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ON THE POLITICAL JURIDICAL STATUS OF KOSOVA FOLLOWING WORLD WAR TWO (1944-1946)

Following the occupation of the Yugoslav Kingdom, in April 1941, the overwhelming part of Kosova and of the other Albanian territories were included in Albania, which was under Italy's occupation. This union occurred in the time of a world-wide conflict and confrontation, but it practically recreated historic links among the majority of Albanian ethnic regions. In spite of the circumstances in which this modelling of the political map in this corner of Europe occurred, the conditions that determined this ethnic, state structuring, the interests the forces that put it into practise had, and the national criterion which in this case put in the foundations of for the redivision of territories and which in general were accepted by the fascist bloc member states, the existence of the national issue of the Albanian people as an issue of major ethnic territories was not incorporated in Albania's framework as alien ethnic territories, as had occurred in many cases with geo-political changes that took place in that period and from which some parts of the Albanian nation suffered a great deal being included in the German zone, respectively under Serbian and Bulgarian occupation and administration. These developments and settlement of borders were not put into life by the Albanians and consequently they cannot bear any responsibility whatsoever for them.

But the Albanian territorial unification act was not accepted by the anti-fascist alliance member countries, that in principle were against territorial changes obtained by means of arms and forces. In the Atlantic Charter they formulated the democratic principles in international relations and underscored that no territorial modification would take place without the freely expressed approval of the interested peoples and that all people would enjoy the right to freely choose their form of government¹.

In order to resolve their national aspirations, the Albanians in those regions embraced the alternative propagated by the Antifascist Alliance, as well as by the political forces leading the armed struggle in both countries. The Resolution of the Bujan Conference (31.12.1943 - 02.01.1944) treated Kosova's question as a problem closely linked with its national structure and as an issue of national self-determination. The worldwide announcement in this conference of the population's national structure in Kosova as a territory with an Albanian majority and the will of the Albanians living on those territories to unite with Albania², as a consequence of the war against fascism, constituted at the same time a political and juridical act, because it was decided in a legitimate forum by the representative of the peoples living in these territories. This act was approved by all the delegates who represented the national structure of the population of that region, irrespective of national pertaining and was hailed also by the representative of the British military mission³.

Irrespective of the desires of the political forces of both countries, the Albanians' question in former Yugoslavia remained a pending inter-ethnic problem

occupying a place both in the relations between the national-liberation movements in Albania and Yugoslavia, and in the activity of ally missions. Apart from the designs worked out secretly, the inconsequentially contradictory stands manifested during the war, the national liberation movements of both countries, separated this issue as a problem to be dealt with and decided upon after the victory over fascism. Suffice to mention that the Albanians' representatives were not called in the second meeting of the Anti-fascist National Liberation Council of Yugoslavia, held in Jajce in November 1943, which laid the foundations of the Federal Yugoslavia, because this act would have finally closed the path to negotiations about their status in the future, because with or without the desire of Yugoslav leadership, during the war, Kosova had a special position on an equal footing with the other territories, Serbia itself included. But at that time the future of the Albanians and particularly Kosova's status were not determined.

Following the war, the national aspirations of the Albanian population were not taken into consideration, but were suppressed through violence and terror. The CPY leadership and Serbian circles exploited the relations created between the CPY and the CPA, the slogans for fraternity, cooperation and internationalism for the realization of its predatory aims towards Albania and the Albanian people.

These stands were revealed at the end of the war, when the Yugoslav leadership openly declared its blueprints on the future of the Albanian territories in the new federation under creation. Postwar Yugoslavia stated that the national criterion would stand in the foundations of the country's territorial and administrative division. But this criterion was not observed for the Albanian population. Although they constituted a territorial entity, were compact from the national point of view, and had a geographical continuity with the Albanian state, the Albanian territories were divided among the federal units of Macedonia, Montenegro and Serbia. Following this, only Kosova became the object of discussions in the central forums of the CPY and the Federation⁴. With regard to its future and position in the Federation, several variants were put forth predicting its parcelling out and distribution among various republics. These practices aimed at reviving the parcelling of Albanian territories according to the administrative adjusting model of the Yugoslav monarchy and concretely, of its division in banovinas. They were led by prejudices according to which Albanians in Yugoslavia were "alien" and "harmful" and as such they should not constitute a unique from the national point of view.

But the proposal for Kosova's parcelling out runs counter to schemes hatched up by the CPY leadership. On the threshold of the end of the war, it had come to the conclusion of annexing Kosova, as an autonomous unit, to the Republic of Serbia⁵. In order to justify this solution in the Yugoslav forums, a series of "arguments" were brought forth.

According to some, it was quite natural that the Serbs who lived in Kosova and constituted a minority, a part of whom was settled there as colons in the period between the two World Wars, would like to be united with Serbia. This union would consolidate "the fraternity-unity between the two peoples and backward Kosova would be assisted more by the biggest republic to overcome this situation"⁶. There is no doubt that this annexation was inspired and dictated by the old prejudices cultivated by the monarchy, the Serbian reactionary circles and clergy on "Serbian Kosova",

with which a great part of the political forces in Serbia and leaders of this republic have been nourished. This solution aimed at satisfying even the great-Serbian circles, although its positions were weakened in post-war Yugoslavia.

"The solutions" put forth at that time trampled under foot the basic principles of the Antifascist Alliance and aspirations of the Albanian population. They were put into effect through violence and the force of arms. Serbian political forums and mass media presented the frenzied campaign of terror and genocide undertaken by the Yugoslav military units as a struggle against great Albanian reaction and chauvinism. All those who opposed the violence and terror, who demanded the adoption of concrete measures to realize the parity among the peoples and the solution of the national question according to the principles propagated during the war as well as those who dared put forth the natural question, "What do we Albanians do in Yugoslavia!?", were identified with reaction.

At that time when more than 35 000 Albanian warriors were sent from Kosova to the North of Yugoslavia, more than 50 000 Serbian⁷, Montenegrin and Macedonian soldiers were established in the province and the punitive operations followed one another. In order to subdue the resistance of the Albanian population and to impose the "solution" worked out by senior circles and coming from far, away a military administration was established in Kosova on February 8, 1945. With its activity are related ugly crimes, unprecedented massive massacres perpetrated in Llap, Gilan, Drenice, Prishtine, Tetove, Tivar and all over the Albanian territories.

The military state power imposed on the Albanian population by the Yugoslav communists right after World War Two was not an unknown form of power, exercised for the first time at the expense of the Albanians. This power was imposed on the population whenever the Serbian-Montenegrin troops had invaded and reinvaded these territories. It had happened like this after the truncation of the Albanian territories in 1913 and after Kosova's reinvasion in 1918. Its establishment has always been linked with the victory of those political forces in Serbia that were of the opinion that the rule over the Albanian territories could be preserved only by applying the policy of the "iron fist". After World War Two, these viewpoints enjoyed the support of many people in the ranks of the CPY leadership and of the Yugoslav state.

After the war, the national issue and Kosova's future were taken up for solution within the Yugoslav framework according to schemes put forth by the Yugoslav party. The patriotic sentiments of the Albanians in these territories, their love for the motherland, and the voicing of the desire for national unification, not only were not taken into account, but they were considered as "great-Albanian" ones and as "taking water to the enemy's mill". Under strong political pressure by Serbian circles, they attempted to close down unnaturally the Kosova question and make it lose its character as a sharp political issue. The detailed examination of the issue of Kosova's annexation by Serbia clearly testifies that Kosova as an autonomous unit did not emerge from the fold of the Republic of Serbia. The act of its annexation, in the framework of this republic as an autonomous province, with more limited rights than Vojvodina's province, came as a result of the political combinations that took place after the war and after the setting up of the Republic of Serbia.

Even the leadership of the CPA kneeled down in front of these stands and pressures. Accepting these theses on the treatment of the national question was a

grave blow dealt to the Albanian national question. Its tragic consequences were felt at that time and the entire following it.

At that time, the CPA used to speak with the authority of a single party that had concentrated all the country's political power in its hands. The people's heroism, the bloodshed and sacrifices made during the war, were presented and propagated simply as merits of this party. In order to turn down the other proposals regarding the treatment and solution of the national question, the CPA made use "of the logic of state violence" instead of presenting more "theoretical, ideological and political arguments". The decisions adopted about the Kosova question were accompanied by the martyrdom of all those who dared raise the issue of Kosova's future, or who asked for explanations and reasons for these stands.

Hence, at a time, when the Albanians in Yugoslavia and the entire Albanian nation were expecting the implementation of their national aspirations, the CPA leadership came out openly with other stands. According to Enver Hoxha, in October 1945, the stand of the CPA about Kosova's question was the opposite of that of the people and "reaction"⁸. Making more concrete and providing further explanations about CPA's stand towards this issue, in December 1946, E.Hoxha underscored that "some party members want to philosophize about what the people might say on what we did with Kosova. If a party member is quite clear about the line, then Kosova's question is clear to him, too. Yugoslavia is more advanced than we are, it is to our interest that it becomes stronger. Is it to our interest to ask for Kosova? This is not progressive. Henceforth, in this situation we must do our best so that the Kosovars fraternize in Yugoslavia. Nothing else is relevant, nothing is progressive. The matter stands like this, when we have reached socialism, it means that both there and here the remnants of capitalism will be defeated. In such a situation Kosova will be united with the Socialist Republic of Albania, and it is then that Kosova will be united. This is the line Marxism-Leninism teaches us. We shall provide explanations about our stand. We shall fight him who does not understand this. "According to him, "Kosova's people enjoy all the liberties. They have been given land, they have schools", they are "on good terms" with the Yugoslavs. Therefore, "the force of arguments is great"⁹. But the promises that the solution of the national question of the Albanians in Yugoslavia would be carried into effect in the future were simply demagogical assertions, because since that time a series of agreements were signed between Albanians and Yugoslavia. They paved the path to Albania's annexation and to its transformation into the 7th republic of the Yugoslav Federation.

Instead of the national major obligations, the CPA preferred and chose the support, of course, of the "great ally" policy, with which it was linked like "flesh to bone". In no case was it either spoken or taken into consideration the price the Albanian people were obliged to pay for this "friendship".

In his memoirs, Enver Hoxha has underscored that the issue of the Albanians in Yugoslavia was raised by J.B.Tito even during the visit of the delegation of the Albanian government in Belgrade, in July 1946¹⁰. In fact, much was spoken and written about the truthfulness of this part of the conversation. Without dwelling on the arguments presented for this question, we would like to emphasize that this conversation could not treat fully the greatest and most difficult issue standing in front of the Albanian people. Negotiations of this issue ought to have been held earlier,

particularly in the time when schemes for the creation of the Yugoslav Federation became concrete. In 1946, the setting up of the federation was over and the Yugoslav constitution adopted during that year sanctioned, by law, the rights of the federal units (republics) and autonomous units, Vojvodina province and Kosova circle incorporated in the framework of the Republic of Serbia.

According to these assertions, it was J.B.Tito who opened the discourse on Kosova's future, at a time when it constituted one of the most important pending issues the Albanian people had to face. On the other hand, the object of discussion in these negotiations might have been the problem of the national unification of the Albanian people, if not even Kosova's status in the context of the Yugoslav Federation. It is common knowledge that at time, the Albanian territories in Yugoslavia were parcelled out among various republics. The Albanian population renewed parity with other peoples, whereas Kosova as an autonomous unit had curtailed rights such as against the Vojvodina province.

The last period of World War Two is one of the most tragic periods in the history of the Albanian population in Yugoslavia. But the leaders of the CPA lacked the courage not only to raise their voice in defence of the rights and the solution of the national question of the Albanian people, but also to protest against the savage oppression exercised on those territories.

The CPA concept on the ideological division of the world isolated Albania and make the Albanian government keep silent at a time when it ought to have spoken. At that time only, they might and ought to have defended their legitimate national rights. The heroic war of the entire Albanian nation, its blood and sacrifices at war, the truth of the Albanian territories, and the statements of the main states of the antifascist alliance for the recognition of Albania's contribution to the common cause of the people, should serve as fundamental arguments to justify the legitimate demands of the Albanian people in the Albanian-Yugoslav bilateral talks, as well as in international forums. But both in the bilateral talks and in the Peace Conference in Paris (1946), in order to maintain and strengthen the Albanian-Yugoslav fraternal relations, these problems were ignored and were not treated at all.

Under these circumstances, the meeting of the National-Liberation Council of Kosova (July, 1945) declared Kosova's incorporation into Federal Serbia¹¹ "upon the will of its population", in the framework of the Yugoslav Federation. Against the logic, against the objective reality of the national structure and aspirations of the dominating majority of the population they attempted to close down the national question of the Albanians in former Yugoslavia. But this question could not be closed down in this way. On the contrary, it would assume new proportions (dimensions) under new circumstances.



1. *Histoire diplomatique de 1918 à nos jours*, Paris, 1981, p.306.
2. *Këshilli Populluer i Krahinës Autonome të Kosovë-Metohisë 1943-1953*, Prishtinë, 1955, p.10.
3. A.Hadri, *Këshillat nacional-çlirimtare në Kosovë*, Prishtinë, 1974, p.83-84.
4. H.Hoxha, *Rëndësia e amendamenteve kushtetuese për afirmimin*

e kombësisë shqiptare në Jugosllavi, in: "Përparimi", 4, Prishtinë, 1971, p.173.

5. Xh.Shatri, *Vështrim i përgjithshëm mbi politikën serbomadhe në Kosovë*, p.102.

6. H.Hoxha, *Procesi i vetëvendosjes së nacionalitetit shqiptar gjatë revolucionit e ndërtimit socialist*, in: "Kosova", 2, Prishtinë, 1973.

7. *Këshilli Populluer i Krahinës...*, p.44.

8. *AQP*, Fund 14, year 1945, list 1, file 2. From the process- verbals of the Plenum of the CC of the CPA, October 17, 1945.

9. *AQP*, Fund 14, year 1946, list 1, file 4/1. Processverbal of the meeting of the CC of the CPA, December 18-20, 1946.

10. E.Hoxha, *Titistët (Shënime historike)*, Tiranë, 1982, p.261.

11. *Këshilli Populluer...*, p.47.