSDyzU>.

<sup>40</sup> Dritan Sulçebe, *Shqipëria dhe Kosova në kërkim të një të ardhmeje të përbashkët*, Tiranë: Friedrich-Ebert-Stiftung, 2016 pg. 17.

## **Conclusion**

From the above analysis, there is ample evidence to suggest that the divergent socio-political development of Albania and Kosovo after 1913 created notable differences in mentality, culture and distance between the two peoples. Life in the two Yugoslavias was very difficult for Kosovo Albanians, as they were persecuted, denied national rights, and forced to leave their lands. In spite of these significant obstacles, they remained committed to the goal of affirmation of their national values and eventual unification with Albania.

However, during these decades, Albania seldom provided Kosovar Albanians with any substantive support, neither during the time of Ahmet Zogu, nor during the one of Enver Hoxha. As a result, the lack of interaction between these two states during these almost 100 years, gave rise to dramatically different political and social realities. In this context, one should not underestimate the importance of the process of the formation of the nation-state of Kosovo in the former Yugoslavia, but also the decentralized and anarchic nature, sometimes even with contradictory aims, of the Albanian nationalism. In this regard, it is essential to consider the role that Kosovo's distinct and independent political and state identity has played in shaping relations between Kosovo and Albania.

Political discussions between Kosovo Albanian politicians and intellectuals about obtaining the status of a republic within the Socialist Federal Yugoslavia, which began about half a century ago, helped create a strong sense of independent political and state identity for Kosovo. Understanding the unique features of political independence and state-building in Kosovo, shaped by the peaceful resistance and the armed struggle for independence, and galvanized by the declaration of independence in 2008, is essential for understanding not only the relations between Tirana and Pristina, but also the Albanian-Serbian relations in general. It was the end of the war in Kosovo in 1999 that enabled the rapprochement of Albanians of the two countries after almost half a century of total isolation. The independence of Kosovo in 2008 opened new horizons for a more intensive cooperation between the two countries. The diverse historical journeys of Albanians in both countries are undoubtedly of particular importance for accurate understanding of the current and future relations between Kosovo and Albania.

## **II. A Critical Treatment of Bilateral Relations between Kosovo and Albania**

### **Since 2008: Kosovo's View**

Since the declaration of independence of Kosovo in 2008, new opportunities for more intensive bilateral relations between Albania and Kosovo have been opened. From this moment, relations between Kosovo and Albania are considered as relations between two independent and separate states, whose primary purpose is to unite under the EU umbrella. Two days after the declaration of independence, official diplomatic relations between the two states were established, with what these relations gained a new status. Nearly twelve years later, it can be concluded that governments on both sides of the border consider Kosovo-Albania relations of great strategic importance. Evidence indicates that policymakers from both states prioritize these relationships above other countries in the region and beyond. This has been demonstrated by a series of bilateral agreements and memoranda signed between them<sup>41</sup> in almost all areas of political, social and economic life. Many high-level meetings have also been held between the relevant officials, including joint meetings of the governments of the two countries. Consequently, we are also witnessing an increase in the movement of people, goods and services between the two countries. Furthermore, there has also been an increase of projects related to cross-cultural and media cooperation.

The purpose of this section is not to analyse the cooperation between the two countries on the basis of the agreements and memorandums signed. This section will offer a genuine assessment of the level of these relations from the perspective of representatives of political parties, academia and the media, but also of the citizens of Kosovo themselves. In order to offer a more comprehensive analysis of relations between the two countries, a detailed inquiry of these relations has been made in the following areas: politics and diplomacy, inter-parliamentary cooperation, economy, education, culture, sport, security and defence, and the media. Based on the interviews, one gets the impression that despite the numerous agreements, initiatives, meetings, and other activities, most of the political representatives from Kosovo believe that the cooperation between two countries since 2008 has been more formal than substantial. Moreover, majority of the interviewed politicians argue that these bilateral relations were characterized more with euphoria than with substance, namely, that

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<sup>41</sup> Until now, the two countries have signed more than 70 bilateral agreements and memoranda.

these relations served only for satisfying the emotional-national element, rather than the wellbeing of the citizens.<sup>42</sup>

In this regard, according to economic parameters, it is argued that the cooperation is below the standard levels of two neighbouring countries, while in the other fields, this cooperation is considered to be unnoticeable and without any substance.<sup>43</sup> Moreover, there is a belief that the possibilities for cooperation were much larger than the cooperation that was actually accomplished. Furthermore, based on the common history and the feelings of the citizens of both countries, the great powers have also had the impression that Kosovo and Albania will have much greater cooperation among themselves. In this regard, it is claimed that international representatives hoped that the integration steps in both countries would be more productive. However, this did not happen due to corrupt political elites on both sides of the border, which in essence are financial, rather than intellectual elites.<sup>44</sup>

In this line vein, it is considered that the great and comprehensive opportunities for bilateral communication and cooperation between the two countries that were created after Kosovo's declaration of independence have not been sufficiently exploited. Consequently, the promises for a more intensive cooperation in all areas have remained only at the level of statements.<sup>45</sup> Also, it is argued that the intensification of bilateral relations initially did not happen due to certain international pressure, since any cooperation between Kosovo and Albania by the international community would be seen as a step towards potential unification. However, it is considered that this does not pardon Kosovar politics, since co-operation and integration are European principles, and Kosovo's political elites should have engaged more to intensify cooperation with Albania through concrete projects aimed at enhancing the wellbeing of citizens in both countries.<sup>46</sup>

On the other hand, there were only few views according to which the relations between Albania and Kosovo since the declaration of independence were at a satisfactory level. According to them, bilateral cooperation between the two countries has deepened in almost all fields and barriers to

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<sup>42</sup> Interview with Hajredin Kuçi, Vice President of the Democratic Party of Kosovo, and former Deputy Prime Minister of Kosovo, May 27<sup>th</sup>, 2019.

<sup>43</sup> Interview with Anton Berisha, Deputy Minister of Foreign Affairs, and the Vice President of the Alliance for the Future of Kosovo, May 30<sup>th</sup>, 2019.

<sup>44</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, June 10<sup>th</sup>, 2019.

<sup>45</sup> Interview with Jakup Krasniqi, President of the National Council at the Socialdemocratic Initiative, and former President of the Assembly of Kosovo, Prishtina, June 11<sup>th</sup>, 2019.

<sup>46</sup> Interview with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

cooperation have been minimal. At this point, it is important for both countries to consider what their relationship should look like and to decide to what extent they want to deepen such bilateral cooperation.<sup>47</sup>

The representatives of media and academia also think that, given the existing possibilities, the relations between the two countries since the year 2008 were more a political slogan than a reality. Although the governments of the two countries have signed numerous agreements and memorandums, very little has been done to implement these proposals in any concrete way. From inter-parliamentary cooperation to foreign policy alignment, critics argue that cooperation has been derailed by internal politicking to protect political and economic interests of certain well-connected groups.<sup>48</sup>

Also, it is emphasized that bilateral meetings between representatives of the two countries were much more “for a show” rather than for creating any institutional linkages. In this regard, this cooperation does not differ much from the cooperation of Kosovo and Albania with other countries of the region. One reason for such a reality is the fact that relationships were built on the premise of personal friendships and close clan connections in which material gain was a primary incentive. As such, they have not aimed at extending these relationships further, to other levels, as well as to their horizontal expansion.<sup>49</sup>

However, thanks to the advent of Internet and social media, Albanians have for the first time gained a common communication space. Still, this is not the merit of governments in Tirana and Pristina, but simply technological advancements have brought these two communities closer together. Moreover, in terms of political cooperation, there is in fact an intense exchange of “bad” experiences, as the political parties in the two countries learn very well from each other when it comes to vote manipulation, polarization of the society and dismantling of the important state institutions.<sup>50</sup> A slightly more positive view of Kosovo-Albania relations underlines that generally speaking, there are good relations between the two neighbours that formally have no open problems

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<sup>47</sup> Interview with Bekim Çollaku, The Chief of the Cabinet of the President of Kosovo and former Minister for European Integrations, Prishtina, June 12<sup>th</sup>, 2019.

<sup>48</sup> Interview with Agron Bajrami, Editor in Chief of the newspaper Koha Ditore, Prishtina, June 10<sup>th</sup>, 2019.

<sup>49</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, Prishtina, June 10<sup>th</sup>, 2019.

<sup>50</sup> Interview with Enver Robelli, Editor in Chief of the Dialogplus, Prishtina, June 24<sup>th</sup>, 2019.

with each other. However, one might conclude that these relations are associated with too many folklore and formalities, but with very little content.<sup>51</sup>

Representatives of political parties consider that bilateral cooperation in the political field has not been at the appropriate level given the opportunities created after Kosovo's declaration of independence in 2008. In this respect, the dominant view is that genuine political cooperation between political parties of Albania and Kosovo did not exist at any level. There was some kind of cooperation between the leaders of the various parties for certain narrow interests, but these were more business interests rather than ideological ones for long-term political and public interests. One of the reasons for this lies in the fact that both countries lack political parties with a clear ideological orientation. Formally there are parties with ideological programs (left and right), but coalitions formed in recent years in Albania and Kosovo clearly show that these arrangements are made for other considerations.<sup>52</sup> Since numerous meetings have already exhausted their opportunities, a step further should be made by establishing joint institutions that would not only implement the already reached agreements, but would also propose new forms of cooperation. Modelling partnerships on the EU, Nordic Council or Benelux could capitalize on public momentum behind increasing collaboration. The creation of a joint commission or parliamentary assembly are also suggested as possible mechanisms.<sup>53</sup> On the other hand, the interviewed respondents with somewhat more positive attitudes regarding the Kosovo–Albania cooperation, emphasize that the regular meetings between the two governments were quite appropriate. However, they have not yet produced any institutional mechanism for regular cooperation between the meetings. In this regard, the initiative of the Prime Ministers Haradinaj and Rama to appoint the coordinators who will follow the implementations of the agreed agreements is viewed as a proper step.<sup>54</sup>

Respondents from academia and the media circles point out that although relations in the political field between the two countries are positive, they were not at the strategic level. One concern is related to the paternalistic treatment of Kosovo by Albania's political representatives. Kosovo in general, and its governmental representatives as well, are quite often treated as appendages of official

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<sup>51</sup> Interview with Arben Hajrullahu, Professor at the University of Prishtina, Prishtina, May 28<sup>th</sup>, 2019.

<sup>52</sup> Interview with Jakup Krasniqi, the President of the National Council of the Socialdemocratic Initiative, and former President of the Kosovo Assembly, Prishtina, June 11<sup>th</sup>, 2019.

<sup>53</sup> Interview with Valon Murati, President of the Movement for the Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>54</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019.

Tirana.<sup>55</sup> From this point of view, it would be much better if Albania demonstrated its will to take care for Albanians outside of its borders (such as the case of the Albanians in the Preshevo Valley) by raising their issue at the OSCE, Council of Europe, and other international organizations.<sup>56</sup>

At the same time, there is a lack of proper coordination, as it is meaningless for both countries to have their embassies in certain countries while none in others. The closure of Albania's embassies in India and Bosnia, two countries where Kosovo may not have diplomatic representation due to non-recognition, is considered to be an exemplary indicator of the lack of strategic cooperation between the two countries. Moreover, it is argued that no country has fewer political-strategic and economic documents than the MFAs of Kosovo and Albania. Certain respondents claim that instead of competent people, incompetent party militants have accrued considerable power.<sup>57</sup> It is argued that diplomatic cooperation between the two countries was focused more on joint utilization of infrastructural capacities and personnel at the consular services, rather than on the strategic aspect, or on the level of joint coordination of foreign policy.<sup>58</sup> For an efficient diplomatic network for both countries which are simultaneously confronted with scarcity of resources,<sup>59</sup> it is considered that the creation of joint spaces for diplomatic and consular missions is not sufficient, given that this should be complemented with the cooperation in strategic planning of the foreign policy for achieving the aimed impacts.<sup>60</sup>

On the other hand, the analysis of the conducted interviews has shown that the inter-parliamentary cooperation was mainly based on mutual meetings and visits of parliamentarians of both countries. To a large extent, these were sporadic meetings of parliamentary commissions that were solely initiatives of individual deputies. Their character was much more of a formal and ceremonial character, rather than a working one for intensification of cooperation. There is a view that if nothing else, the two parliaments should through their respective committees monitor the implementation of the agreements and decisions agreed by the meetings of the two governments.<sup>61</sup> It is also emphasized that instead of joint ceremonial meetings and agreements, mechanisms should

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<sup>55</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, Prishtina, June 10th, 2019.

<sup>56</sup> Interview with Arben Hajrullahu, Professor at the University of Prishtina, May 28th, 2019.

<sup>57</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10<sup>th</sup>, 2019.

<sup>58</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, Prishtina, June 10th, 2019.

<sup>59</sup> Interview with Jetlir Zyberaj, Advisor of the Foreign Minister of Kosovo, Prishtina, June 21<sup>st</sup>, 2019.

<sup>60</sup> Interview with Valon Murati, President of the Movement for Unification, Prishtina, June 19th, 2019.

<sup>61</sup> Intervistë me Visar Ymerin, Nënkryetar i Partisë Social Demokrate, Prishtinë, 20.06.2019.



be established for the realization of joint projects, especially in the fields of education, science and tourism.<sup>62</sup>

Cooperation in the economic field is also not at a satisfactory level and it is evident that there are problems that are not yet properly addressed which impede the growth of economic and trade exchange. Despite the possibilities of creating a common national economic market, customs barriers have made that impossible. Although this common market is in the economic interest of both countries, it was largely not achieved due to the protection of the interests of the trading oligarchy.<sup>63</sup> In fact, there is a perception that in both countries the economy is being controlled by the networks of oligarchs with direct connections to the political power. Given the interests of these oligarchs, Kosovo has often difficulties to export its products in Albania, but the Albanian companies have also had difficulties to sell their products in Kosovo.<sup>64</sup> There were even claims that cooperation in the economic field has been more to the benefit of Albanian businesses, since customs barriers have eliminated free competition of goods originating from Kosovo. Furthermore, it is emphasized that in many areas there are more non-tariff barriers to Kosovo than to other countries, with businesses from Macedonia and Montenegro being more privileged than Kosovo ones.<sup>65</sup>

However, on the other hand, some argue that in the field of economy important steps forward were made towards increased bilateral cooperation. It is emphasized that the improvement of the road infrastructure has increased the economic interaction, while the recent initiative towards customs unification represents a right step towards unification of the two markets.<sup>66</sup> Nevertheless, there is a predominant sentiment that in both countries interest groups were created, quite often of criminal character, which have continuously hampered the economic cooperation and integration. Therefore, the political will to break the criminal provincial clans is considered as a necessary precondition for the increase of economic cooperation. The lack of sound competition within the different sectors as a result of monopolist access of the enterprises in Albania was mentioned as another impeding factor to the increased economic cooperation. These enterprises do not enter the at all the Kosovo

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<sup>62</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10<sup>th</sup>, 2019.

<sup>63</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and former President of the Kosovo Assembly, Prishtina, June 11<sup>th</sup>, 2019.

<sup>64</sup> Interview with Enver Robelli, Editor in Chief of Dialogplus, Prishtina, June 24<sup>th</sup>, 2019.

<sup>65</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, Prishtina, June 10<sup>th</sup>, 2019.

<sup>66</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019.

market if they don't enjoy a dominant position, and, therefore, they do not see any interest in cooperating with Kosovo. On the other hand, given this monopolistic attitude, the enterprises from Kosovo do not find any space in the Albanian market, either for investments, or for better placement of their products.<sup>67</sup>

In general, the opinions are somewhat more positive when it comes to cooperation in the fields of education, culture, sports and media. Regarding education, the use of the Primer as well as the progress made in the exchange of students and teachers is highlighted as a positive element. However, it is argued that as the two societies have gone through different historical experiences, cooperation in this field must take into account the specific features on both sides of the border and that there should not be pressure for unification of everything.<sup>68</sup> Negative assessments are also made in this regard which indicate that, given the opportunities available, cooperation in the field of education should have been much more meaningful. It is alleged that instead of increasing quality, uncontrolled privatization that was often linked to political interests has led to its enormous decline.<sup>69</sup> At the same time, the need to create joint educational programs that would be supported by continuous exchanges of pupils, students and teachers, not only from Kosovo to Albania, but also vice versa, was emphasized as well.<sup>70</sup>

In the field of culture, cooperation is considered to be at a higher level, mainly since the market economy has created a common cultural space, especially in the field of music. The lack of such cooperation in non-commercialized cultural areas clearly proves that this cooperation in the field of music is a merit of the market, and not of public institutions in both countries. Consequently, there is a need for greater state intervention in order to increase cooperation in other areas of culture. This is especially true for film productions, but also for theatre, opera, ballet and other fields. At the same time, there is a need for a shared cultural calendar to be more attractive and interactive, with the inclusion of the broad strata of population.<sup>71</sup>

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<sup>67</sup> Interview with Berat Rukiqi, President of the Economic Chamber of Kosovo, Prishtina, July 5<sup>th</sup>, 2019.

<sup>68</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019, and with Enver Robelli, Editor in Chief of the Dialogplus, Prishtina, June 24<sup>th</sup>, 2019.

<sup>69</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and the former President of the Assembly of Kosovo, Prishtina, June 11<sup>th</sup>, 2019.

<sup>70</sup> Interview with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>71</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019, and with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

Cooperation in the field of media is seen as perhaps the most successful, as bilateral integration has been in the hands of the private sector and citizens, not in the hands of politics. Consequently, significant progress has been made, as media houses from Tirana and Pristina have penetrated their respective markets. Furthermore, it is argued that the media has been one of the pioneering areas in bringing people together and reducing prejudice.<sup>72</sup> However, there are also voices who think that more than co-operation, there has actually been co-usage of media markets. Moreover, there are claims that the cooperation in the field of media between the two countries is similar to the political one and that media mafias are almost similar, both in Tirana and in Prishtina. According to this view, it is enough to watch television debates a little to see that there is really little debate and a lot of supporting of one or the other side.<sup>73</sup>

It is considered that cooperation in the field of security has made certain progress since Kosovo's independence, but that is still not at the level of opportunities available. A positive element of this cooperation is especially the one between the police in both countries. In this respect, integrated border control, occasional joint patrols and mutual exchange of police information are mentioned as important achievements in this area. However, there is a need to find forms that would enable a greater integration of these mechanisms to combat organized crime.<sup>74</sup>

In the field of defence, cooperation between the two countries is considered to be more deficient, even below the level that existed during the Kosovo war. One of the main reasons cited as an obstacle to a more intensive cooperation is the international factor. In fact, it is emphasized that although there is scope for increased cooperation in the field of security and defence, much depends on what is allowed by international mechanisms. Also, cooperation becomes even more difficult when it is known that Albania is a member of NATO, while Kosovo actually has an army more on paper than in reality. Given NATO's importance to both countries and the effective control this organization has over both countries' defence, bilateral cooperation is possible only under the umbrella of the Alliance. However, the participation of the two countries' armed forces in military

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<sup>72</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10th, 2019, with Valon Murati, President of the Movement for Unification, Prishtina, June 19th, 2019, and with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20th, 2019.

<sup>73</sup> Interview with Enver Robelli, Editor in Chief of the Dialogplus, Prishtina, June 24th, 2019.

<sup>74</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20th, 2019, and Valon Murati, President of the Movement for Unification, Prishtina, June 19th, 2019.

exercises on each other's territory is considered an important achievement of the cooperation in this field.<sup>75</sup>

In addition to the views of representatives of political parties, academia and the media in Kosovo on bilateral relations between Albania and Kosovo, it is also important to analyse the views of common citizens of Kosovo. It should be noted that the majority of citizens in Kosovo (59%) consider that the development of close relations between Albania and Kosovo will bring benefits to both countries. However, the majority of Albanian citizens in Kosovo (55.8%), consider that the relations between the two countries are not sufficiently developed and require additional work. Interestingly, 12.5% are of the opinion that relations between the two countries exist merely in the formal sense. To put it another way, they are the same as with any other country. Moreover, 12% of the citizens in Kosovo consider the relations between the two countries to be non-existent, while there are citizens who point out that Albania is more focused on having cooperation and common interests with other neighbouring foreign countries than with Kosovo. Only 19.7% of the citizens think that relations between the two countries are very good and that there is nothing to be improved in this regard.<sup>76</sup>

With regard to specific areas, it is generally thought that this cooperation is at the appropriate level only in the field of culture and sport, while economic and other cooperation is considered insufficient. One of the reasons cited for the lack of more intense cooperation between the two countries is often cited as the fact that the two countries do not have common interests. Simply put, the economic realities found in both countries do not meet each other's needs.<sup>77</sup> Regarding relations in the political field, only a quarter of citizens (25.1%) fully agree that Albania is politically cooperating with Kosovo institutions, 24.4% somewhat agree with this finding, while 22.2% have a neutral stance on this issue. Furthermore, only 9.6% of Kosovo's citizens consider foreign policy relations to be very close, although 22.2% rate these relations as close. On the other hand, most of the citizens in Kosovo (28.7%) think that the cooperation in the field of foreign policy is at an average level, 11% think that it is below the required level, while 8.8% even think that this

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<sup>75</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and the former President of the Kosovo Assembly, Prishtina, June 11th, 2019, with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10th, 2019, and with Valon Murati, President of the Movement for Unification, Prishtina, June 10th, 2019.

<sup>76</sup> Agon Demi and Blendi Çeka, Kosovë – Shqipëri: Ndërveprimi, njohuritë, vlerat, besimet, bashkëpunimi dhe bashkimi, KFOS&OSFA: Prishtinë – Tiranë, 2019, [https://www.osfa.al/sites/default/files/raporti\\_plote\\_kosove\\_-\\_shqiperi\\_-\\_alb.pdf](https://www.osfa.al/sites/default/files/raporti_plote_kosove_-_shqiperi_-_alb.pdf)

<sup>77</sup> Ibid.

cooperation is non-existent. Similarly, trade relations are rated as very close by only 14.1% of citizens, as close by 27.2%, and as average by 30.7%. However, customs cooperation is considered to be very close by only 13.1%, although most citizens (57.5%) fully agree that customs tariffs between the two countries should be eliminated.<sup>78</sup> It is worth noting that according to the citizens, the cooperation between the two countries, although small in size, would have a positive direct impact on the attraction of foreign direct investment, and above all on their quality. For small countries such as Albania and Kosovo, citizens' point out that creating more space for economic and financial activity is a necessity.<sup>79</sup>

Similarly, the cooperation in the field of education is considered as very close by 16% of the citizens, additional 23.5% think that this cooperation is close, while 29.7% of the citizens think that this cooperation is at an average level. It should be noted that the majority of citizens in Kosovo (58.2%) fully agree that curricula and textbooks in pre-university education should be common to both countries, and only 5.2% of them strongly disagree. Also, despite the desire for a common education system, or for joint institutions to manage and monitor them, most citizens find it difficult to meet these expectations.<sup>80</sup> On the other hand, regarding the cooperation in the field of sport and culture, 48.8% of the citizens consider that it is at the right level. Only 7.6% think that cooperation in this area is below the level, while according to 4.5% of the citizens such cooperation is non-existent.<sup>81</sup>

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<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

## **Conclusion**

From the points of view of representatives of political parties, academia and the media, but also of the citizens of Kosovo, despite increased opportunities for more intensive bilateral relations between the two countries after Kosovo's independence, they have generally not been at the appropriate level. Despite numerous meetings, gatherings and visits, the opinion prevails that bilateral cooperation in general has been more formal and emotional, than meaningful and in the interest of citizens. Representatives of political parties, academia and the media largely blame corrupt and incompetent elites in both countries for such reality.

Citizens of Kosovo, on the other hand, point out that the two states do not have sufficient common interests. Therefore, relations between them are at the same level as with any other state. In addition, some citizens in Kosovo claim that Albania is more interested in cooperating with other neighbouring countries than with Kosovo.

Concerning the cooperation in specific fields, both citizens as well as representatives of political parties, academia and the media, generally find it to be below the required level. This finding is especially true for inter-parliamentary cooperation, foreign policy, economy and education. There is a similar perception among all interviewees and citizens in Kosovo that cooperation between the two countries is at the appropriate level only in the fields of culture, sports and the media. However, even in these areas, there is a perception that there is potential for increased engagement and cooperation, especially by public institutions in both countries.

### III. Kosovo's Internal Considerations

The Constitution of the Republic of Kosovo<sup>82</sup> was built upon the foundations of the Comprehensive Proposal for the Kosovo Status Settlement (colloquially known as “The Ahtisaari Plan”),<sup>83</sup> a proposal which contains its vital provisions regarding the territory, constitutional changes, and the rights of non-majority (minority) communities in Kosovo. Thus, as far as our discussion of the idea of unification of Kosovo and Albania is concerned, it is substantial to discuss these constitutional provisions, including the option of holding a referendum, as well as public perceptions regarding the idea of unification.

#### Basic Constitutional Constraints

Article 1, Paragraph 1, of the Constitution defines Kosovo as “an independent, sovereign, democratic, unique and indivisible state,” while Paragraph 3 of the same Article provides that the country “shall seek no union with, any State or part of any State.”<sup>84</sup> If we think on the extinction of the state of Kosovo through unification, namely, on the absorption of Kosovo by Albania, this idea would confront constitutional obstacles, not only given that the Constitution prohibits the unification with any other state, but also given that it doesn't provide any constitutional competences to any constitutional bodies to extinct the state of Kosovo.<sup>85</sup>

Moreover, Article 2, Paragraph 2 of the Constitution explicitly states that “The sovereignty and territorial integrity of the Republic of Kosovo is intact, inalienable, indivisible and protected by all means provided in this Constitution and the law.”<sup>86</sup> The Constitution starts with the provision which determines the basic principles, such as the indivisibility of the state of Kosovo, and by repeating this attribute again in the following Article (Article 2). What is very important here, and particularly regarding the neighbors, is the fact foreseen in the Paragraph 3 of the Article 1, which provides that Kosovo doesn't have territorial claims against any state, given that any territorial claim against any

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<sup>82</sup> The Constitution of the Republic of Kosovo, [http://kryeministri-ks.net/wp-content/uploads/2018/03/Kushtetuta.e.Republikes.se\\_.Kosoves-2.pdf](http://kryeministri-ks.net/wp-content/uploads/2018/03/Kushtetuta.e.Republikes.se_.Kosoves-2.pdf)

<sup>83</sup> Comprehensive Proposal for the Agreement on the Status of Kosovo, <http://www.assemblyofkosovo.org/common/docs/Propozim%20per%20Statusin%20e%20Kosoves.pdf>

<sup>84</sup> **[Definition of the State]** The Constitution of the Republic of Kosovo.

<sup>85</sup> Interview with Robert Muharremi, Professor at the American University in Kosovo (AUK), Prishtina, June 4<sup>th</sup>, 2019.

<sup>86</sup> **[Sovereignty]** The Constitution of the Republic of Kosovo.

state or part of it, will not only violate the Constitution, but will also create instability and tensions in the region and beyond, which will present threat to international peace and security.<sup>87</sup>

The attributes of these Articles (1 and 2) contain numerous elements that make the Constitution incompatible with the idea of unification, and, in this regard, the unification of Kosovo with Albania results to be impossible within the framework of the Constitution of the Republic of Kosovo. The major objective for which these articles were put in the Constitution of Kosovo, was to avoid any perception of potential movement towards unification with Albania, division, or something else.<sup>88</sup>

### **Constitutional and Legal Constraints Related to Non-Majority Communities**

Chapter I (articles 1–20)<sup>89</sup> of the Constitution determines basic provisions of the Republic of Kosovo, some of which are related directly to communities, and these determine that Kosovo is a multi-ethnic society, that Albanian and Serbian are its official languages, meanwhile, the Bosnian, Roma and Turkish are official languages at the municipal level.<sup>90</sup>

Moreover, the Article 3.1 determines that “The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions.”<sup>91</sup> These limitations are not insuperable, but they require a serious work towards the accommodation of interests, sentiments, and fears of the communities.<sup>92</sup>

With the goal of protecting and promoting interests of Serbian and other non-majority communities in the Republic of Kosovo, these communities were provided with the guaranteed political representation at all the levels of power. For example, the Serbian community has a guarantee of being represented in the government with one minister, while the second minister is guaranteed to represent other non-majority communities. In the case when the government consists of more than

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<sup>87</sup> Prof. Dr. Enver Hasani and Prof. Dr. Ivan Čukalović, *Komentar: Kushtetuta e Republikës së Kosovës*, Prishtina, 2013, pg. 15.

<sup>88</sup> Interview with Hajredin Kuçi, Vice President of the Democratic Party of Kosovo, and former Deputy Prime Minister of Kosovo, Prishtina, May 27<sup>th</sup>, 2019.

<sup>89</sup> [Chapter I] Contains basic provisions which include: The Definition of the State, The Sovereignty, Languages, Secular State, Local Governance, Citizenship, etc.

<sup>90</sup> Basic Provisions of the Constitution (articles 3, 5, and 6).

<sup>91</sup> [Equality before the Law] The Constitution of the Republic of Kosovo.

<sup>92</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019.



12 ministries, the non-majority communities should have yet another minister. Thus, non-majority communities have a guaranteed representation in the executive with at least two ministers, one from the Serbian, and the other from the other non-majority communities. It should be stressed that the Serbian and other non-majority communities are guaranteed with at least two deputy-ministers, and here, again, when the government consists of more than 12 ministries, there should be another, third, deputy-minister representing the Serbian community, as well as another deputy-minister representing other non-majority communities.<sup>93</sup>

The non-majority communities have also the guaranteed representation in the Assembly of Kosovo. From the total of 120 deputies, the non-majority communities have the guaranteed representation with the minimum of 20 deputies, where 10 deputies belong to the Serbian community, and the other 10 to other non-majority communities.<sup>94</sup> Two Deputy Presidents of the Assembly also belong to non-majority communities: one from the Serbian community, the other from the remaining groups.<sup>95</sup> Within the Assembly functions the Committee on the Rights and Interests of the Communities as well, as a permanent committee, where one third of its members come from the ranks of the deputies representing the Serbian community, another third is from the other non-majority communities, and the last third comes from the majority community in the Assembly.<sup>96</sup>

The rights and interests of the Serbian community in Kosovo are also protected through the system of decentralization of local self-governance, according to which the Serbian community has acquired essential autonomy at the local level. The Article 12.1 of the Constitution provides that “Municipalities are the basic territorial unit of local self-governance in the Republic of Kosovo.” Meanwhile, the second Paragraph of this Article leaves the organization and the powers of units of local self-government to the law.<sup>97</sup>

The Article 16 of the Law on Local Self-Government recognizes three forms of the competencies: the own, the delegated, and the enhanced competencies. The enhanced competencies are determined by the Ahtisaari’s Package, and were then incorporated in the Law on Local Self-Governance, and they include several specific competencies for the municipalities in which the Serbian community is majority. These municipalities have enhanced competencies in different fields,

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<sup>93</sup> Article 96 [Ministries and the Representation of the Communities].

<sup>94</sup> Article 64 [The Structure of the Assembly].

<sup>95</sup> Article 67.4 [The Election of the President and of the Vice Presidents].

<sup>96</sup> Article 78 [The Commission for the Rights and Interests of the Communities].

<sup>97</sup> The Law Nr.03/L-040 on Local Self-Government, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2530>.

such as health, education, culture, and they have the right to participate in the appointment of the commanders of their own police stations.<sup>98</sup> Also, the Ahtisaari's Package has created five new municipalities in the territories inhabited by the Serbian majority.<sup>99</sup>

In addition to political representation, the non-majority (minority) communities have a guaranteed representation in the justice system, the security sector, and in other independent institutions.

When thinking about the topic of unification, this debate would raise several questions about guaranteeing the rights of non-majority communities. Would they still enjoy the rights guaranteed by the Constitution of the Republic of Kosovo? How would the Serbian political parties, as well as those of other communities, be represented in an assembly of a joint state? Whatever movement towards unification, which does not take into the consideration these issues, will have unpredictable consequences for both, Kosovo, and the joint state with Albania given that Kosovo, as a state that was created with a firm support of the international factor, has given firm guarantees regarding the protection, promotion, and advancement of the rights of the non-majority communities. Any diversion from them could endanger internal security of the joint state, as well as the regional stability and security.

Given that the Constitution of Kosovo prohibits explicitly the violation of territorial integrity, and provides firm guarantees regarding the protection of the rights of Serbian and other non-majority communities, these present insuperable limitations in the realization of the idea of unification.

However, is there a possibility for this situation to change through constitutional changes, namely, through amending the Constitution? It should be underlined at the very outset that the idea of unification of Kosovo with Albania would imply the amending of the key parts of the Constitution. In this regard, it should be stressed that the Constitution of the Republic of Kosovo belongs to the

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<sup>98</sup> Article 20 of the Law on Local Self Government: The Municipalities of Mitrovica North, Gračanica, and Štrpce have competencies for provision of secondary health care, including the registration and licensing of the institutions of health care, employment, payment of salaries and the training of the personnel and the administrators of the health care. Article 21 of the same Law: The Municipality of Mitrovica North has competence for higher education, including the registration and licensing of educational institutions, employment, payment of salaries and training of educational instructors and administrators. Article 22 of the same Law: All the municipalities in which the Serbian community is in majority, have competences for exercising the responsibilities on cultural issues, including the protection and promotion of the Serbian cultural and religious heritage, and of others within the municipal territory, as well as for the support of the local religious communities, in accordance with the applicable law. Article 23 of the same Law: The municipalities in which the Serbian community is in majority have competencies to exercise the extended rights for participation in the election of local commanders, in accordance with the Law on Police.

<sup>99</sup> The newly created municipalities are Štrpce, Gračanica, Parteš, Ranilug and Klokot.

category known as Rigid Constitutions.<sup>100</sup> The Article 144 determines the form and the procedure to be followed during the amending of the Constitution, which stresses that constitutional changes require approval of two thirds (2/3) of all the deputies of the Assembly, including the two thirds (2/3) of all the deputies of the Assembly holding the reserved or guaranteed seats for the representatives of non-majority communities in the Republic of Kosovo: namely, the non-majority communities have their right of veto regarding the constitutional changes.

Therefore, it is completely clear that without respective constitutional changes that can be legally adopted only with the approval of the non-majority communities, neither the issue of the unification, nor the form of this unification, can be raised for the discussion. If this will be achieved, then the unification can be carried out through a referendum in both countries,<sup>101</sup> based on some agreement/treaty on unification achieved in advance between the Government of Kosovo and that of Albania. However, in this case it should be clarified that, in despite of the fact that the actual constitutional arrangements of Kosovo render the unification of Kosovo with some other country impossible, they do not hinder in any way their mutual integration without political unification.

On the other hand, there are arguments that any potential decision on unification should be taken outside of the Constitution of the Republic of Kosovo. However, here the question arises on who should take such a decision, upon which legal foundations, and with what legitimacy. It is thought that the decision for unification outside of the Constitution can be taken by what is termed ‘*pouvoir constituant*,’ ‘the constituent power,’ which is the constitution-making power, which precedes that what is termed ‘*pouvoir constitue*,’ namely, the power expressed in the constitution. *Pouvoir constituant* is a reflection of political forces that create a new constitutional order through the subversion of an existing constitutional order, e.g., during the revolutions, or secessions from a given constitutional order. The International Court of Justice has qualified the deputies of the Kosovo Assembly who have declared the independence of Kosovo, not as representatives of the Provisional Institutions of Self-Governance (PISG) in Kosovo which were acting within the framework of the Resolution 1244 (1999), but as *pouvoir constituant*, in the capacity of the political representatives of the people of Kosovo. This means that it is possible to take the decision for

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<sup>100</sup> The procedure of amending the rigid constitutions anticipate a more complicated process, which requires a broad political consensus. In the case of Kosovo, in addition to the political consensus, it is required to have the approval of the Constitutional Court.

<sup>101</sup> Interview with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

unification outside of the Constitution of the Republic of Kosovo,<sup>102</sup> but its eventual political implications, and, particularly the inter-ethnic ones, are unpredictable.<sup>103</sup>

## **The Discussion of the Option of the Referendum**

The Constitution of the Republic of Kosovo states that referendum is an exercise of the people's sovereignty. In Article 2.1, the section states that "The Sovereignty of the Republic of Kosovo stems from the people, belongs to the people and is exercised in compliance with the Constitution, through elected representatives, referendum and other forms in compliance with the provisions of this Constitution." Regarding the issues that can be a subject of a referendum, the Constitution explicitly states that laws of vital interest cannot be subjected to a referendum.<sup>104</sup> Specifically, laws regarding the rights of the communities are subjected to the clause of the "vital interest." This means that they can be changed only with the support of the majority of the representatives of the non-majority communities and cannot be subject to a referendum.<sup>105</sup> As far as organization and holding of a referendum are concerned, it should be stressed initially that Kosovo does not have the law on referendum yet. Thus, (yet) there is no legal basis for organization of any referendum, with the exception of the referendums at the local level which are regulated with the Law on Local Self Governance.<sup>106</sup>

The Law on Referendum is still in the proceedings at the Assembly, and the Draft Law on the Referendum was adopted in principle on November 7<sup>th</sup>, 2018.<sup>107</sup> This Draft-Law delineates three types of referendums: abrogating, constitutional, and consultative.<sup>108</sup> Given that the issue being

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<sup>102</sup> Interview with Robert Muharremi, Professor at the American University of Kosovo (AUK), June 4<sup>th</sup>, 2019.

<sup>103</sup> Interview with Rada Trajković, former deputy at the Assembly of Kosovo, Prishtina, June 8<sup>th</sup>, 2019, and with Miodrag Miličević, Executive Director of the NGO Aktiv, Prishtina, June 25<sup>th</sup>, 2019.

<sup>104</sup> Article 81 [Legislation of Vital Interest]: In the legislation of vital interest are included the following laws: the laws which change borders of the municipalities, which establish or extinguish municipalities, define the extension of powers of the municipalities and their participation in the inter-municipal relations and those beyond borders, the laws which apply the rights of the communities and their members, with the exception of those determined by the Constitution, the laws on the use of languages, etc.

<sup>105</sup> Marc Weller, *Shtetësia e kontestuar: Administrimi ndërkombëtar i luftës së Kosovës për pavarësi [Contested Statehood: International Administration of the War of Kosovo for Independence]*, Prishtinë: Koha, 2011, pg. 412.

<sup>106</sup> Article 71 [The Law Nr. 03/L-040 on Local Self Government].

<sup>107</sup> Telegrafi: Miratohet në parim Projektligji për referendum, June 17<sup>th</sup>, 2018, <https://telegrafi.com/miratohet-ne-parim-projektligji-per-referendum/>

<sup>108</sup> Radio Evropa e Lirë: Tri llojet e referendumeve që do të mund të organizohen në Kosovë, November 9<sup>th</sup>, 2018, <https://www.evropaelire.org/a/referendumet-e-mundshme-ne-kosove/29591848.html>

discussed here is related to constitutional changes, we will focus on constitutional referendums. According to the Draft-Law, for the initiation of this kind of referendum by the Assembly, there is the requirement for two thirds of the majority deputies and two thirds of the deputies of other communities, that is, it is required to have the approval of the Assembly, including here the approval 2/3 of the deputies of the non-majority communities. Namely, here we have an identical situation with that of the procedure for amending the Constitution (Article 144). In other words, the Law on Referendum will not engender in any form the circumstances which could change the Constitution with some simplified and alleviated procedure, by bypassing the 2/3 of the deputies of the Assembly which hold the seats guaranteed for the representatives of the non-majority communities.

Another important issue on which we should focus our attention is the one that the Law on Referendum, as a judicial act, should be in full accordance with the Constitution, given that in the opposite case, the Constitutional Court can overthrow it as anti-constitutional, in which case it will be declared invalid. Moreover, the Article 113, Paragraph 3, point 2 of the Constitution of the Republic of Kosovo provides that the Assembly, the President, and the Government of Kosovo have the right to bring a bill on referendums to the Constitutional Court. Therefore, the question which will be posed in any possible referendum should be in accordance with the Constitution, given that in the opposite case, the Constitutional Court can again declare the referendum as anti-constitutional. Thus, the Law on Referendum, and, then, the very proposed referendum, should be in full accordance with the Constitution.

However, in despite of all these limitations, the President of Kosovo, Hashim Thaçi, foresees the unification Kosovo-Albania through referendums (in both countries) or through change of the Constitution of the Republic of Kosovo by the deputies of the Assembly.<sup>109</sup> On the other hand, Albin Kurti, the President of the Vetëvendosje Movement, a political party which has the unification with Albania as one from the major points of its political program,<sup>110</sup> has declared continuously that

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<sup>109</sup> Telegrafi: Thaçi: Evropa po na poshtëron, injoron, konsideron si qytetarë të dorës së dytë – prandaj do të bashkohemi (Video), May 30<sup>th</sup>, 2019, [https://telegrafi.com/thaci-evropa-po-na-poshteron-injoron-konsideron-si-qytetare-te-dores-se-dyte-prandaj-te-bashkohemi-video/?fbclid=IwAR1WTGUGS1kh3ZfEqLeW6g\\_en1PqkOnu8PKNZzmH3GBINsb15NzncklniE](https://telegrafi.com/thaci-evropa-po-na-poshteron-injoron-konsideron-si-qytetare-te-dores-se-dyte-prandaj-te-bashkohemi-video/?fbclid=IwAR1WTGUGS1kh3ZfEqLeW6g_en1PqkOnu8PKNZzmH3GBINsb15NzncklniE)

<sup>110</sup> The Point nr. 7 of the political program of the Vetëvendosje Movement: Instead of expressing the will of the Albanian people for national unification, the Constitution of Kosovo denies that will. The VETËVENDOSJE Movement considers that the Articles 1.1 and 1.3 of the Constitution of the Republic of Kosovo are in contradiction with each-other. We engage for the removal of the Article 1.3 which prohibits the right of Kosovo to unite with some other state, respectively, with Albania. For more: [https://www.vetevendosje.org/wp-content/uploads/2019/01/programi\\_i\\_shkurte1494292671-compressed.pdf](https://www.vetevendosje.org/wp-content/uploads/2019/01/programi_i_shkurte1494292671-compressed.pdf).

with his coming/election as the Prime Minister, he will give to the people the right to referendum, in which they will decide on this issue.<sup>111</sup>

### **The Unification Kosovo-Albania in Public Opinion**

Recently, a public survey was conducted with the goal of gauging Kosovar citizens' attitudes on a variety of topics, including unification with Albania, the Kosovar nation, the road-tax for the national highway, and on numerous other issues related to the relations between Kosovo and Albania. The survey was carried out by the company INDEX Kosova with 1,004 respondents from all the regions of Kosovo, 392 out of which were from urban habitats, and 612 were from rural ones.<sup>112</sup>

The results show that the largest part would vote in favor of unifying with Albania (63.9%), while a markedly smaller number of respondents would oppose such a change (16.7%). Interestingly, a considerable number of the respondents shared that they did not know how they would feel about a referendum (18.4%). Thus, the results show that there is a wish for unification, where, if there was a referendum on unification of Kosovo with Albania, around 2/3 of the respondents would vote “pro.”

However, if we look at the answers on the question “Regardless on what you want, how much do you think that the unification of Kosovo with Albania in a single state is possible?” (From 1 – Not possible at all; up to 5 – Fully possible), we will see clear skepticism. Nearly 17.8% of all respondents shared that they thought it was not possible at all (1) while only 8.5% of subjects thought that it was completely possible (5). Thus, the results show that 32.9% of the respondents think that the unification is not possible (1 and 2), while 17.6% think that the unification is possible (4 and 5). Even so, the largest part of the respondents (36.8%) are on the middle (3) on this issue.

Regarding the European future of Kosovo, results show that the respondents gave higher priority to the membership into the European Union than to the unification of Kosovo with Albania. In the

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<sup>111</sup> Gazeta Blic: Premtimi i Albin Kurtit nëse zgjidhet kryeministër: Kam projekt bashkimi me Shqipërinë, <https://gazetablic.com/premtimi-albin-kurtit-nese-zgjidhet-kryeminister-kam-projekt-bashkimi-shqiperine/>

<sup>112</sup> See: Agon Demi and Blendi Çeka, Kosovë – Shqipëri: Ndërveprimi, njohuritë, vlerat, besimet, bashkëpunimi dhe bashkimi, KFOS&OSFA: Prishtinë – Tiranë, 2019, [https://www.osfa.al/sites/default/files/raporti\\_plote\\_kosove\\_-\\_shqiperi\\_-\\_alb.pdf](https://www.osfa.al/sites/default/files/raporti_plote_kosove_-_shqiperi_-_alb.pdf)

question, “What would you prefer, the unification of Albania and Kosovo, or the membership of Kosovo into the EU?” 66.4% answered that they prefer more the membership into the EU.

A considerable portion of respondents thought that the membership into the European Union would erase the need for national unification. In the question, “If Kosovo and Albania become members of the European Union, do you think that this would erase the need for national unification?,” 39% of the respondents answered that entering into the EU would diminish the need for unification. Meanwhile, 35.4% thought that the membership into the EU does not fully erase this need. Around a quarter (25.5%) of the respondents shared that they did not know whether or not admission into the EU would make a major change, suggesting that national unification is still a priority for them.

Recently, there were numerous discussions on the idea of an agreement between Kosovo and Serbia, which would bring the division of Kosovo, or the exchange of territories between it and Serbia, in which case Serbia would take the municipalities with Serbian majority in the North of Kosovo, and, in exchange, the region of Preshevo would join Kosovo.

To examine whether respondents supported a “land swap” as a precondition for unification, one question asked was “How much would you agree with the agreement for changing the borders between Kosovo and Serbia, which would lead to the exchange of the North of Kosovo with the region of Preshevo, if, as a result, the unification of Kosovo and Albania into a single state would have been enabled?” (The possible answers were from 1 – Not at all, up to 5 – Fully agree.). Nearly 75% (74.1%) of all respondents categorically refused such an idea, while a scant 0.9% of participants expressed that they would be comfortable with such an arrangement. Thus, the results show that despite of the fact that the wish for unification exists, the possibility of the unification Kosovo–Albania would not justify the division of Kosovo by Serbia.

## Conclusions

Under the current constitutional system, the chances of securing a vote on unification without the support of non-majority communities is virtually non-existent. Also, the initiation of the referendum for unification by the Assembly of the Republic of Kosovo is almost impossible, given that in this case, again, the consent of the Serbian community and of other non-majority communities would have also been required.

Meanwhile, despite of the fact that the decision for the unification outside of the Constitution can be taken by what is termed '*pouvoir constituant*', the political implications of undertaking such an extra-legal step in the actual condition would be unpredictable, and particularly regarding the inter-ethnic dimension in Kosovo.

Regardless, public polling suggests that most citizens would rather pursue membership into the European Union, as opposed to advocating for unification with Albania, and majority of them are also against the unification, if this would require the change of borders, or the division of Kosovo.



#### IV. Kosovo's International Considerations

The conscience of “peoples“ or “nations“ for (re-)constituting particular political-legal entities has always been an essential factor in international relations. The importance of this geopolitical parameter has increased significantly from the 19th century, and in the first part of the 20th,<sup>113</sup> and has continued to unfold up to the recent days. However, the transformation of ethnic and cultural affinities in a single territorial organization is, neither easy, nor simple, as was shown in the cases of the creation and dissolution of the states in the Balkans during the last two centuries. The Albanian people, when compared with other peoples in the Balkans, are not an exception from this phenomenon. Their independence struggle began with the movement for the creation of an independent Albania (1908–12), and reached its apex with the declaration of independence of Kosovo (2008).

From this point of view, International Law does not recognize “divided peoples“ as a particular legal category, whereas the very concept of “divided states“ is seen as useless in the legal aspect, in despite of the fact that sometimes they can be treated as a single state divided in different entities. However, in respect to International Law, such cases are referred to general principles of statehood and succession, rather than to any particular legal category.<sup>114</sup> Consequently, in the domain of international law, Kosovo and Albania, given that they were never a single state, cannot be treated with the narrative of the divided states, as was the case of the two Germanies, or that of China, Vietnam, and the two Koreas, after the Second World War.

For this reason, the deconstruction of the idea of unification of Kosovo and Albania must be viewed through the prism of unification between two sovereign states. Moreover, in this particular case, Albania enjoys the full international legitimacy, while Kosovo is confronted with the challenge of truncated legitimacy and partial integration in international organizations, which makes the discussion of this deconstruction even more difficult.

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<sup>113</sup> James R. Crawford, *The Creation of States in International Law*, Second Edition, Oxford: Clarendon Press, 2007, pg. 449.

<sup>114</sup> *Ibid*, pg. 477.

## The Modalities of the Unification and Association of Independent and Sovereign States

In analogy with the process of the creation of new states, International Law, in general, remains silent regarding the unification of two independent states as well – except for the cases when this touches upon the *jus cogens* [compelling law] norms, or any particular international obligation (for instance, when there is any particular agreement/treaty which refers to some particular situation). In most of the cases, however, the unification of independent and sovereign states is treated through succession of states. This implies the replacement of one state with another one, regarding the responsibility in international relations for the territory in question.

However, the issue of succession in International Law is not fully regulated. In this respect, many practices of succession were developed as a consequence of particular political changes, which, on the other hand, were not treated in a consistent manner by the international community.<sup>115</sup> In a large measure, the international aspects of succession are recently regulated by the Vienna Convention on Succession of States in Respect of Treaties (1978),<sup>116</sup> and the Vienna Convention on Succession of States in Respect of State Property, Archives and Debts (which has not entered yet into force),<sup>117</sup> and this reflects the state of contemporary International Law.<sup>118</sup>

On the other hand, under international law, there are two methods of unification of two independent and sovereign states. One is merging two entities into a completely new state, a situation that unfolded when the Arab Republic of Yemen joined with the Democratic Republic of Yemen in 1990. The second is the voluntary absorption of one state by the other, in which case the absorbed state ceases to exist, while the absorbing one preserves its state continuity with an increased territory and population (such as the case of two Germanies).<sup>119</sup>

Other forms of integration of states, but not of their political unification, is the one of associated states. These refer to states which have the international subjectivity of their own as independent

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<sup>115</sup> Malcom N. Shaw, *International Law*, Sixth Edition, Cambridge: Cambridge University Press 2008, pg. 958.

<sup>116</sup> Vienna Convention on Succession of States in Respect of Treaties, Vienna, 23 August 1978. Entered into force on 6 November 1996. United Nations, Treaty Series, vol. 1946, [http://legal.un.org/ilc/texts/instruments/english/conventions/3\\_2\\_1978.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/3_2_1978.pdf)

<sup>117</sup> Vienna Convention on Succession of States in Respect of State Property, Archives and Debts, Vienna, 8 April 1983. (It has not entered into force yet), [http://legal.un.org/ilc/texts/instruments/english/conventions/3\\_3\\_1983.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/3_3_1983.pdf)

<sup>118</sup> Malcom N. Shaw, *International Law*, Sixth Edition, Cambridge: Cambridge University Press 2008, pg. 963 – 964.

<sup>119</sup> See: James R. Crawford, *The Creation of States in International Law*, Second Edition, Oxford: Clarendon Press, 2007, pg. 705.

states, but due to their smallness and limited human resources, have forged particular relations with some bigger states that usually take the role of their protectors. Examples include the associations between Lichtenstein and Switzerland, Monaco and France, and San Marino with Italy. Another type of arrangement can be seen in Commonwealth, which is another form of association of independent states that gathers sovereign countries based on common interests and their historic ties. Meanwhile, the most advanced form of the associated states is the European Union, a regional organization that imposes its laws to its member countries, negotiates agreements with third parties, and represents itself in international organizations.<sup>120</sup>

However, as far as succession of states that are united is concerned (the states that were merged, or enlarged through the absorption of one state by another), their membership and contractual relations in international organizations depend on the norms and legal regulations of the respective organizations. Meanwhile, given that member countries of association of states have distinct international legal personality and enjoy distinct membership in international organizations, legal provisions of the succession in cases of their association with one-another are consequently inapplicable.

With this in mind, the deconstruction of the idea of unification of Kosovo and Albania will be discussed through the options of absorption of Kosovo by Albania, of the merger of Kosovo and Albania into a new state, and of their association with one another as independent states. This will be done from the point of view of the options of unification in relation with considerations and implications of the (non)-membership in the United Nations, NATO, and the integration process and membership of the two countries in the European Union.

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<sup>120</sup> Malcolm R. Shaw, *International Law*, Sixth Edition, Cambridge: Cambridge University Press 2008, pg. 238-242.

## **The Options of Unification and of Association in Relation to the United Nations**

Regarding the succession of membership in a case of creation of a new state through merger of two member states, the legal framework of the United Nations provides the replacement of the membership of predecessor states in this organization with the membership of the new state, and in the case of a voluntary absorption of one state by another, the membership of the absorbed state in this organization ceases to exist.<sup>121</sup>

When thinking of Kosovo's absorption into Albania, the membership of Albania in the United Nations will continue. However, the legality of the absorption of Kosovo could be challenged by a number of the UN member countries given the country's disputed international status.

Moreover, if Prishtina and Tirana undertake such a step without prior support of the Western countries who are permanent members of the Security Council of the United Nations, it is likely that severe measures might be taken against both, Albania, and Kosovo, including here the re-enactment of the provisions of the Resolution 1244 (1999), as well as the imposition of sanctions against Albania. Furthermore, even if measures against such an act are blocked by any from the permanent members of the Security Council, they can be proceeded by the General Assembly of the United Nations to the International Court of Justice, and this can bring unanticipated consequences for both countries, notwithstanding the fact that this court can provide only advisory opinions.

Undertaking of this step will give an irreparable blow to the statehood of Kosovo, rendering its sovereignty into a bargaining issue between Tirana and Belgrade. In this situation, Serbia and its allies could challenge the absorption deal by arguing that the Resolution 1244 (1999) considers Kosovo as part of Serbia. Furthermore, in accordance with the Articles 25 and 103 of the Charter of the United Nations,<sup>122</sup> Albania should give priority to the Resolution 1244. On the other hand, Albania can use as an argument the Advisory Opinion of the International Court of Justice, and the point 113, based on which the political solution of the status of Kosovo is outside of the scope of the Resolution 1244 (1999). Having in mind the actual international constellation regarding the independence of Kosovo, such a scenario would be ideal for satisfying the territorial appetites of Serbia towards Kosovo, which in such a situation would not end only on the North of the country, but would extend into other parts of Kosovo inhabited by the Serbian community as well.

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<sup>121</sup> Ibid.

<sup>122</sup> The United Nations Charter, San Francisco, 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

On the other hand, in the case of membership of Kosovo in the United Nations, the realization of any option of unification between Prishtina and Tirana should not have any consequences by this organization, except for the case of substitution of the Resolution 1244 (1999) with some other resolution of the Security Council, which would explicitly prohibit Kosovo from unification with other countries or with parts of their territories. In the last scenario, the unification of Kosovo with Albania, either through merger, or through absorption, would present clear violation of the International Law, in which case both countries could be sanctioned for undertaking such an action, and eventually they would be constrained to undo their unification.

Meanwhile, the option of association of Kosovo with Albania, which would involve the modalities of cooperation and integration between the two countries up to the level of creation of a new legal international personality, cannot be expected to cause reaction by the Security Council and the Assembly of the United Nations, given that this option would not imply in any form the delegation of any part of the sovereignty of Prishtina to Tirana, or the common sovereignty of two countries over the territory of one another.

However, if the association between Prishtina and Tirana reaches the level of the creation of a new international legal personality, at the time when Kosovo does not enjoy the status of the United Nations member, this can cause reaction by certain countries of the Security Council, as well as among those in the General Assembly, which can challenge the legality of this association, in the most extreme case by proceeding it to the International Court of Justice, for interpretation of the “treaty of association“ in relation to eventual violation of the International Law.<sup>123</sup>

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<sup>123</sup> The Statute of the International Court of Justice, Article 36, <https://www.icj-cij.org/en/statute>

## The Options of Unification and Association in Relation to NATO

In contrast to United Nations, which have regulated the succession of member states in the event of unification, the North-Atlantic Treaty does not regulate this issue explicitly.<sup>124</sup> Moreover, membership in NATO is not limited to countries that are members of the United Nations.<sup>125</sup> On the other hand, the first and the only case up to now of a unification of a NATO country with a non-member was the one of the absorption of the Democratic Republic of Germany by the Federal Republic of Germany, in fall 1990, which was treated widely in the academic literature.<sup>126</sup>

German unification, which was achieved through the implementation of the Treaty on Unification between the Federal Republic of Germany and the Democratic Republic of Germany of August 31<sup>st</sup>, 1990,<sup>127</sup> was a result of extraordinary circumstances that emerged in Europe with the end of the Cold War. Specifically, the Four Power Authorities (Soviet Union, Great Britain, France, and the United States of America) agreed to support the absorption of the Democratic Republic of Germany by the Federal Republic of Germany, including the membership of this enlarged state in NATO.<sup>128</sup>

This case created an important precedent, the one of the unification of a NATO member country with another country that is not a member of the alliance. From the legal point of view, the NATO member countries previously provided support to the unification of two Germanies, at the meeting of the North-Atlantic Council at the ministerial level of June 7–8, 1990, in which they took the

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<sup>124</sup> See: North Atlantic Treaty, Washington D.C., April 4<sup>th</sup>, 1949, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/stock\\_publications/20120822\\_nato\\_treaty\\_en\\_light\\_2009.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf)

<sup>125</sup> Italy and Portugal, as founding countries of NATO, were not members of the UN until the end of the year 1955, meanwhile, the Western Germany, which joined NATO in the year 1954, was not member of the UN until the year 1973.

<sup>126</sup> See, for instance, Stefan Oeter, German Unification and State Succession, Heidelberg Journal of International Law, Heidelberg: Max Planck Institute for Comparative Public Law and International Law, 1991; Frans G. von der Dunk and Peter H. Kooijmans, The Unification of Germany and International Law, Michigan Journal of International Law, Michigan: Spring 1991; and, Michael Cox and Steven Hurst, "His finest hour: George Bush and the Diplomacy of German Unification", Diplomacy & Statecraft, London: Frank Cass, Vol. 13, No. 4, December 2002.

<sup>127</sup> The Unification Treaty between the FRG and the GDR (Berlin, 31 August 1990), signed by Wolfgang Schäuble, Interior Minister of the Federal Republic of Germany (FRG), and Günther Krause, Junior Minister to Lothar de Maizière, Prime Minister of the German Democratic Republic (GDR) [https://www.cvce.eu/content/publication/1997/10/13/2c391661-db4e-42e5-84f7-bd86108c0b9c/publishable\\_en.pdf](https://www.cvce.eu/content/publication/1997/10/13/2c391661-db4e-42e5-84f7-bd86108c0b9c/publishable_en.pdf)

<sup>128</sup> For further research, see: Michael Cox and Steven Hurst, "His finest hour: George Bush and the Diplomacy of German Unification", Diplomacy & Statecraft, London: Frank Cass, Vol. 13, No. 4, December 2002.

decision to extend the security guarantees specified in the Articles 5 and 6 of the North-Atlantic Treaty to the entire territory of the united Germany.<sup>129</sup>

In principle, Albania as a member of NATO, and Kosovo which is not its member, based on the precedent of the German unification, theoretically can unite through the absorption of Kosovo by Albania, if such an option would obtain the prior support of all the countries that are members of NATO, for extending the guarantees of the Articles 5 and 6 of the North-Atlantic Treaty in the entire territory of this enlarged state. Moreover, the fact that Kosovo is not a member of the United Nations would not cause a problem for NATO regarding the extension of its security guarantees to the territory of Kosovo.

Nevertheless, the implementation of this scenario in the current situation is almost impossible, given the non-recognition and contestation of the independence of Kosovo by four members of NATO (Greece, Romania, Slovakia, and Spain), as well as by Serbia which continues to consider it as a part of its territory. However, even if these issues would be solved in some future, it is difficult to imagine that the key members of NATO, but also the other countries in the region, would agree with the unification of Kosovo and Albania, not only because of the balances in the region, but also because of the possibility of emergence of new cases of similar nature, such as, for instance, the case of unification of Moldova with Romania.<sup>130</sup>

Another issue that is to be raised here is the one of the consequences of undertaking of some unilateral act of unification of Kosovo with Albania, either through absorption, or through merger, in the current situation in which the statehood of Kosovo is contested by four NATO members. If Kosovo would be absorbed by Albania through such an act, it will lose its statehood, and, at the same time, its territory would not be covered by the security guarantees of NATO that are provided to its member countries. Moreover, if such an act will be taken in opposition to the USA, France, and Great Britain, one from the possible consequences would be the re-enactment of the Resolution 1244 (1999) of the Security Council of the UN, implying the possible return of the full authority of UNMIK (the Mission of the United Nations in Kosovo), the suspension of national authorities and

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<sup>129</sup> Final Communiqué: Meeting of the North Atlantic Council at the Level of Foreign Ministers, 7–8 June 1990, point 15, [https://www.nato.int/cps/su/natohq/official\\_texts\\_23696.htm?selectedLocale=en](https://www.nato.int/cps/su/natohq/official_texts_23696.htm?selectedLocale=en)

<sup>130</sup> See, for instance, Romanian Parliament says would back Reunification with Moldova, Reuters, March, 27<sup>th</sup>, 2018 <https://www.reuters.com/article/us-romania-moldova/romanian-parliament-says-would-back-reunification-with-moldova-idUSKBN1H32CS>. Moldova had joined the the Romanian Kingdom in the year 1918, but it was annexed by the Soviet Union in the year 1940.

the enactment of the component of peace implementation by KFOR, which, in practical terms, would return Kosovo's statehood to point zero, that is, in June 1999.

On the other hand, despite of the fact that NATO does not have legal provisions for the suspension of its members,<sup>131</sup> in such a case, based on the Article 60 of the Vienna Convention of the Law on Treaties (1960),<sup>132</sup> the member countries could claim that Albania has conducted "material violation" of the North-Atlantic Treaty, and would suspend and discontinue its membership in the North-Atlantic Treaty.<sup>133</sup> Such a scenario would be fatal to Albania (as well as to all the Albanians in the region), given that it will lose its membership in NATO, and will be considered by the Western world as a "rogue state," that is, a country that endangers the international order and security.

In current circumstances, if Kosovo and Albania decide to merge through an unilateral act, the consequences would be approximately the same as those in the case of the absorption of Kosovo by Albania. A minor difference would be that Albania's membership in NATO would be thrown into jeopardy. Opponents could charge that since Albania has ceased to exist as a state, its membership in NATO should also be voided.

In a case when Kosovo is recognized by all NATO members, which might be expected to happen after its recognition by Serbia, in a situation when Albania is member of NATO and Kosovo does not enjoy this status, the undertaking of any unilateral steps towards unification of both forms would have similar implications with the above scenarios, with the difference that Kosovo would voluntarily lose its statehood, including here its possible membership in the United Nations, while Albania would endanger its suspension and discontinuation of its membership in NATO. This could have unpredictable consequences for both countries, which would hardly be repairable for a very long time.

An interesting scenario to be discussed is the option of unification of Kosovo and Albania in a situation in which both countries would be members of NATO, without prior approval by all the

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<sup>131</sup> See, for instance: Can NATO Members Kick Turkey Out of the Military Alliance?, Haaretz, October 16, 2019, <https://www.haaretz.com/middle-east-news/turkey/can-nato-members-kick-turkey-out-of-the-military-alliance-1.7993968>

<sup>132</sup> Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, Entered into force on 27 January 1980, [http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

<sup>133</sup> See, for instance, the analysis on the suspension or discontinuation of the membership of Turkey in NATO: Aurel Sari, Can Turkey be Expelled from NATO? It's Legally Possible, Whether or Not Politically Prudent, Just Security, New York: Reiss Center of Law, New York University School of Law, October 15, 2019, <https://www.justsecurity.org/66574/can-turkey-be-expelled-from-nato/>



other member countries of the North-Atlantic Alliance. In the case of absorption, in despite of the fact that the territory of Kosovo would enjoy up to then the security guarantees of NATO, those guarantees can be lost, given that with this act, with the cessation of its existence as a state, Kosovo will, both, de facto and de iure, exclude itself from the North-Atlantic Alliance. Except for the undoing of Kosovo statehood, such an option could lead to the suspension or discontinuation of the membership of Albania in NATO, and these would have unpredictable consequences for both countries.

In a case of unilateral unification of Kosovo and Albania into a single state through merger, depending on the political interpretation of other NATO members, both countries could confront their own self-dismissal from the Alliance, since very easily an interpretation that both countries have ceased to exist might prevail, and that if the new state wants to become a member of NATO, it should re-apply for membership in this organization.

Regarding the option of soft association between Kosovo and Albania, for as long as it doesn't create a new international legal person, and for as long as it doesn't violate NATO's defense and security policies, it cannot be expected that this option will cause any problem with NATO member countries. However, if this association is carried out unilaterally and includes a component of bilateral self-defense, this can cause problems with the countries of NATO, and particularly in a situation in which Kosovo would not be a member of the North-Atlantic Alliance. This, on the one hand, could be interpreted as misuse of the security guarantees of NATO by Albania, and, on the other, such an act could lead to suspension or even cessation of the process of integration of Kosovo in NATO.

In the case of Kosovo's membership in NATO, the association of the two countries which would include the defense component would be completely unnecessary, given that both countries would formally be allies, and, on the other hand, the Article 3 of the North-Atlantic Treaty encourages the cooperation between its members in the development of their capacities for individual and collective defense for resisting armed attacks.<sup>134</sup>

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<sup>134</sup> See: Article 3. North-Atlantic Treaty: North Atlantic Treaty, Washington D.C., April 4<sup>th</sup>, 1949, [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/stock\\_publications/20120822\\_nato\\_treaty\\_en\\_light\\_2009.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/stock_publications/20120822_nato_treaty_en_light_2009.pdf)

## The Options of Unification and Association in Relation to the European Union

While the German unification was the referent case used in the above analysis, in relation to the European Union it cannot be taken as a reference for the unification or association of Kosovo and Albania, since the unification of two Germanies (1990) was achieved before the establishment of the European Union with the Treaty of Maastricht (February 1992) and the agreement on the Copenhagen Criteria (June 1993) for candidate countries for membership in the EU, as well as prior to its further evolution through the Treaties of Amsterdam (1997), Nica (2001) and Lisbon (2007).

Thus, the following analysis of the options for the unification of Kosovo with Albania, through undertaking of unilateral steps and without prior approval of all the countries of the European Union, will be discussed through the legal lenses of the Lisbon Treaty.<sup>135</sup>

Albania has signed the Association-Stabilization Agreement with the European Union, in June 2006, while the candidate status for membership was given to it in June 2014. In May 2019, the European Commission recommended the opening of membership negotiations.<sup>136</sup> However, the green light for this was not given by the European Council on October 18,<sup>th</sup> 2019.<sup>137</sup> As for Kosovo, the country has only signed the Stabilization and Association Agreement with the EU<sup>138</sup> and it is not recognized by five EU members (Greece, Cyprus, Romania, Slovakia, and Spain).

Even if the EU opens talks on Albania's succession in the near future, undertaking any unilateral steps towards unification of Kosovo with Albania could cause grave consequences for the European future of both countries. With the option of unification through absorption of Kosovo by Albania, the Stabilization and Association Agreement between the EU and Kosovo would be automatically undone given that Kosovo would cease its existence as a state. On the other hand, the EU might terminate or block the process of negotiations for the membership of Albania, including also the suspension of the Association and Stabilization Agreement between the EU and Albania. In the case of the option of unification through merger of Kosovo and Albania into a new state, in the EU

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<sup>135</sup> See the consolidated text of the Treaties of the European Union amended by the Treaty of Lisbon, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228848/731\\_0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/731_0.pdf)

<sup>136</sup> See: EC: Albania and North Macedonia to open the negotiations, European Western Balkans, 29 May, 2019, <https://europeanwesternbalkans.com/2019/05/29/ec-albania-north-macedonia-open-negotiations/>

<sup>137</sup> For details see, for instance, EU blocks Albania and North Macedonia membership bids, BBC News, October 18, 2019, <https://www.bbc.com/news/world-europe-50100201>

<sup>138</sup> The Stabilization Association Agreement between the EU and Kosovo, <http://data.consilium.europa.eu/doc/document/ST-10728-2015-REV-1/en/pdf>

could prevail the interpretation that this new state cannot inherit the previous contractual and integration statuses with the EU, which would effectively return the situation in relation to EU in both countries into the year 1999, but with the difference that, from the ally countries of the West, they would both become rogue states isolated from the democratic world.

In an assumed situation in which both countries would be members of the EU, and if they would unilaterally pursue unification through absorption of Kosovo by Albania, Kosovo will automatically lose its statehood and the “European regime” in its territory, including the European citizenship of its citizens. On the other hand, the membership of Albania in the EU, in the best case scenario, might be suspended with a decision by the qualified majority of the member states,<sup>139</sup> and in the most extreme case, it might be expelled from the EU, if this case would be interpreted based on the Article 60 of the Vienna Convention on the Law of Treaties (1960),<sup>140</sup> by considering that Albania has committed “material breach” of the Treaty of the European Union. In the case of unilateral unification through merger of the two states into a single one, the other member states might consider that the memberships of Kosovo and Albania in the EU have ceased to exist, and that the new state should start the procedure of application from the beginning, which could have unpredictable consequences for both countries.

Regarding the models of association between Kosovo and Albania up to the level of the international legal personality, as long as they will assist the process of integration of both countries into the EU, it can be expected that Brussels will not look at them with suspicion. On the contrary, the EU may even encourage them if Kosovo and Albania clarify that they do not intend to unify.

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<sup>139</sup> Article 7, The European Union Treaty.

<sup>140</sup> Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, Entered into force on 27 January 1980, [http://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

## **The Discussion of the Research of the Idea of Unification in Relation to International Considerations**

The interviewees in this research, both, in Kosovo and Albania, were divided regarding the idea of unification of the two countries. Furthermore, this idea was rightly characterized as abstract and discussed superficially,<sup>141</sup> one that in both countries has remained a far-off dream in public discourse.<sup>142</sup>

In this respect, some from the interviewees think that populations of both countries have looked at themselves as temporarily divided as a consequence of a mistake of the international politics, namely, of the Conference of Ambassadors of London (1913). Furthermore, they consider that the major obstacle for attaining unification is non-achievement of a final agreement between Kosovo and Serbia,<sup>143</sup> whereas the contractual obligations towards NATO and EU are not considered as insuperable obstacles for the unification of two countries.<sup>144</sup>

From this point of view, it is argued that the will for unification of a nation cannot be impeded by International Law, having in mind that according to the advisory opinion of the International Court of Justice, the independence of Kosovo does not contradict the International Law.<sup>145</sup> In this regard, a distinct approach by some from the interviewees related to the idea of unification is that this will become an imperative, if the membership into the UN, NATO, and the EU will be rendered impossible for Kosovo.<sup>146</sup>

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<sup>141</sup> Interview with Robert Muharremi, Professor at the American University in Kosovo (AUK), Prishtina, June 4<sup>th</sup>, 2019.

<sup>142</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and former President of the Kosovo Assembly, Prishtina, June 11<sup>th</sup>, 2019.

<sup>143</sup> Interview with Arian Starova, former Foreign Minister of Albania, Tirana, September 2<sup>nd</sup>, 2019, and with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>144</sup> Interview with Bekim Çollaku, Chief of the Cabinet of President of Kosovo, and former Minister for European Integrations, Prishtina, June 12<sup>th</sup>, 2019, with Arian Starova, former Foreign Minister of Albania, Tirana, September 2<sup>nd</sup>, 2019, with Zef Preci, the Albanian Center for Economic Research, Executive Director, Tirana, September 11<sup>th</sup>, 2019, and with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>145</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and the former President of the Kosovo Assembly, Prishtina, June 11<sup>th</sup>, 2019.

<sup>146</sup> Interview with Bekim Çollaku, Chief of the Cabinet of President of Kosovo, and former Minister for European Integrations, Prishtina, June 12<sup>th</sup>, 2019, and with Sotiraq Hroni, the Institute for Democracy and Mediation, Executive Director, Tirana, September 3d, 2019.

On the other hand, this approach is, however, considered as a use of this idea for blackmailing and intimidating the EU, given that unification of the two countries is considered to be a result of the success of Kosovo's statehood.<sup>147</sup>

Regarding regional implications of unification of the two countries, it is argued that it will not have any noted consequences, given that unification will improve the peace and security in the Balkans.<sup>148</sup> Aside from the case of Republika Srpska, international actors may support unification as a means to promote long-term stability and security.<sup>149</sup>

In contrast to these established viewpoints, other interviewees argue that no unilateral steps should be undertaken in this direction<sup>150</sup> given that it would be impossible to achieve unification in this way.<sup>151</sup> Additionally, this could simultaneously endanger the membership of Albania in NATO, as well as present a risk for the return of the Resolution 1244 (1999) of the Security Council of the UN, which will damage heavily the process of integration of both countries into the EU as well.<sup>152</sup>

Despite of the fact that the most efficient way of unification is the absorption of Kosovo by Albania through the principle of moving borders, in which case Albania could remain member of international organizations and uphold its international agreements,<sup>153</sup> it is clear that this cannot happen in any way as a decision of only two countries, and without international support.<sup>154</sup>

On the other hand, the argument is raised of the existence of two factors that cannot co-exist with the idea of the state of Kosovo.<sup>155</sup> Firstly, of Serbian ethno-nationalism, which has the existence of the independent and sovereign state of Kosovo as an essential problem, and, secondly, of the Albanian ethno-nationalism, which sees Kosovo as a temporary creation until its unification with

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<sup>147</sup> Interview with Albin Kurti, President of the Vetëvendosje Movement, Prishtina, June 10<sup>th</sup>, 2019.

<sup>148</sup> Interview with Jakup Krasniqi, President of the National Council of the Socialdemocratic Initiative, and the former President of the Kosovo Assembly, Prishtina, June 11<sup>th</sup>, 2019.

<sup>149</sup> Interview with Arian Starova, former Foreign Minister of Albania, Tirana, September 2d, 2019.

<sup>150</sup> Interview with Agron Bajrami, Editor in Chief of Koha Ditore, Prishtina, June 10<sup>th</sup>, 2019, and with Valon Murati, President of the Movement for Unification, Prishtina, June 19<sup>th</sup>, 2019.

<sup>151</sup> Interview with Visar Ymeri, Vice President of the Social Democratic Party, Prishtina, June 20<sup>th</sup>, 2019.

<sup>152</sup> Interview with Hajredin Kuçi, Vice President of the Democratic Party of Kosovo, and former Deputy Prime Minister of Kosovo, Prishtina, May 27<sup>th</sup>, 2019.

<sup>153</sup> Interview with Robert Muharremi, Professor at the American University in Kosovo (AUK), Prishtina, June 4<sup>th</sup>, 2019.

<sup>154</sup> Interview with Gazmend Oketa, former Deputy Prime Minister, Tirana, June 6<sup>th</sup>, 2019, and with Ilir Kalemaj, Vice Rector of the Department of Social Sciences, University of New York in Tirana, Tirana, July 15<sup>th</sup>, 2019.

<sup>155</sup> Interview with Arben Hajrullahu, Professor at the University of Prishtina, May 28<sup>th</sup>, 2019.

Albania.<sup>156</sup> In this line of argument, it is stressed that the best way towards *de facto* unification of two countries is within the European Union and NATO<sup>157</sup> This is supported by the fact that Kosovo was built as a state based on the principle of non-unification with other countries.<sup>158</sup> Moreover, it is considered that this idea cannot have as its reference the case of the German unification,<sup>159</sup> and, in the current situation, when Kosovo has a limited international legitimacy, the unification of the two countries can be perceived as a camouflaged “a la Crimea” unification.<sup>160</sup>

In addition, some of the interviewees consider that unification within the EU and unification in a single state are complementary.<sup>161</sup> According to them, the idea of unification is contradictory to the one of the integration in the EU given that the aspiration for integration in the EU would not have any meaning if at the same time the unification of the two countries is achieved.<sup>162</sup> Moreover, it is argued that Kosovo and Albania need a “Greater EU”, rather than “Greater Albania,” which will most probably be isolated and suffer from weak governance.<sup>163</sup> From this point of view, the unification of the two countries is seen as a realistic option only if the EU ceases to exist,<sup>164</sup> or if large changes occur in the international arena that would create circumstances supportive towards this idea.<sup>165</sup>

These interviewees also highlight the potential regional consequences of implementation this option, in which case an uncontrolled process of the re-drawing the maps of the Western Balkans might come into place,<sup>166</sup> given that this could open the so-called “Pandora’s Box” by crafting borders along ethnic lines.<sup>167</sup> Such a change of borders could affect Bosnia and Herzegovina, North

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<sup>156</sup> Similar opinions has also Nexhmedin Spahiu, Professor at the AAB College, Interview, Mitrovica, July 1<sup>st</sup>, 2019.

<sup>157</sup> Interview with Përparim Kabo, Professor at the Mediteranian University, Tirana, September 9<sup>th</sup>, 2019.

<sup>158</sup> Interview with Remzi Lani, The Albanian Institute of Media, Executive Director, Tirana, September 2d, 2019.

<sup>159</sup> Interview with Arben Hajrullahu, Professor at the University of Prishtina, May 28<sup>th</sup>, 2019.

<sup>160</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, June 10<sup>th</sup>, 2019.

<sup>161</sup> Interview with Genc Ruli, former Minister of Finances, Tirana, September 15<sup>th</sup>, 2019, and with Zef Preci, the Albanian Center for Economic Research, Executive Director, Tirana, September 11<sup>th</sup>, 2019.

<sup>162</sup> Interview with Tonin Gjuraj, Professor, European University of Tirana, Tirana, September 2d, 2019.

<sup>163</sup> Interview with Arta Dade, former Minister of Foreign Affairs, Tirana, September 16<sup>th</sup>, 2019.

<sup>164</sup> Interview with Marko Bello, Deputy at the Albanian Assembly, Tirana, September 2d, 2019.

<sup>165</sup> Interview with Jetlir Zyberaj, Advisor to the Foreign Minister of Kosovo, Tirana, June 21<sup>st</sup>, 2019.

<sup>166</sup> Interview with Aldo Bumçi, former Minister of Justice, Tirana, September 3d, 2019.

<sup>167</sup> Interview with Jetlir Zyberaj, Advisor to the Foreign Minister of Kosovo, Tirana, June 21<sup>st</sup>, 2019.

Macedonia, Montenegro, and Greece,<sup>168</sup> which would cause a high regional instability,<sup>169</sup> by including here a possibility of the opening of the issue of Vlorë-Epir by Athens.<sup>170</sup>

In the line of this argument, it is considered that the idea of unification should not be opened at all, since it will damage seriously both, Albania, and Kosovo,<sup>171</sup> bearing in mind that this idea is unacceptable for the key Western actors and for the regional geopolitics,<sup>172</sup> and also given that it paves the way for the return of the major influence of Russia in the Balkans.<sup>173</sup>

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<sup>168</sup> Interview with Dalibor Jevtić, Deputy Prime Minister of Kosovo, Prishtina, June 11<sup>th</sup>, 2019, with Miodrag Milićević, NGO Aktiv, Executive Director, Prishtina, June 25<sup>th</sup>, 2019, and with Rada Trajković, former deputy at the Kosovo Assembly, Prishtina, June 8<sup>th</sup>, 2019.

<sup>169</sup> Interview with Rada Trajković, former deputy at the Kosovo Assembly, Prishtina, June 8<sup>th</sup>, 2019.

<sup>170</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, June 10<sup>th</sup>, 2019.

<sup>171</sup> Interview with Mimi Kodheli, former Minister of Defense, Tirana, September 4<sup>th</sup>, 2019.

<sup>172</sup> Interview with Ferdinand Gjani, Rector of the University College Beder, Tirana, September 3d, 2019.

<sup>173</sup> Interview with Fatmir Mediu, former Minister of Defense, September 2d, 2019.

## Conclusions

During the last two years, the idea of the unification of Kosovo and Albania was among the most prominent issues in the public discourses of both countries. This idea, as well as its implications for both countries, were not elaborated profoundly, and particularly regarding their implications in relation to the International Law and the key international institutions, namely, the United Nations, NATO, and the European Union. The above political-legal analysis highlights the arguments that if these two countries would move *unilaterally*, without full transatlantic consensus, either by absorption or merger of the two states, then this would have dire consequences for the statehood of Kosovo, and will dramatically damage the vital interests of Albania. In this case, Kosovo can quite easily cease to exist as a state, and this could simultaneously lead towards the imposition of sanctions by the United Nations, expulsion from NATO, and the blockade of the process of integration, or the full expulsion of Albania from the EU. In such circumstances, except of the fact that both, Kosovo and Albania, will be considered by the West as rogue states, Prishtina and Tirana would risk the vital interests of the West regarding the security and the stability of the region, including here the weakening of the cohesion of NATO and the EU.

Furthermore, it should be stressed that the idea of unification of Kosovo and Albania cannot be compared with the case of the German unification, and as such, in current circumstances, is in full collision with the idea of the enlargement of the EU, which is not based on the principle of the change of borders, but on the one of integration of states within the supra-national umbrella of Brussels. The pursue of the idea of unification by holders of institutions and political parties in both countries would create obstacles for their integration in the Euro-Atlantic institutions, as was noted on the occasion of the conditioning of Albania by Germany to give up from the ambitions for unification with Kosovo in relation with the negotiations for accession in the EU.<sup>174</sup>

On the other hand, the associational initiatives between Kosovo and Albania, which would not create a new subject of International Law, but will have instead integrative character between the two countries, and which will be in line with the European integrations, with the policies of NATO, and with cooperative regional initiatives, could even have the support of Brussels and Washington. However, a necessary precondition for such associational initiatives to be useful for both countries,

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<sup>174</sup> Berlin warns Tirana: Forget ambitions for Greater Albania (Προειδοποίηση Βερολίνου σε Τίρανα: Ξεχάστε τις φιλοδοξίες για «Μεγάλη Αλβανία»), Skai, 26 September, 2019: <https://www.skai.gr/news/world/proeidopoiisi-verolinou-se-tirana-ksexaste-tis-filodoksies-gia-megali-alvania>.



and to be complementary, rather than in collision with the policies of the West in the region, is that they should be carried out in a transparent manner with political and civil actors in both countries only after prior consultations with NATO and the EU.

## **V. The Future of Strategic Bilateral Relations between Albania and Kosovo**

The Albanians in Albania and Kosovo have never lived within a single common state administration. In the time of the Ottoman Empire they were divided in different vilayets, meanwhile, after the declaration of Independence of Albania and Balkan Wars, for almost a century they have lived in two different states (Albania and Yugoslavia). During this period, the communication and cooperation between them was too limited, given the antagonistic inter-state relations, as well as systematic discrimination of Albanians in the former Yugoslavia, with the exception of the period 1968–1989, when Kosovo enjoyed an advanced autonomy and had the status of a constitutive federal unit.

With the fall of the Berlin Wall, the geopolitical context in the Balkans changed. This has catalyzed transformative change within Albania, shifting from from an isolated dictatorship into a pluralistic democracy, and it also brought about the disintegration of Yugoslavia. The pro-Western orientation of the Albanians in both, Albania and Kosovo, together with the military intervention of NATO in 1999, have created conditions for the beginning of cooperation between two countries in a new context. Thus, the borders were opened, and a common vision for Euro-Atlantic integration was created. In despite of the fact that the borders between Albania and Kosovo were opened, the formal cooperation between them was limited, as a consequence of the undetermined status of Kosovo during its administration by the United Nations. With the Declaration of Independence of Kosovo on February 17<sup>th</sup>, 2008, these limitations were eliminated, and for the first time in history cooperation between the two countries was enable at the inter-state level.

However, in the period after the declaration of independence of Kosovo, despite of the fact that both countries have as their common objective the Euro-Atlantic integration, they operate in different international circumstances in respect to integration processes. Albania is a member country of NATO ever since the year 2009, and a candidate member for the EU since 2014. Meanwhile, Kosovo, on the other hand, suffers from the truncated international legitimacy and limited integration into international organizations, including here the fact that it is not a member of the UN, and that it is not recognized by five members of the EU, which limits in a drastic manner its prospects for Euro-Atlantic integrations. As a consequence, the only achievement of Kosovo was the signing, in the year 2015, of the Agreement on Association and Stabilization with the European Union, meanwhile, the possibilities for acquiring the status of a candidate country for membership

in the EU and for membership in the Partnership for Peace and in NATO cannot be seen on the horizon at all.

Despite of these international circumstances, over the last 12 years Kosovo and Albania have experienced a noted progress in the development of bilateral relations. State interaction has undergone a considerable increase, including the inter-governmental, institutional, cultural, social, and economic cooperation. In support of the strengthening of these relations, a large number of agreements and cooperation memorandums have been signed. However, the agreements achieved between two countries notwithstanding, the limited functionality, together with the fragile stability of political institutions, the lack of state administrative capacities,<sup>175</sup> and of consolidation of the rule of law,<sup>176</sup> are serious obstacles for implementation of any efficient strategic cooperation between Kosovo and Albania. Moreover, the implementation of these agreements is damaged also by the tendency for instrumentation of bilateral relations at the personal level by leaders of the two countries, and these do quite often take connotations of populism and of propaganda.<sup>177</sup>

In despite of deficiencies in the state functionality of the two countries, along with the opening of the topic of exchange of territories between Kosovo and Serbia, the idea of unification of Kosovo and Albania was one from the most vocal issues in the public discourse of the two countries over the last two years. From this point of view, it is considered, on the one hand, that the speed with which Albania will approach the membership into the EU, and the speed with which Kosovo is going to acquire the membership in the UN, and then in NATO and EU, will determine the course of strategic cooperation between the two countries, including here the possibility of unification into a single state,<sup>178</sup> in case of the blockage of integration agendas. Meanwhile, on the other hand, it is considered that unification between the two countries should be a crowning of the successful state-building of Kosovo, by rejecting the approach of using the unification as a blackmailing and transactional mean towards Brussels in relation with the European integration.<sup>179</sup>

However, in the current international circumstances, the unification of Kosovo and Albania with international support is impossible, regardless on whether the Euro-Atlantic integration agendas of

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<sup>175</sup> Interview with Genc Ruli, former Minister of Finance, Tirana, September 15<sup>th</sup>, 2019.

<sup>176</sup> Interview with Arta Dade, former Minister of Foreign Affairs, Tirana, September 16<sup>th</sup>, 2019.

<sup>177</sup> Interview with Gazmend Oketa, former Deputy Prime Minister, Tirana, September 6<sup>th</sup>, 2019, and with Ilir Kalemaj, Vice Rector of the Department of Social Sciences, University of New York in Tirana, Tirana, July 15<sup>th</sup>, 2019.

<sup>178</sup> Interview with Bekim Çollaku, Chief of the Cabinet of President of Kosovo, and former Minister of European Integrations, Prishtina, June 12<sup>th</sup>, 2019.

<sup>179</sup> Interview with Albin Kurti, President of th Vetëvendosje Movement, Prishtina, June 10<sup>th</sup>, 2019.

the two countries will succeed or fail. If Kosovo and Albania move towards unilateral unification, either with the option of the annexation, or of their merger in a new single state, this would have grave consequences for both countries, and these would be particularly fatal for the statehood of Kosovo and its territorial integrity. Moreover, the legal status of the united “state” would not be recognized by the international community, and this could lead to the “reinvigoration” of the Resolution 1244 (1999) of the SC of the UN over the territory of Kosovo. This would virtually return Kosovo into the status before the year 2008, by limiting its decision-making into capacities similar with those it enjoyed in June 1999. The consequences would be overwhelming for Albania as well, which could confront the loss of its membership in NATO and the break of the relations with the European Union. Virtually, this would lead to the self-isolation of Albania.

In other words, the moves for unification would question not only the sustainability, but also the very existence of the two states.<sup>180</sup> Such an action would put into question the key interests of the West, given that the two countries would become “Trojan horses” of Russia, whose actions in the international scene would be legitimated and would take a new momentum. Also, the citizens of the two countries would not support such ideas in exchange for the integration into the European Union or in NATO, given that the approaching to them is closely connected with the increase of quality of life and stability. Thus, any energy that will be spent in discussing the idea of unification, is a time taken from the efforts for solving the vital issues that influence the everyday lives of the citizens of both countries, and deviation from their long-term objectives. Consequently, the option of unification of the two countries is, neither workable, nor attractive, in front of the increase of their strategic cooperation, as two independent states, towards the Euro-Atlantic integrations.

On the other hand, the increase of state capacities of the two countries will determine the progress, not only of the integration in the Euro-Atlantic structures, but also of their integration with one-another, and would wither their differences, as well as archaic nationalisms.<sup>181</sup> In this vein, it is argued that the pillars of strategic cooperation between Kosovo and Albania should be competitive, rather than threatening to others, and that, rather than threatening the Albanian people, the European values and standards facilitate their integration.<sup>182</sup>

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<sup>180</sup> Interview with Enver Hasani, Professor at the University of Prishtina, and former President of the Constitutional Court of the Republic of Kosovo, June 10<sup>th</sup>, 2019.

<sup>181</sup> Interview with Zemaïda Mozali, Lecturer at the University of Tirana, Tirana, September 10<sup>th</sup>, 2019.

<sup>182</sup> Interview with Hajredin Kuçi, Vice President of the Democratic Party of Kosovo, and former Deputy Prime Minister of Kosovo, Prishtina, May 27<sup>th</sup>, 2019.

In this process, the Copenhagen Criteria and the *acquis* of the EU should serve as a guidance of the inter-state cooperation. *Acquis* should serve a double role. Not only would they facilitate the strengthening of their internal good governance, but they would also increase the preparedness of Kosovo and Albania for the integration into the EU by strengthening inter-state cooperation. This approach will initially avoid the risk that bilateral agreements would not be compatible with *acquis*, and it will acquire the full support of the Euro-Atlantic community for the strategic cooperation between the two countries. The strategic cooperation between the two countries should have an approach harmonized with *acquis* that leads towards integration. For realizing this, the governments of the two countries should create responsible inter-state bodies for the harmonization of the integration policies between themselves.

However, the precondition for the development of the strategic relations, which virtually exist only on paper, is removal of all barriers that exist between the two countries. Based on the analysis conducted, the fields of the most successful cooperation between Albania and Kosovo are those where the free competition was prevailing. Therefore, in the parts not covered by *acquis*, and which deal with the particular fields of economy, fiscal policies, culture, youth, education, inter-border cooperation, strategic infrastructure, and science, both countries should work together for creating and operationalizing the common integrative policies.<sup>183</sup> This should be followed with the identification and refining of the respective competitive advantages of each from the two countries, as well as with the common development of the human resources through investments in research and development (R&D) in the service of boosting the regional competitiveness of the two countries.

Meanwhile, regarding the strategic cooperation between Kosovo and Albania in foreign and security policies, for defending and advancing the interests of both countries in these fields, it is necessary to have coordination under the umbrella of the EU and NATO, in close consultations with the USA, as well as with other countries of the Quint (Great Britain, France, Germany, and Italy). In this regard, the strategic cooperation between Kosovo and Albania should be associated with their projection as credible states and trustful allies of the West.

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