The Post-Communist State Era and Its Impact on Sovereignty: A Case Study of Kosovo
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Abstract

Many theoretical perspectives have touched on the concept of sovereignty, but the need for more sovereignty-based discussion in relation to the post-communist era still exists. The question of sovereignty and its survival in the post-communist era touches on some general features such as the attributes, signs, properties, and conditions of the concept of sovereignty that have evolved. In the case of Kosovo, the issue of sovereignty can be linked to two distinct features, namely democracy and human rights. For Kosovo to be a sovereign state, it had a mandatory prerequisite to fulfil these two features. These features implied the fulfilment of two criteria, in the forms of legality and legitimacy and, in reality, these two criteria stem from the will of the people. This reflection shows that sovereignty in the post-communist era had to be in line with respect for human rights as a feature of the principles of democracy. However, the transition from the communist system to democracy was not an easy one. In this regard, Kosovo has come a long way in achieving sovereignty and managed to be declared a sovereign state in 2008. The conditioning of Kosovo's sovereignty by the above criteria represents the influence of the post-communist era, and its earlier form differs from the prevailing form of absolute sovereignty as it existed, for example, in the former federations of Russia and Yugoslavia. Kosovo's sovereignty is reflected in accordance with the will of the majority of over ninety-five percent of the country's population. Moreover, in Kosovo, minorities have privileges, such as positive discrimination and the special right that constitutional changes on vital issues pertaining to those minorities cannot be made without their vote.

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However, in the post-communist era, it was not possible to democratise all sovereign states. Some states focused on the power and manner of expanding power in their respective territories and fought for the recognition of reconfigured sovereignty at the expense of justice and rights. Therefore, since the post-communist period, the definition, content, and character of sovereignty has been in debate, with a new dimension of respect for human rights as a major talking point and as an essential mark of the principle of democracy.

Sovereignty in Transition

We can firstly point to sovereignty as a concept dating back to ancient times, known as having the characteristic feature of an absolute power which was used by the leaders of states. Now, the meaning of the concept has taken a broader stance and has since been addressed by many theorists who aspire to give some further clarification about its content and role. By illuminating the historical part of the role of sovereignty, it is possible to easily see its character in the present day. From the beginning, we must say that the sovereignty that stemmed from the Westphalian model has changed its form and ties to power because its character was challenged, especially after the post-communist period. The hallmark of the changes therein is the demand for respect for the rights of the people as a precondition to preserve or build state sovereignty. According to the Westphalia model, the requirement for state-building was to meet the criteria of the Montevideo Convention, while in the post-communist era there are new criteria such as assisting the spread of democracy and respect for human rights. However, it is impossible to deny that the basis of the former Westphalian model of sovereignty is still of great importance because it has a fundamental role to regulate relations between states. Even in modern and post-modern times, sovereignty still has plenty of power and shows its indispensable role for the nation-state. It is believed that only by relying on the capacity of sovereignty would the nation-state survive, as there are still risks regarding the stability of the sovereign state. Alternatively, the power of the sovereign state may transpose its sovereign power by contractual agreement or in some other way to another body elsewhere.

Sovereignty as absolute power, as mentioned above, has changed, but in itself has never lost its capacity to survive from one era to another and

therefore sovereignty is very well known and discussed. Through these discussions, it has often become clearer and more comprehensible on which component sovereignty is based and how it stands both in relation to the state and international order (Shinoda, 2000, p. 3).

The concept of sovereignty in contemporary development has a central difference, namely an aspect of authority, which is already more similar to other forms of power as sub-state, supranational or non-state. In this view, the difficulties that arise relate to the fragmentation of legal authority and political authority, as well as the possibility of reconciling this division. Another well-known problem is mediation or reconciliation between the sovereignty of rulers and ruled sovereigns. To overcome these issues, sovereignty has also been seen to change even in the model of the Westphalian system. The issue of sovereignty is now characterised as a temporary and indefinite transition and is therefore considered as something which needs a clearer framework in the future (Walker, 2003, pp. V–VI).

In addition, sovereignty at the present time is considered as something which lives under the threat of globalisation due to the expansion of cosmopolitan idea, which directly harms the nation-state. This threat is directly felt by those states which have had the utmost primacy in utilising the sovereign concept. This connection with sovereignty and the nation-state comes from Jürgen Habermas, who underlined that the nature of sovereignty is, for example, going into a war situation which ensures an affecting of a part of the sovereignty of the state, thus losing that state all sovereignty. Despite this, sovereignty remains a coherent concept because it continues to play an important role within political and legal engagement. Therefore, the framework of sovereignty continues to be formed in contemporary discourse on the legal-political scope (Ibidem).

The treatment of the issue of sovereignty may be different depending on scientific theories. Dependence on an approach is related to argumentation and can offer understanding in relation to scope and time. An explanation already exists for the relationship of sovereignty between scope, time, and the impact it has. The possibility of different sovereignty content due to its scope and time has been pointed out by well-known theorists such as Bartelson and Weber. They explain that sovereignty can take several different forms based on its articulation or justification. But at the same time, sovereignty can take different forms in other countries affected by circumstance, which means that there is a connection between scope and time (Malving, 2006, p. XXI). This clarification gives us to understand that the form of sovereignty is dependent on different factors.

Sovereignty During Communist Times

Sovereignty was key for dealing with major issues within a country. First of all, according to sovereignty as a norm during communist times, national borders were controlled in an incredibly strict manner, so none could pass without permission, nor breach the line of said boundary. A breach of geopolitical border during communist times didn't simply entail a one-way encroachment of a territorial boundary, but in fact involved two other aspects. One aspect had to do with physical boundaries, the other mental. The sanctioning of these two aspects were painful measures against the people. In other words, the absolute control extant during communist times was a hindrance for those who wanted to live or to move freely to countries with democratic systems.

After World War II, sovereignty itself was challenged, since it dealt in consonance with International Conventions. It was affected by the development of international norms which, in turn, were to uphold the international system. On the back of these International Conventions, other norms were settled which relied on equal sovereignty among nations and people than just an absolute sovereignty. With that goal in mind, the Atlantic Charter (1941) and the Convention on the Prevention and Punishment of the Crime of Genocide were signed. The states' willingness to sign these international conventions arose as a result of atrocities committed during World War II, which was a lesson for the whole world and is why demands started being made to look at the concept of sovereignty once again. The entering into force of many Convention or Charts and even Declarations, on one hand, guaranteed people's right to live freely and on other, has had a direct influence on the concept of state sovereignty which weakened the absolute power of sovereignty (Dal Tatum, 2010, pp. 60–61).

Despite all these developments, many states with communist systems did not apply international norms. A goal of communist ideology was to achieve a homogeneous society; a goal which has been spread in communist countries and federations. But this kind of society, imaginary at best, was very obviously against democratic principles and did not respect others' affiliation. That aside, the communist ideology was against any religious confession. In order to unify communist culture, they tended to do try and do away with all ethnic groups' (religious) preferences. With this aspiration in mind, they committed many atrocities and tended to change, by imposition, people's minds and desires. Hence, the implementation of homogeneous policies were by force and without any confirmed agreement of vulnerable ethnic groups. The former Yugoslavia

was a ready home for such happenings, and constituted the bulk of what it was. There, for example, the competitive space between some ethnic groups was dominated by the Serbian ethnic group and it appeared openly that they were more privileged than other ethnic groups, especially the Albanian ethnic group.

In this context, Yugoslavia's regime has never been deemed legitimate by the Albanian ethnic group because that regime stole this territory from the Albanian state and severed links with family and, much worse, had not given any permission for them to hold or maintain contact with family members. In this way, an iron wall was placed between Albanian family members by the Serbian regime in the former Yugoslavia. However, that was just beginning of injustices against the Albanian people which, unfortunately, continued with their being treated poorly. As a consequence of these events, the Albanian people felt their existence to be in danger and, subsequently, the majority of them called for their "….borders to revert to where they were at the exact time when their empire had reached the zenith of its ancient medieval expansion" (Bahchelli et al., 2004, p. 2).

In looking again at the construction of communist countries, it was apparent that the powers that be were more frightened of the disseminated influences of democratic systems and went to great lengths to halt these influences. The communist countries started using obstruction methods, such as impeding the spread of the democratic perspective. So, their governments' policy was to suppress those people who had differing attitudes and by doing so, affected a part of the individual's sovereignty in those who refused to be part of communist system. These is some proof regarding the physical and mental boundaries mentioned above. The absolute sovereignty in communist countries was similar in non-modern times; it had very primitive elements but was very refined for masquerading their despotic rule. Indeed, it was a disjunctive sovereignty and had strong dominion over rulers. This dominion, as a supreme authority in communist countries, had forgotten the essence of sovereignty, whose primary duty to this day is to the "salus populis" (the safety of the people) which is the highest and most supreme law over all others (Loughlin, 2003, p. 58).

Instead, a point of priority during the times of the communist system was proclaimed to be the collectivist doctrine of collective rights which came first and suppressed individual rights. Although they trumpeted for collectivist rights, in reality – in their dominion's mindset – there did not exist a sincere attempt to respect collective nor individual rights. For example, in the former Yugoslavia, a stratum classification between ethnic groups was developed by classifying ethnic groups either as nations or na-

tionalities. It was asserted that in order to fulfil the classification of a nation or a nationality, the size of an ethnic group would be the determining factor. It was declared that a crucial criterion was that the largest ethnic group should be recognised as a nation. However, this declaration was roundly ignored. The Albanians were a group who, by number, were the third largest group in the former Yugoslav federation, and were a larger group than the Slovenian, Montenegrin, and Macedonian ethnic groups, but weren't recognised as nation. So, in the classification of nations, there were some ethnic groups who were smaller in number and did not fulfil the set of criteria, but nevertheless were categorised as nations, while the ethnic group of Albanians was discriminated against and categorised as a nationality only. There was even a known governmental policy with an open tendency to change the demography of a population, which was actually an attempt to decrease the size of the Albanian population, and was through their deportation from the territory (Salihu, 2020).

Eventually, the former Yugoslav Federation, not unlike the Soviet Union, was ruined. After its collapse, many ethnic groups found themselves in complex circumstances with mixed populations and with the desire to build their own states. Actually, some of the eventually newly-built states had few difficulties in view of the fact that they were already politically organised entities in which lived homogeneous ethnic groups in comparison to other states which had more mixed ethnic groups in their territories. Good examples of this are the former Lithuanian Soviet Socialist Republic in the Soviet Union, and the Socialist Republic of Slovenia in the former Yugoslav Federation, for whom it was easier to build their own state compared to others who had difficulties due to the need to craft a political system and then to transform itself into a democratic, sovereign state. To achieve this transformation in the former Yugoslavia, one was faced with fierce fights (except in Slovenia which saw relatively little fighting), in the Croatian and Bosnian Republics until Yugoslavia's disintegration. Even Kosovo declared itself independent in 1990, but has never been recognised as such elsewhere, apart from the Albanian state. At the end of the federation, the last to secede was Kosovo, which happened after the end of the war in 1999, and which declared its sovereignty in the first decade of 21st century, on February 17, 2008.

Some authors have stated that the Yugoslav disintegration derives from hateful sentiment between the Serbs and Albanians. But, in reality, that's not entirely true. If we look at the pages of history, it is known fact that the final marked border between Kosovo and Albania was from 1912 which was decided upon without any agreement of the Albanian state and without the consent of the Albanian population in Kosovo.

After the Second World War ended, the Albanian population in Kosovo hoped to be reunited with the state of Albania. During this period, Albanian and Serbian leaders had come to the agreement that they should fight together against the Nazi forces and, after the end of the war, would respect the principle of self-determination of the peoples. With this agreement, the Albanian people of Kosovo fought side by side with the Serbian people and hoped after the end of the war they would be able to decide their own destiny. They had expressed their will according to the principle of self-determination at the Bujan Conference in 1944. In this Conference of Bujan, the Albanian people of Kosovo demanded reunification with the mother country. However, Serbia was simultaneously planning a way to suppress Albanian's demands and didn't respect the Bujan Resolution. Instead, just one year later, Serbia called another meeting by gathering a number of Albanian deputies who were then placed under pressure and had death threats levelled against them. Under such adverse circumstances, one other resolution in Prizren was issued through which Kosovo remained under the rule of the Serbian people in the former Yugoslav federation. By doing so, in an environment in which they were surrounded by the army and threatened with death, the will of the Albanian people – which had been expressed in the decisions of the Resolution of Bujan – was falsified in an undemocratic manner (Salihu, 2020, p. 18).

Even darker happenings were going on behind the scenes. The Yugoslav communist party initiated an idea which was to swallow not just Kosovo's territory, but the whole Albanian state through a unification project which was proposed to be named 'the Balkan Federation'. This idea, however, was met with huge resistance from the Albanian state. During that time, terror and inhuman treatment was being perpetrated against the Albanian population in Kosovo; the Yugoslav regime, as an example, persecuted anyone if they simply uttered the name of Albania's president or had any contact with people who lived in the Albanian state. These policies were in place for a half century during communist times and, after communism fell, were continued until the war in Kosovo ended in 1999 (Curis, 2005, p. 195).

Some discussions are still ongoing which have raised the question as to whether the war in Kosovo caused Yugoslavia's disintegration. The fact is that the country's disintegration happened in 1991 when two republics, Slovenia and Croatia, seceded from the federation. Therefore, the thinking that Yugoslavia's disintegration was result of old hatred between Albania and Serbia is not accurate. The main and crucial component of disintegration was the failing of the former Yugoslav regime to govern

with proper principles. The Yugoslav regime, quite simply, exacerbated their poor treatment of the Albanian population in Kosovo. It was, of course, met with extreme displeasure, and the government never went on to improve their treatment of the Albanian population in Kosovo, but instead were guilty of such actions as detaining them without any consent, and very much against their will. Many attempts by the Albanian people in Kosovo were made in order to reach out to the world about the horrendous treatment to which they were subjected and sought help to stop it. One of many of their attempts came in the form of a massive demonstration in Kosovo during the spring of 1981, but even that effort was quashed by armed forces operating under governmental orders.

During the communist era, any and every ethnic group which opposed to being mistreated was fought by all means by the communist government in the name of maintaining the status quo. Therefore, it was very hard to change the system or to abandon communist rule in a peaceful way despite the fact that the majority of the people desired to live safely and to build a successfully democratic system. In the end, seceding came at a high cost in the form of wars and the killing of many people in the former Yugoslavia. The communist regimes had no concerns and never took into account the demands for the recognition of the rights of ethnic groups, but instead tightened measures and took military action against innocent peoples. Examples of such heinous regimes are the Russians in Chechnya, and the Serbs in Kosovo. These, then, are some examples of the state using power simply for its own benefit regardless of the suffering of the people (Bahcheli, 2004, p. 5).

During the post-communist era, some states tried to change their old systems. But, even in those states, the transformed systems did not bring about better living standards for their peoples. Inequalities and discontent were present in Romania, Hungary, and Bulgaria. In Poland, one aspect apparent in the post-communist transition was connected to religion. There, the Roman Catholic Church offered up terms on abortion and attempted to incorporate them into the country's constitution. Another problem in the post-communist transition was an increasing of the crime rate during the years 1989–1995. Criminal activity was organised in form, and prevalent in Poland, Hungary, Slovakia, the Czech Republic, Serbia, Bulgaria, North Macedonia, and Albania. Such criminality created an insecure environment for the people, resulting in their uncertainty and being frightened to live in their own countries (Ramet, 1997, p. 55).

Sovereignty in a Post-Communist Country

After the ending of the communist system, a new epoch called the 'post-communist era' started. In its prelude, expectations were huge and some hoped that there would be a distancing from the previous system and the manner in which states had been governed. Ethnic groups raised the sovereignty question as a method of transformation; they wanted the new government to treat them as equal sovereigns in the new governance. Therefore, the question was important during the transformation process because the concept of sovereignty was subject to different interpretations. These new sovereignty perspectives were now what could be categorised as modern secular sovereignty, and this new iteration was to focus on other aspects, especially on individualised and contractual issues along with the preservation of autonomy and rational thought. In addition, secular sovereignty would include dimensions such as the ambition and the will of the people. These aspects had appeared in post-communist states with the hope that it would offer the strong possibility of legal warranty to everyone's lives. These assertions were derived from the thinking which supported self-confirmation as a tool for legitimation. Actually, if these transformations happened peacefully, it would then maintain and strengthen the relations between a population and a state's authority (Prokhovink, 2007, p. 2).

Unfortunately, the above-presented beliefs were not accepted by many states. Instead of finding a way to support modern secular sovereignty, they chose a very different path – by blocking the new perspective which then incited conflict. The foremost reason for conflict was the capture of the state by one nation. This nation misused power, and combined it with bad policy and damaged other ethnic communities by trying both to assimilate or expel them, and, finally, wiping all those out who belonged to other ethnic groups. Consequently, many ethnic groups, after the fall of three communist federations, namely the Soviet Union, Yugoslavia, and Czechoslovakia, seceded from their respective federations and became independent nation-states. Hereupon, these new states, as sovereign states, joined the international community on a number of conditions (McGarry, 2004, p. ix).

Not unlike that of the former Yugoslavia and even the former Soviet Union, many new states have appeared which indicates that the people's will is supreme and which – whenever and whenever – should be taken into consideration. In other words, such happenings served as a lesson to all powers that they should never ignore the people's will. From the Soviet Union alone there were 15 republics which claimed their right to

sovereignty and became independent nation-states. It has confirmed that the substance of people's individuality should be considered in any place and at any time. These occurrences have also showed that when bad treatment is levelled against other groups, it eventually prompts a revivification of national sentiment among peoples (Bartmann, 2004, p. 23).

After the communist era, the development of the states wasn't quite as brusque as had been expected. The desired governance was according to democratic principles, but did not achieve a particularly high level because there still existed mindsets from the old system. Some of these hangover-like remnants still exist in countries such as Bulgaria, Romania, Serbia, North Macedonia, and Albania and which maintain control over the many public institutions found therein. Control is held even at TV channels through the electing of trusted persons as the heads of those channels, thereby managing to censor free media expression. By doing so, the governments have the possibility to remove a program which is considered politically inconvenient and instead broadcast something which serves and furthers their own interests (Ramet, op. cit., p. 2).

The expected results from the installation of the democratic system did not produce any positive effects on the well-being of ethnic groups. For example, the fall of the communist system was not particularly beneficial to Albanians living in the former Yugoslav Federation, because they did not receive any fair treatment. Also, after the Republic of North Macedonia became an independent state, the new regime there did not treat Albanians in accordance with the new norms according to democratic principles. The new regime committed a number of breaches on human rights against minorities, especially towards Albanians; systemic discrimination against them was the norm. Unsurprisingly, the Albanian people, dissatisfied with such treatment, eventually demanded to be treated equally. The Macedonian political system had sadly missed a huge opportunity to create a civil society. The content of its policy harboured discriminatory elements while maintaining political control over all vital sections of society; control over spheres such as language, education, the right to vote, residences etc (Smooha, 2005, p. 142).

As in North Macedonia, even some places of the former Yugoslavia had generally missed the chance to build institutions in a democratic manner and to govern well in the post-communist era. That failure in the former Yugoslavia sparked nationalist sentiment which then was exploited by governments, and, finally, the situation worsened and escalated into serious inter-ethnic conflicts. Regarding the conflict situation, it can be concluded that after the fall of communism, the roots

of many problems were revealed and showed that they had existed for a long time, but were covered up during the communist era. Among the highlighted problems was the disregard for any existing rights for ethnic groups and that their national issue had remained unresolved. As a direct result of the counter-democratic policy, members of ethnic groups felt like second-class citizens.

Consequently, it becomes clear that the riots caused after the fall of the communist system are a torrent of accumulations of injustices of that time. Smootha and Järve also spoke about these violations by arguing that despite the proclamation of the communist system for a cultural homogeneity at the state level, there was a legacy of nationalism which was embodied in the body of the institutions. But the origins of this legacy were covered up and silenced as were penetrative effects of this legacy. Yugoslavia was also built in bad faith and completely ignored national feelings and, instead, tried to bury those feelings from the new ideology, namely the communist ideology. Additionally, the very obvious nationalist ideology was given rise to by the Serbian intellectual and political elites who promoted nationalist movements. Due to this, Serbia began to misuse the power for its own aim, and tried to capture an entire regime's power within one federation. This act of nationalism especially targeted the Albanian population in Kosovo which, of course, was a dangerous policy for them under which to live. Sadly, this discourse against the Albanians continued even in the post-communist era (Ibidem, p. 170).

The Case of Kosovo and Its Impact on the Sovereignty Concept

After the fall of the communist system, the issue of sovereignty and democracy was linked to human rights as absolute sovereignty itself fluctuated. Therefore, the most important issue became the adjustment between sovereignty and democracy, and to be in compliance with the norms of democracy after the fall of the old system. Yugoslavia was one of those countries that did not meet democratic norms. Although the previous party system was replaced by a pluralist system, it did not, however, resolve many of the essential issues that had remained from the past and lived silently under the rug. But one of the biggest issues that emerged was the status quo of ethnic groups that were oppressed and continued to be oppressed. This issue had to be addressed by the political elite within state borders. It was necessary to change the existing norms of the state institution and the need to fix this issue was urgent. The essential requirement for transformation was to improve the conditions of the peoples liv-

ing there and to take everybody into account and treat all with the utmost care, regardless of affiliation. This demand was a legitimate and essential part of democratisation, and fundamental regarding the protection of human rights. Normative transformation had to start in state institutions and be implemented during the activities of social services. For example, the secret service, which was obviously considered a highly secretive institution, had to transform the way it worked, and even the army and police had to be depolarised and operate on the basis of democratic principles. In the case of Kosovo, the most substantial transformation that had to take place was with regard to the stereotypes and negative attitudes against the Albanian population. This particular type of transformation had to begin in state institutions and required their employees to perform their professional duties in accordance with democratic principles. The first point that had to be eliminated from their opinion was that Albanians were to be considered rather not as enemies, but as equal, fellow citizens.

In addition to this transformation, yet another was also needed, this time in the electoral system in order to install a pluralist party system. There were myriad obstacles to progress in this regard, as the new system unfortunately operated under the mindsets of the previous system.

The remnants of the structures of the previous system both during and after the transition process were evident in the former Yugoslavia, and were the source of issues and challenges when it came to progressing the transformation process in accordance with the principles of democracy (Ramet, op. cit.).

Although formally referred to as 'the new political system' and as a 'multi-party system', in practice it continued to act in the same style as before, hindering the progress of expanding democratic values (Smooha, op. cit., p. 175).

As a result of the aforementioned obstacles, the system of pluralism was not as widespread as it should have been. Other countries also had difficulties during the transition. For example, Romania and Croatia faced some obstacles, whereas Albania made some progress, but after the failed 1996 national elections and pyramid schemes, the process was hindered and, consequently, led to civil unrest. But, in a comparison between Montenegro and Serbia, it seemed that Montenegro was more open to a plural system (Ramet, op. cit., p. 52).

Serbia, in reality, acted differently during the transition of the democratisation process compared to other surrounding countries, because ultranationalist political groups was set up and every change was according to their program. Their plan was to change the demographics of the population in Kosovo by reducing the Albanian population, and increasing the

Serb population (Pavlakovic et. al., 2004). With this plan, the Serbian authorities decided to use any means or measures necessary just to achieve this goal. Some of these methods included an idea to expel Albanians from Kosovo and reduce the birth rate of Albanians. Finally, in order to carry out the plan, the Serbs began carrying out acts of genocide by, inter alia, poisoning Albanian children in schools by placing chemical substances in the classrooms wherein they were learning during the 1990s (Göran, 2009). Another tool was the threat of discontinuing the provision of food from the employment relationship. The vast majority of Albanian workers were eventually fired. More than seventy percent of Albanians were affected by these measures and were unable to earn money to buy food or to make a living (Calic, 2000). Other methods employed included mass persecution and the killing of people to spread the feeling of fear as a psychological motivation to emigrate. The aim of these means was to stimulate the emigration process and to create a hostile environment between the Serbian and Albanian people. To fulfil the plan of ultra-nationalism, special assistance was provided by Serbian scientists who had prepared the Memorandum, which was approved by the Serbian Academy of Sciences and Arts and implemented by political leader Slobodan Milosevic and his associates, such as Aleksandar Vučić who today is president of Serbia (Salihu, 2020, pp. 40–43).

During the transition period, the evidence of the results of the first post-communist election process in Serbia showed that, once again, it had been won by the old party but under the banner of a new name. The League of the Communist Party was the predecessor of the Socialist Party which emerged victorious.

As a result of their victory, nothing improved. Quite to the contrary; things worsened and the issue of nationalism returned to the agenda for a long time. Another significant problem worth mentioning is the lack of cooperation between different national and ethnic parties during the transition. Serbia ruled out co-operation with ethnic Albanian-created parties in Kosovo and, due to this, the Albanian parties in Kosovo stayed away from the new government created in the former Yugoslavia, i.e., Serbia, which dominated and came to power even after the former Yugoslavia's dissolution.

On the other hand, the entire political activity of the Albanian party in Kosovo (the Democratic League of Kosovo) was left without any real opportunity, despite the usual registration in the political system, and was consequently without any competence of government power in the transformed system. The rights of Albanians to be an equal part of the new system were denied. Therefore, the former Yugoslavia, during the 1990s, is ranked bottom of the scale for political rights and civil liberties accord-

ing to Freedom House. For these violations, in a comparative analysis of the democratic development of the Yugoslav regime, the country was assessed in line with countries with lesser democratic development and was ranked as being on par with countries such as Azerbaijan and Tajikistan (Smooha, op. cit., pp. 178–179).

With the above data, we see that even the post-communist system did not bring the necessary transformations for lasting stability. Particularly problematic was the lack of equal treatment of all ethnicities and respect for human rights. The new system that claimed to be and was called a democratic system should have recognised all human rights and protected all citizens without any affiliation. But deviations from democratic features appeared from the beginning of the installation of the new system and the election campaign was largely based on chauvinistic policy (Ramet, op. cit., p. 62).

As a result of this policy, riots and fires broke out in Yugoslavia as did much conflict. As it is known, the armed conflict started in the former Yugoslavia by contesting this federation sovereignty during the post-communist era. For this, we must remember the fact that in the former Yugoslavia only two of the six republics remained, in the form of Serbia and Montenegro. These two entities together pursued the same policy against other nations or ethnicities. What characterised their policy was that after the first election phase, a clear line of demarcation was used between the citizen and the non-citizen. Among those who were considered non-citizens were the Albanian people and their party, leaving them sidelined and excluded from the new system, both in government and opposition. The new government, led by the Serbian political party, excluded Albanians as citizens in the country even though the Albanian population lived in its territory and made up the majority of the population in the territory of Kosovo. By committing to this exclusion, Serbia showed the ugly side of governing and maintaining an anti-democratic system. To understand how that anti-democratic system was exercised and how it continued, we give a brief description of the use of some mechanisms that Serbs put in their policy system at the expense of the Albanian people.

Mechanisms that were dominant within Serbian politics: 1) centralisation; 2) ethnationalist discourse; 3) engineering and procedural manipulation; 4) criminal prosecution; 5) constitutional nationalism.

The following is a more detailed description of some of the dimensions of the above-mentioned mechanisms and which were standard tools in Serbian politics. Here are some examples:

1. Centralisation as a first step was made possible by the abolition of the autonomy of the two provinces, Kosovo and Vojvodina during 1989

and 1990, which resulted in a reduction of minority rights in these two territories.

2. Ethno-nationalist discourse spread to the political system as well. The means of sustaining the ethno-nationalist discourse was propaganda as its source. Throughout its exercise as a mechanism, there was an increased reaction of nationalism, and the relations between the two ethnic groups in the Serbs and Albanians in Kosovo broke down even further.

3. Procedural engineering and manipulation as a third mechanism emerged from the regime as a method which was widely used. Throughout this procedural engineering, minority parties were excluded from any opportunity to share power in the new government not only in the central district but also at the local level, even though at the local level, minorities made up the majority of the population.

4. Prosecution was the last preliminary part of the mechanism which was used extensively. Indeed, prosecution was justification, albeit highly camouflaged, to fight those who disagreed with the system. They were usually referred to as separatist minority groups, especially the ethnic Albanian group, which has been accused of and persecuted for 'being a secessionist group'. That methodology of false justification has been used for a long time against the Albanians in Kosovo.

5. Finally, constitutional nationalism was employed as a method to marginalise minorities from the institutional and constitutional framework. This mechanism was approved by the regime and was followed by numerous legal provisions. In reality, the entire judicial framework was entirely marginalising and discriminatory.

6. In summary, the former Yugoslavia, which was led by Serbia during the 1990s, did not meet the basic conditions as set out in the definition of the basic principles of democracy (Smooha, op. cit., p. 189).

These methods clearly highlight the lack of the development of democratisation of society after the post-communist period resulting in an inter-ethnic war in the former Yugoslavia. Under these circumstances, the concept of sovereignty was directly influenced and, as a result, the sovereignty of Yugoslavia fluctuated. The remnants of Montenegro, as the last part of the territory in the former Yugoslavia, were divided after the Kosovo war. But the partition of Kosovo took place after the armed conflict and at a high cost; the expense of the Albanians.

The issue of sovereignty was very sensitive at the highest international diplomatic level until sovereignty in Kosovo became a reality. Kosovo, as a new state in the European territory, has shown that sovereignty is a highly important part of a state.

However, the case of Kosovo has influenced the concept of sovereignty, sparked debate in the world, and now the issue of sovereignty has passed another new challenge with demands for the reduction of absolute power and for wider democratisation. In this context, the essential aspect related to the respect of human rights has been raised. With this aspect of human rights in mind and its historical background, the concept of sovereignty was controversial in the former Yugoslavia. Historically, Yugoslavia's sovereignty has been contested from the beginning and has never been legitimised by Kosovo Albanians, who made up more than ninety percent of Kosovo's population. However, the concept of sovereignty suffered the loss of absolute power and changed the side of preferences by choosing and respecting human rights and prevented the continued abuse of power. Under these circumstances, new sovereign states of the former Yugoslavia were established, among which, as we have pointed out, is the sovereign entity of Kosovo.

Conclusions

In the analysis of the transformations of the post-communist era, it turns out that the concept of sovereignty has been faced with many questions as to who created it and who may have the right to be sovereign. These questions are especially important with regard to how the former Yugoslavia was built, because there were some nations that did not get the same status quo when the federation was created. The ethnic Albanian group, which was numerically large, and as the third group in the federation, was mistreated regarding their status quo, and was constantly discriminated against. The Albanian population was not recognised as a nation, but rather as a nationality, despite the fact that other groups that were of a smaller numerical population, received a higher status-quo *as a nation*.

After the post-communist period, the sovereignty question became more prevalent when the demand for democratisation and respect for human rights became a central issue. After half a century of coexistence, many ethnic groups tried to secede from the federation of the former Yugoslavia and build their own sovereign state. During the post-communist period, Yugoslavia disintegrated and new states were born that were declared sovereign states. One of these states is Kosovo, as a sovereign and independent state.

From the above facts, it can be seen that the post-communist period itself also had an impact on the issue of sovereignty. The post-communist phase was followed with many new sovereign national states being pro-

claimed. With the birth of these sovereign states, it has been proved again that the concept of sovereignty is still current for every state, but with different conditions. Requests for new and improved national conditions are connected with peace and stability. The maintenance of a stable, sovereign state after the post-communist era can be ensured by taking these new conditions into account, especially in the field of human rights.

The changing of standards on the sovereign concept are well known in post-communist era. The concept of sovereignty in the time of communism was misused and, consequently, could not stand as the basis for a stable, sovereign state or federation. During the communist era, it was promised that the state should respect collective rights within a sovereign territory, but instead a tendency to articulate the selective nation and to destroy other ethnic groups came to the fore. Therefore, in the post-communist era, sovereign power has been adapted in accordance with the respect of human rights which is considered as a crucial standard in the post-communist period.

In conclusion, as shown by the above description, the model of Westphalia sovereignty has changed over time, yet the foundations of the previous model are still being used in the world. Assessing its capacity is especially important in fundamental aspects, because sovereignty holds power and it plays a necessary role for a state. However, a very noticeable change after the post-communist era has to do with sovereignty's absolute power, and that power should be focused on protecting human rights. Today, there are many international treaties and international laws which should be binding on all sovereign states as well as on Kosovo which has, in particular, the highest priority for the respect for human rights. Kosovo's sovereignty is conditional and enforces positive discrimination against minorities. This condition is incorporated in the Constitution of Kosovo, and perhaps the Constitution of Kosovo will be a good example in the world of a sovereign state of the post-communist period.

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