



Human Rights Law Clinic Papers 2022

Juxtaposing the issue of segregation against the right to education and the right to work for the youth in Mitrovica

To: International Communities Organisation

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ACFC, 'Comments by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo' (21 December 2017) GVT/COM/IV(2017)007 para 5.

ACFC, 'Fifth Community Rights Assessment Report issued by the OSCE Mission in Kosovo' (15 September 2021) ACFC/SR/V(2021)005 38.

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CESCR, 'General Comment 13' (8 December 1999) UN Doc E/C.12/1999/10

(CESCR), *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, E/C.12/GC/18

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(CESCR), *General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights)*, 7 April 2016, E/C.12/GC/23

CESCR, 'Second periodical report on the implementation of the ICESCR of Serbia. Annex I: Implementation of the International Pact on Economic, Social and Cultural Rights in Kosovo' UN Doc E/C.12/SRB/2

UN Commission on Human Rights, 'Report submitted by Katarina Tomaševski, Special Rapporteur, in accordance with Commission resolution 2002/23' (2003) UN Doc E/CN.4/2003/9/Add.2 para 28.

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Brussels Agreement (19 April 2013) <www.srbija.gov.rs/cinjenice/en/120394> accessed 15 April 2022.

The Republic of Kosovo Ministry of Education, Science, Technology and Innovation, 'Kosovo Education Strategic Plan 2017-2021' (July 2016) <masht.rks-gov.net/uploads/2017/02/20161006-kesp-2017-2021-1.pdf> accessed 1 March 2022.

UN Interim Administration Mission in Kosovo, Law No. 02/L-37 on the Use of Languages 26 July 2006.

iii) Table of Abbreviations

CESCR – The Committee on Economic, Social and Cultural Rights

CRC – Convention on the Rights of the Child

ECHR – European Convention on Human Rights

FCPNM – Framework Convention for the Protection of National Minorities

ICESCR – International Covenant on Economic, Social and Cultural Rights

MEST – Ministry of Education, Science and Technology

OSCE – Organization for Security and Co-operation in Europe

UN – United Nations

UNESCO – United Nations Educational, Scientific and Cultural Organization

UNMIK – United Nations Interim Administration Mission in Kosovo

1. Introduction

Mitrovica is the largest city in Kosovo. There are two municipalities - the North is predominantly Kosovo-Serb and the South has a Kosovo-Albanian majority. The two are separated physically by the Ibar river. Since the end of the war, an outbreak of violence in 2004 and the subsequent declaration of Kosovo's independence, the population split.¹ The 2013 Brussels Agreement was adopted to normalise relations between the governments of Kosovo and Serbia and allowed for the creation of Serbian-majority municipalities in Kosovo, including North Mitrovica.² Contemporarily, the two communities function separately, speak different languages, use different currencies and have parallel institutions.

In this memorandum, we will analyse the impact of segregation across Mitrovica. We will specifically focus on the effects of divisions on the fulfilment of the socio-economic rights. Particular attention will be devoted to the implementation of the right to education and the right to work enshrined in international human rights law instruments. First, we will briefly introduce the situation in Kosovo and the developments that influenced Mitrovica after the end of the war in 1999. In the second section, the issues related to the right to education will be analysed and the third section presents the issues related to the right to work. Cross-community recommendations are proposed at the end of each section.

2. Background

Conflict between Kosovo-Albanians and Kosovo-Serbs has occurred for, potentially, hundreds of years.³ Such conflict came to a peak towards the end of the 20th century, with the rise of the Serbian, nationalist leader Slobodan Milošević. Discriminatory language policies were adopted that included the closure of Kosovo-Albanian media outlets such as television channels and newspapers, Kosovo-Albanians were forced out of their employment and a new Serbian curriculum was established for all levels of education.⁴ This resulted in Kosovo-Albanian resistance, the first parallel institutions, the rise of the Kosovo-Albanian rebel group - Kosovo Liberation Army, and the subsequent civil war in 1999.⁵ Between March and June 1999, the North Atlantic Treaty Organisation led a bombing campaign against Milošević's

¹ Robert Muharremi and others, 'Administration and Governance in Kosovo: Lessons Learned and Lessons to be Learned' (2003) <www.reliefweb.int/report/serbia/administration-and-governance-kosovo-lessons-learned-and-lessons-be-learned> accessed 10 April 2022.

² *ibid.*

³ Independent International Commission on Kosovo, *The Kosovo report: conflict, international response, lessons learned* (OUP, 2000).

⁴ *ibid.*

⁵ *ibid.*

regime until an agreement was made and the Serbian forces withdrew. This resulted in the UN Security Council Resolution 1244 whereby the United Nations Interim Administration Mission in Kosovo (UNMIK) was established.⁶ This enabled the UN to replace the role of the state in attempt to create a secure environment for the return of refugees and more. UNMIK is extant but plays a minor role contemporarily as Kosovo declared independence in 2008 and adopted its own constitution.⁷ Political divisions between Kosovo-Albanians and Kosovo-Serbians remain today, particularly in the city of Mitrovica that this memorandum will focus on specifically.

3. The effects of segregation on educational rights

This section of the memorandum explores the effects of segregation on rights to education within Mitrovica. The Republic of Kosovo authorities adopted a domestic, strategic plan for education between 2017 and 2021 that aimed to implement policies that would develop cross-cultural relations through education.⁸ However, the State failed to provide the necessary financial resources that were required for its implementation as only half of the budget was covered.⁹ In 2021, it was reported that Kosovo had made limited progress over the last year in regards to education.¹⁰ For example, the results of the last Organisation for Economic Co-operation and Development Programme for International Student Assessment determined that the quality of education in Kosovo is inadequate as the country came third from the bottom.¹¹ It is important to note here that educational systems in Mitrovica are parallel. Students in the North and South municipalities co-exist, are taught in different languages and have different learning curricula. They have no existing space to interact, communicate, learn about their cultures or to share experiences. Parallel structures present a “particular danger in societies emerging from conflict”¹² and are inconsistent with international law. It is, therefore,

⁶ UNSC Res 1244 (1999) S/RES/1244.

⁷ International Crisis Group, ‘Relaunching the Kosovo-Serbia Dialogue’ (25 January 2021) <www.crisisgroup.org/europe-central-asia/balkans/kosovo/262-relaunching-kosovo-serbia-dialogue> accessed 13 April 2022.

⁸ The Republic of Kosovo Ministry of Education, Science, Technology and Innovation, ‘Kosovo Education Strategic Plan 2017-2021’ (July 2016) <masht.rks-gov.net/uploads/2017/02/20161006-kesp-2017-2021-1.pdf> accessed 1 March 2022.

⁹ OHCHR, ‘CIVIL SOCIETY REPORT ON HUMAN RIGHTS IN KOSOVO IN 2019’ (June 2020) <www.ohchr.org/sites/default/files/Documents/Press/kosovo_cso_2019_human_rights_report_en.pdf> accessed 14 May 2022.

¹⁰ Directorate-General for Neighbourhood and Enlargement Negotiations, ‘Kosovo Report 2021’ (19 October 2021) <ec.europa.eu/neighbourhood-enlargement/kosovo-report-2021_en> accessed 2 March 2022.

¹¹ *ibid.*

¹² Elizabeth Craig, ‘Minority rights, integration and education in the Western Balkans’ 67 NILQ 453, 454.

useful to explore the relationship between this segregation and the realisation of educational human rights for the youth in Mitrovica.

This section introduces international human rights law frameworks, relevant to education, that Kosovo is legally bound by. It then provides a socio-legal analysis of parallel educational institutions and argues that such systems limit the realisation of the right to education in Mitrovica. It then explores the issue of monolingualism and draws on the failure of Kosovo authorities to introduce an integrated curriculum. It then considers the issue of problematic language in textbooks and argues that this entails limitations for the realisation of the right to education. The second part of this section provides cross-community recommendations and calls for the relevant authorities to introduce integrated education incrementally in Mitrovica.

International legal framework

The right to education is enshrined in article 13 International Covenant on Economic, Social and Cultural Rights which recognises that, “education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”¹³ This right has been developed in General Comment No. 13 which emphasises the need for education to “promote understanding among all “ethnic groups”.”¹⁴ It states that “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality”¹⁵ and that education must adapt with changes in society to meet the diverse needs of students.¹⁶ Additionally, article 15(1)(a) ICESCR provides the “right of everyone to take part in cultural life”.¹⁷ This right has been developed in General Comment No. 21, which states that it is intrinsically linked to education. It means that education ought to help “foster an atmosphere of mutual understanding and respect for cultural values” and “[t]his includes the right to be taught about one’s own culture as well as those of others.”¹⁸ Similarly, article 29(1)(c) of the Convention on the Rights of the Child (CRC) requires that education is directed to develop “respect [...] for civilizations different from his or her own” and should encourage “friendship

¹³ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3 art 13(1).

¹⁴ United Nations Committee on Economic, Social and Cultural Rights ‘General Comment 13’ (8 December 1999) UN Doc E/C.12/1999/10 para 4.

¹⁵ *ibid*, art 6(c).

¹⁶ *ibid*, art 6(d).

¹⁷ ICESCR, (n 13) art 15(1)(a).

¹⁸ CESCR ‘General Comment 21’ (21 December 2009) UN Doc E/C.12/GC/21.

among all peoples”.¹⁹ Regional instruments, such as the European Convention on Human Rights (ECHR), also recognise the right to education.²⁰ This right has been developed through ECtHR case-law which has stated that there is a, “general interest of society in avoiding the emergence of parallel societies based on separate philosophical convictions and the importance of integrating minorities into society” (*Konrad and Others v. Germany*).²¹ It also stipulates that, “[t]he States are under a positive obligation to take positive effective measures against segregation” (*Lavida and Others v. Greece*).²² Additionally, articles 6²³, 12, 13 and 14 of the Framework Convention for the Protection of National Minorities (FCPNM) relate to education.²⁴ The Convention stipulates that States must, “where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and the majority.”²⁵ Article 14 recognises that States should “endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language”.²⁶

Parallel educational institutions

Between 1953 and the early 1990s, schools in Mitrovica were integrated.²⁷ However, under the presidency of Serbian Yugoslav Slobodan Milošević, discriminatory policies were adopted and curricula were introduced that merely promoted Serbian culture.²⁸ Therefore, Kosovo-Albanians incrementally established a parallel system to meet their own educational needs in the 1990s.²⁹ Separate educational institutions were arguably strengthened by the 2013 Brussels Agreement.³⁰ This was adopted to establish normalised relations between the

¹⁹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) art 29(1)(c)

²⁰ Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR) (20 March 1952, ETS 9) art 2.

²¹ *Konrad v. Germany* App no. 35504/03 (ECtHR, 11 September 2006).

²² *Lavida and others v Greece* App no. 7973/10 (ECtHR, 30 May 2013).

²³ For more information, see

<rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800bb694>.

²⁴ Framework Convention for the Protection of National Minorities, ETS 157.

²⁵ *ibid*, art 12.

²⁶ *ibid*, art 14.

²⁷ Immigration and Refugee Board of Canada, ‘The History, Culture and Identity of Albanians in Kosovo’ (*Refworld*, 1997) <www.refworld.org/docid/3ae6a80c0.html> accessed 22 March 2022.

²⁸ Bekim Baliqi, ‘Higher Education in Divided Societies: Between Ethnic Segregation and Citizenship Integration in Kosovo’ 9 *Journal of Higher Education and Science* 90, 92.

²⁹ *ibid*.

³⁰ Brussels Agreement (19 April 2013) <www.srbija.gov.rs/cinjenice/en/120394> accessed 15 April 2022.

Kosovo and Serbian governments.³¹ Its ratification allowed for the creation of Association/Community of Serb majority municipalities in Kosovo.³² Following this, municipalities are now responsible for all functions of education within their communities, up to secondary level. Municipal Education Directorates are employed to exercise such responsibilities.³³ Furthermore, the Serbian Institute for the Improvement of Education provides a curriculum to Serbian majority municipalities.³⁴ Meanwhile, the Kosovo Ministry of Education, Science and Technology (MEST) has the authority to provide curricula to Albanian majority municipalities.³⁵

Similarly, higher education in Mitrovica operates on a segregated basis. Excluding one university, The International Business College Mitrovica, interaction between the universities on either side of the river does not exist.³⁶ This is particularly problematic because higher education is considered a necessary element of the peace process and has the potential to act as a catalyst for political transformation. For example, universities develop urban space, produce future leaders and bring about graduates who are potential agents of change.³⁷ Maciulewicz found divisions in the higher education providers, such as “lack of mutual cooperation and mutual recognition of universities, separate academic and student communities, different curricula and languages of instruction.”³⁸ Student respondents from either side of the city reported institutional disorder, were unhappy with the services available to them and mentioned their disappointment with the actions of political actors.³⁹

Parallel institutions are not only a direct result of segregation, but simultaneously perpetuate the issue. Bigagli notes, “the existence of a parallel system that keeps the two main groups separate is *per se* a deterrent to fostering inclusion”.⁴⁰ In accordance with international law, the parallel education system in Mitrovica is unacceptable as it limits the realisation of the right to education. The Committee on Economic Social and Cultural Rights (CESCR) has consistently denounced the existence of such institutions as they fail to meet the obligations set forth in articles 13 and 15 ICESCR. For example, in the context of the divided Bosnia and

³¹ *ibid.*

³² *ibid.*

³³ Organization for Security and Co-operation in Europe, ‘Communities Access to Pre-University Education in Kosovo’ (17 December 2018) <www.osce.org/files/Community%20Education%20report_Eng_layout.pdf> accessed 10 March 2022.

³⁴ *ibid.*

³⁵ *ibid.*

³⁶ Marzena Maciulewicz, ‘Divided Cities. A case study of Mitrovica’ (Doctoral dissertation University of Warsaw, 2019) <core.ac.uk/download/pdf/304741145.pdf> accessed 10 March 2022. 220.

³⁷ *ibid.*, 217.

³⁸ *ibid.*, 233.

³⁹ *ibid.* 236.

⁴⁰ Francesco Bigagli, ‘A Multicultural Dystopia: The Ethnicization of Education in Post-Independence Kosovo’ (2019) 6 *European Journal of Education Studies* 101, 108.

Herzegovina, the Committee notes its concern about ethnically segregated schools and vehemently recommends that such institutions be abolished.⁴¹ Similarly, in the case of Ukraine, CESCR stated that school segregation must be addressed in order to increase the enrolment of minority, Roma children into mainstream education.⁴² Furthermore, parallel institutions are inconsistent with article 2 of protocol no. 1 ECHR. As aforementioned, the ECtHR have stressed the importance of avoiding them as they prevent the integration of minorities into society (*Konrad and Others v. Germany*).⁴³ The United Nations Interim Administration Mission in Kosovo (UNMIK) Advisory Committee has also denounced the existence of parallel schools. It states that “[a]ny form of ethnic segregation in schools should be immediately discontinued” as it reinforces divisions and acts as a harmful obstacle to reconciliation.⁴⁴ Students are unable to integrate, develop mutual understanding or build friendships with their ethnically segregated peers. In this way, the parallel education system in Mitrovica limits the realisation of the right to education to a large extent.

Monolingualism

There is currently no Serbian language curriculum available in South Mitrovica.⁴⁵ Kosovo-Serbian students in Mitrovica therefore, have no choice but to attend education in the Northern municipality, as they are unable to learn in Serbian under the Kosovo curricula. The domestic Law on the Use of Languages was adopted in 2006 to ensure “[t]he equal status of Albanian and Serbian as official languages of Kosovo and the equal rights as to their use in all Kosovo institutions”.⁴⁶ However, the law has not been implemented successfully. The UN Special Rapporteur in the field of cultural rights has claimed that displaced Serbians, who wished to return to Kosovo, experienced difficulties due to the lack of educational opportunities that are available in the Serbian language.⁴⁷ Similarly, Serbian curricula schools do not teach in the Albanian language.⁴⁸ This contributes to polarisation of the youth as they are not exposed to each other’s languages and therefore, encounter troublesome language barriers.⁴⁹ Students

⁴¹ CESCR, ‘Concluding observations on the third periodic report of Bosnia and Herzegovina (AUV)’ 15 October 2021 UN Doc E/C.12/BIH/CO/3 paras 50 & 51(a).

⁴² CESCR, ‘Concluding observations on the seventh periodic report of Ukraine’ 2 April 2020 UN Doc E/C.12/UKR/CO/7 para 45(d).

⁴³ *Konrad and others v. Germany* (n 21).

⁴⁴ Advisory Committee for Framework Convention, ‘Fourth Opinion on Kosovo’ (adopted 8 March 2017) ACFC/OP/IV(2017)001 para 89.

⁴⁵ Directorate-General for Neighbourhood and Enlargement Negotiations, (n 10) 45.

⁴⁶ UN Interim Administration Mission in Kosovo, Law No. 02/L-37 on the Use of Languages 26 July 2006.

⁴⁷ UN General Assembly, ‘Report of the Special Rapporteur in the field of cultural rights on her mission to Serbia and Kosovo’ (2018) UN Doc A/HRC/37/55/Add.1 para 55.

⁴⁸ OSCE, (n 33) 45.

⁴⁹ Directorate-General for Neighbourhood and Enlargement Negotiations, (n 10).

can only learn one of the two official languages and this is producing an increasingly monolingualistic culture within the city.

This is widely inconsistent with the provisions enshrined in international law. The UNMIK Advisory Committee has noted the importance of promoting interethnic dialogue. It affirms that, without such, “younger generations are unable to learn the other official language and to interact with each other”.⁵⁰ The Committee, therefore, emphasises the need for Kosovo authorities to develop an integrated curriculum promptly. It states that the learning of both languages must be available at all levels of education, including higher education.⁵¹ Similarly, in 2008, CESCR recommended to Kosovo authorities that inter-ethnic dialogue and tolerance should be promoted through education, in accordance with ICESCR.⁵² The ongoing disregard for integrated curricula reflects a failure of the relevant authorities to comply with their international human rights obligations. Articles 13 and 15 ICESCR, article 29(1)(c) CRC, and articles 6, 12 and 14 FCPNM are limited to a large extent due to the segregated curricula that operate in Mitrovica. The youth in both municipalities are unable to interact with a great deal of their peers, as they cannot attend the same schools or communicate. Therefore, they are arguably unable to develop meaningful relationships, mutual understanding or respect for cultural values and are unable to obtain knowledge about each other’s cultures through shared language.

Textbooks

Furthermore, the content of education arguably reinforces tensions within the city. Research on textbooks demonstrates that historical education is a useful tool for post-conflict nation-building.⁵³ However, history textbooks that are available to pre-university students, depending on their curricula, are fundamentally politicised in Kosovo. As part of the MEST education reform strategy, new textbooks have been provided to schools in the Republic of Kosovo that “should promote the values of diversity and intercultural tolerance, and should ensure promotion of gender equality”.⁵⁴ However, the use of discriminatory language in textbooks is extant.⁵⁵ The chair of a community-based organisation that deals with peace-building and

⁵⁰ ACFC, (n 44) para 83.

⁵¹ *ibid*, para 88.

⁵² CESCR, ‘Consideration of Reports Submitted by State Parties Under Articles 16 and 17 of the Covenant’ 1 December 2008 UN Doc E/C.12/UNK/CO/1 para 32.

⁵³ Emilie Fort, ‘Bridging Past and Present Traumas: The Emergence of Kosovo Serb Ethnoscape in the Dynamic Interaction between the Enclaved Environment and History Textbooks’ Content’ (2019) 46 *Nationalities Papers* 968, 968.

⁵⁴ The Republic of Kosovo Ministry of Education, Science, Technology and Innovation, (n 8) 78.

⁵⁵ OSCE, (n 33) 45.

education, Admovere, stated that, “[t]he two countries’ textbooks show only the other side’s crimes, presenting themselves as the victim and the other as the aggressor”.⁵⁶ Similarly, a 2021 study affirms that history textbooks provided in both municipalities serve either Kosovan or Serbian agendas and fail to present objective truths.⁵⁷ The UNMIK Advisory Committee has also noted concerns regarding textbooks and the cultural bias within the majority of such materials. It has, therefore, called for “critical thinking in history teaching, based on the appreciation of multiple perspectives and the promotion of intercultural understanding through the education system.”⁵⁸

Culturally biased textbooks are largely incompatible with international law. This is reflected in CESCR’s concluding observations in the case of Bosnia and Herzegovina, where it was recommended that the authorities should reform history teaching materials in order to promote mutual understanding and integration, as recognised in article 13 of the convention. As aforementioned, the meaning of article 13 has been developed in General Comment No. 13 which states that, “the form and substance of education, including curricula and teaching methods, have to be acceptable (e.g. relevant, culturally appropriate and of good quality).”⁵⁹ This suggests that the use of nationalist and culturally-biased narratives in educational textbooks breaches the right to education. The youth are frequently provided with fabricated versions of history as opposed to appropriate, neutral information that encourages critical thought. Therefore, the substance of their education is unsuitable and fails to meet international legal provisions. In this way, the right to education is compromised due to the segregation of their schools and curricula.

4. Cross-community recommendations

This section of the memorandum provides cross-community policy agenda recommendations for education in Mitrovica. Education is fundamental to the secondary socialisation of young people. In post-conflict communities such as Mitrovica, where ethnic and political divisions permeate society, its role is greater still because it is central to conflict resolution, peace-building and social cohesion. This section provides recommendations for the aforementioned

⁵⁶ Serbeze Haxhiaj, ‘Schoolbooks Perpetuate Kosovo-Serbia Divisions in Classrooms’ (Balkan Insight, 3 October 2019) <www.balkaninsight.com/2019/10/03/schoolbooks-perpetuate-kosovo-serbia-divisions-in-classrooms/> accessed 15 March 2022.

⁵⁷ Luke Bacigalupo, ‘Kosovo and Serbia’s National Museums: A New Approach to History?’ in Ioannis Armakolas and others (eds), *Local and International Determinants of Kosovo’s Statehood* (Kosovo Foundation for Open Society, 2021).

⁵⁸ ACFC, (n 44) para 91.

⁵⁹ CESCR, (n 14).

issues: parallel educational institutions, monolingualism and textbooks. It further provides wider solutions to segregation within education in Mitrovica.

Parallel educational institutions

Emphasis on integrating parallel educational institutions is profuse within the research that encompasses post-conflict societies. The UN Special Rapporteur on the right to education in Britain and Northern Ireland noted the significance of integrated education, as it helps develop “social cohesion, defined as the glue that bonds society together, and found crucial in remedying and preventing violent conflict.”⁶⁰ Similarly, a UNESCO report notes that children should not be selected into education on the basis of cultural differences, language or faith.⁶¹ It additionally highlights that students will be more likely to respect ‘other’ groups when their school provides education on living together in multicultural societies.⁶²

Northern Ireland has had some integrated educational institutions since 1981.⁶³ However, the total number of pupils attending these schools remains a small percentage.⁶⁴ Although this demonstrates slow progress, it has been found that those children attending integrated schools are more likely to go on to live in a mixed religion community, work in an integrated workplace and send their child to an integrated school.⁶⁵ In addition, they are more likely to form friendships with the ‘other’ group than those who attend segregated institutions.⁶⁶ This suggests that integrated education gives individuals greater potential to foster positive attitudes towards their outgroup and therefore, develop mutual understanding, respect and friendships. Therefore, under this system, the right to education is realised to a greater extent than it is under the current, parallel institutions.

⁶⁰ UN Commission on Human Rights, ‘Report submitted by Katarina Tomaševski, Special Rapporteur, in accordance with Commission resolution 2002/23’ (2003) UN Doc E/CN.4/2003/9/Add.2 para 28.

⁶¹ EFA Global Monitoring Report team, ‘The hidden crisis: Armed conflict and education’ (UNESCO, 2011) <unesdoc.unesco.org/ark:/48223/pf0000190743> accessed 1 April 2022. 246.

⁶² *ibid.*

⁶³ Shelley McKeown, ‘Integrated education in Northern Ireland: Education for peace?’ in Mohamed Seedat, Shahnaaz Suffla and Daniel J. Christie (eds), *Enlarging the Scope of Peace Psychology* (1st edn, Springer 2018) 10.

⁶⁴ Department of Education, ‘Integrated Schools’ (NI Gov, 2021) <www.education-ni.gov.uk/articles/integrated-schools> accessed 10 April 2022.

⁶⁵ Shelley McKeown, (n 63) 11. See also, Claire McGlyn and others, ‘Moving out of conflict: the contribution of integrated schools in Northern Ireland to identity, attitudes, forgiveness and reconciliation’ (2004) 1 *Journal of Peace Education* 147.

⁶⁶ *ibid.*

In order to improve the youth in Mitrovica's access to the right to education, this memorandum, therefore, suggests that the North and South municipalities must work together to adopt policies with an aim to introduce integrated schooling systems incrementally.

Monolingualism

At the very least, the relevant authorities should collaborate to implement an integrated curriculum that promotes the learning of both official languages. The UNMIK Advisory Committee have stated that the issue of segregation has been “exacerbated by ‘pervasive monolingualism’ in each community and intercommunity dialogue and understanding remain absent”.⁶⁷ Therefore, the Committee have recommended that Kosovan authorities focus on effective measures to promote interethnic dialogue and to ensure comprehensive implementation of the aforementioned Law on the Use of Languages.⁶⁸ Similarly, the Organization for Security and Co-operation in Europe (OSCE) noted that separate curricula “fall[s] short of promoting mutual respect, understanding and tolerance.”⁶⁹ Introducing integrated curricula within Mitrovica would significantly advance attempts to improve the issue of monolingualism and the increasing segregation that arises because of it. For example, Bigagli notes that the gradual integration of majority and minority languages is central to a “functioning democratic society.”⁷⁰ ⁷¹ It would enable Kosovo-Serbs to study under the same curricula as their Kosovo-Albanian peers and thereby, both groups could select any school within the city, regardless of the language of instruction on offer there. This would enhance their opportunities to share their languages and therefore, communicate more generally. Additionally, a bilingual youth centre could be established collaboratively by both communities. Over time, this could reduce extant divisions between the municipalities, as shared languages would facilitate inter-ethnic dialogue, friendships and mutual understanding and could potentially boost their compassion and feelings of empathy towards the other. In

⁶⁷ ACFC, ‘Comments by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo’ (21 December 2017) GVT/COM/IV(2017)007 para 5.

⁶⁸ ACFC, ‘Fifth Community Rights Assessment Report issued by the OSCE Mission in Kosovo’ (15 September 2021) ACFC/SR/V(2021)005 38.

⁶⁹ OSCE, ‘Kosovo non-majority communities within the primary and secondary educational systems’ (April 2009) <www.osce.org/files/f/documents/4/8/36978.pdf> accessed 10 April 2022. 38.

⁷⁰ Francesco Bigagli, (n 40) 105.

⁷¹ See also; Vesa Deva, ‘When Do we Cross the Bridge? The Role of Segregated Education in Post-Conflict Interethnic Relations in Kosovo’ (2019) <www.duo.uio.no/bitstream/handle/10852/70642/1/VesaDeva_Thesis.pdf> accessed 2 May 2022.

turn, realisation of the right to education would develop in accordance with the international legal framework that Kosovo is bound by in regard to education.

Textbooks

To promote intercultural tolerance and mutual understanding in Mitrovica, history teaching materials must be reformed in conformity with the provisions established in the aforementioned Kosovo Education Strategic Plan.⁷² This means that, in both the North and South municipalities, discriminatory language, cultural bias and nationalistic rhetoric in textbooks should be eradicated as it reinforces divisions amongst the youth. Furthermore, the relevant Kosovan and Serbian authorities should act in accordance with the UNMIK Advisory Committee's recommendations.⁷³ This means that they should seek to promote critical thinking in historical education by employing a variety of cultural perspectives.⁷⁴ In this way, textbooks would contribute to mutual cooperation between ethnic groups, as the content would present a comprehensive delineation of history and no longer actively incite prejudice with the use of inappropriate language. This advancement would improve the youth in Mitrovica's access to their right to education in accordance with international law.

Wider cross-community recommendations vis-à-vis education

Furthermore, the effects of segregation, on the realisation of the right to education, may be improved by introducing peacebuilding initiatives to the curricula. The objective of peacebuilding education is broadly to ameliorate negative attitudes held by the youth in divided communities and to promote reconciliation between the two groups.⁷⁵ For example, in the context of another post-conflict society, curricula projects in Colombia, aimed at promoting peace, have been evaluated as "broadly successful".⁷⁶ There is no specific divide here. However, violence in schools is a perpetual issue.⁷⁷ Therefore, the National Programme of Citizenship Competencies with a "Classrooms in Peace Initiative" was implemented by

⁷² The Republic of Kosovo Ministry of Education, Science, Technology and Innovation, (n 8).

⁷³ ACFC, (n 59) para 93.

⁷⁴ *ibid.*

⁷⁵ Megersa Tolera Abdi, 'The Role of Peace-Education as a Coexistence, Reconciliation and Peace-Building Device in Ethiopia' (2019) 2 *Electronic Research Journal of Social Sciences and Humanities* 61, 62.

⁷⁶ Clive Harber, 'A (Partial) Post-conflict Educational Success Story? Colombia' *Schooling for Peaceful Development in Post-Conflict Societies Education for Transformation?* (Palgrave Macmillan, 2019) 80.

⁷⁷ *ibid.*

Colombian authorities to mitigate this.⁷⁸ A reformed curriculum was introduced to promote peace within educational institutions. It aimed to develop youth skills in “empathy, anger management, perspective taking, creative generation of alternatives, considering consequences, active listening, assertiveness and critical questioning of beliefs”.⁷⁹ Although the project has not been completely successful, some success was reported as the students’ attitudes towards their peers improved and aggressive behaviour was reduced to one-fifth of the number that was recorded before the project was introduced.⁸⁰

In addition, educational institutions in Mitrovica should work to establish cross-community activities for the youth and to promote more vocational opportunities. Organisations, such as the Mitrovica Rock School, have successfully facilitated relationships between Kosovo-Albanians and Kosovo-Serbs in Mitrovica.⁸¹ The group provides facilities on both sides of the river, has inter-ethnic management and organises regular musical activities to bring the two communities together.⁸² The youth are able to create mixed ethnicity music bands, where they connect through their passion for music.⁸³ The project has been assessed as widely successful.⁸⁴ Therefore, educational institutions in Mitrovica should work together to introduce intercommunity activities as a means of encouraging integration.

It is axiomatic that segregation limits the realisation of the right to education within Mitrovica on a number of grounds. The relevant authorities must collaborate urgently, in attempt to integrate the youth by imposing cross-community policies in order to eradicate parallel educational institutions.

5. Effects of Segregation on the Right to Work

The next section of the memorandum is going to present the effects of segregation on the right to work in the region of Mitrovica. Following 1999, Kosovo and Mitrovica in particular, has been struggling with a significant youth unemployment and in order to deal with this issue the government has announced a strategic “Kosovo Youth Action Plan”, which had made only a limited impact and not enough focus has been put on the improvement of the situation of

⁷⁸ *ibid.*

⁷⁹ *ibid.*

⁸⁰ *ibid.*

⁸¹ Gillian Howell, Lesley Pruitt and Laura Hassler, ‘Making music in divided cities: Transforming the ethnoscape’ (2019) 12 *International journal of community music* 331.

⁸² *ibid.*, 11.

⁸³ *ibid.*, 14.

⁸⁴ *ibid.*

minority ethnicities, including Kosovo-Serbs.⁸⁵ Furthermore, as a result of segregation, the Kosovo-Serbs has not been granted the same access to economic opportunities and the process of privatisation of the economy has left many members of that population at a disadvantaged position in relation to their ability to exercise their right to work. On top of this, the unclear ownership situation regarding the Trepca mining complex has led to the diminishing implementation of the right to work, which to a large extent contributed to the difficult economic situation of Mitrovica.⁸⁶

First, this section introduces the applicable legal provisions from international human rights law frameworks surrounding the right to work. Second, the socio-legal analysis of the implementation of the right to work is conducted. The segregation of Mitrovica, alongside with privatisation is shown to have an effect on the fulfilment of this right, especially on the Kosovo-Serb community. Third, this section presents the efforts of the government of Kosovo to promote youth employment and youth entrepreneurship. Throughout this part of the memorandum, the socio-legal analysis entails the juxtaposition of the international human rights law that Kosovo is legally bound by with the actual situation in the divided community of Mitrovica

International Legal Framework

The legal provisions of the International Covenant of Economic, Social and Cultural Rights (ICESCR) covering the state's obligations in relation to work are enshrined in article 6, as well as article 7(c), which is particularly relevant for the context of the ethnic segregation in the city of Mitrovica. Article 6 recognises "the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right".⁸⁷ On top of this, the state is required to take steps to achieve the full realisation of this right that "shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions protecting fundamental political and economic freedoms to the individual."⁸⁸ Together with article 2(2) ICESCR, article 7(c) ICESCR provides a non-discrimination clause as it obliges the state parties to "recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular equal opportunity for everyone to be promoted in his

⁸⁵ OSCE, 'Community Rights Assessment Report. Fourth Edition', November 2015, 24

⁸⁶ Valentin Mihaylov (ed), *Spatial Conflicts and Divisions in Post-socialist Cities*, 2020 Springer, 66

⁸⁷ ICESCR Article 6

⁸⁸ ICESCR article 6

employment to an appropriate higher level, subject to no considerations other than those of seniority and competence”.⁸⁹ Another international human rights law instrument that Kosovo is legally bound by is the Framework Convention For The Protection of National Minorities (FCPNM). It is significant in the context of ethnic segregation in the city of Mitrovica and the access to the right to work as it states in the article 15 states that the parties “shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them”.⁹⁰

Privatisation

The first impact of segregation in the city of Mitrovica on the access to the right to work is related to the process of privatisation undertaken by the government of Kosovo after the end of the war. It was raised by Serbia in their second periodic report on the implementation of the ICESCR that the privatisation of socially-owned enterprises (SOE) constituted a violation of the right to work and thus prevented a sustainable repatriation of internally displaced persons and refugees from the Serbia-Kosovo war.⁹¹ The process of liberalisation of the Kosovar economy was initiated by the UNMIK with the introduction of Regulation 2003/13 in 2003 and it was claimed by Serbia that the approach has been implemented without any political, social or economic consultation with the individuals who were in charge of the SOEs.⁹² The ownership over those enterprises in Kosovo changed before the war from being owned by the Yugoslav state to being privately owned by the loyalist sent from Belgrade.⁹³ Then, after the war the Serbian repatriates and internally displaced persons often could not take part in privatisation of Kosovar economy. On the one hand, the process started in 2003, years after Kosovo-Serbs have left the region to escape the war. The legislation under which the privatisation proceeded was also designed in a discriminatory way towards them, as for example it stipulated that an employee would be eligible to a 20 per cent share if registered as an employee with the SOE at the time of privatisation, and is established to have been on the payroll of the enterprise for no less than three years.⁹⁴ It means that it would require a person to stay in Kosovo throughout the war to take part in privatisation. On the other hand, it was reported by Serbia that it was often the case that Kosovo-Serbs lacked the necessary

⁸⁹ ICESCR article 7(c)

⁹⁰ FCPNM article 15

⁹¹ CESCR, ‘Second periodical report on the implementation of the ICESCR of Serbia. Annex I: Implementation of the International Pact on Economic, Social and Cultural Rights in Kosovo’ UN Doc E/C.12/SRB/2

⁹² *Ibid*, para 15

⁹³ *Ibid*

⁹⁴ *Ibid*, para 16

information, documentation, legal counselling, or suffered from language barriers.⁹⁵ As a result, it can be seen how the right to work of the internally displaced Kosovo-Serbs has been violated, as they have not been given the same opportunity to take part in the process of privatisation of enterprises in which they worked before they were forced to go into displacement. They have lost their jobs after escaping the war, and then due to the unfavourable rules concerning privatisation they were not able to be reinstated into the positions they occupied before the conflict. Furthermore, it goes against the opinion of the Committee on Economic, Social and Cultural Rights (CESCR) from the General Comment no.18 where it was stated that the obligations to protect the right to work include “the duties of states to ensure that privatisation measures do not undermine workers’ rights”.⁹⁶

The issues arising from privatisation and the segregation of Mitrovica are also reflected in the post-war situation of the Trepca mining complex. Located in the northern suburbs of Mitrovica, it was regarded as the largest producer of metals in Europe and provided for the majority of jobs in the region, which used to be the heart of the most economically developed region of Kosovo.⁹⁷ Following the war and the ensuing privatisation, the Trepca mine’s ownership was attempted to be transfer from the Kosovo-Serbs to the Kosovo-Albanians by the UNMIK.⁹⁸ However, the privatisation of Trepca could not come into fruition not only for political reasons, but also because of “complaints from investors who claim to have bought the company during the era of Milosevic”.⁹⁹ As a result of the unclear ownership situation foreign companies has been discouraged from investing in the mining complex and the transfer of control over the Trepca mine is a source of social and political tension between the Kosovo-Serbs and Kosovo-Albanians living in Mitrovica.¹⁰⁰

Discrimination

Furthermore, the polarisation of society in Mitrovica has led to an unequal access to the right to work and discrimination. As it was reported by Maciulewicz, the current economic developments in Mitrovica have to a large extent contributed to wealth inequality by not only distinguishing people into rich and poor, but also into those who have money without effort

⁹⁵ CESCR (n 91), para 16

⁹⁶ UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 18: The Right to Work (Art. 6 of the Covenant)*, 6 February 2006, E/C.12/GC/18, available at: <https://www.refworld.org/docid/4415453b4.html> [accessed 22 April 2022], para 25

⁹⁷ Mihaylov (n 86), 68

⁹⁸ *Ibid*

⁹⁹ Rita Augestad Knudsen, ‘Privatisation in Kosovo: The International Project 1999-2008’, *Norwegian Institute of International Affairs* 2010, 72

¹⁰⁰ Mihaylov (n 86), 68

and those who work hard but have almost nothing.¹⁰¹ During the Yugoslav period Mitrovica was an important industrial centre, and the labour market was more diverse and dynamic. As a result, it was possible to find employment opportunities regardless of one's profession. However, in the post-conflict era, industry is practically non-existent and cannot provide workplaces anymore. Currently, young people can find a job in the public sector, start their own business, work in the service industry or NGOs, but what was underlined by the respondents of the study from both parts of the city is the fact that finding employment is often almost impossible without family or political ties and in most cases neither experience nor education had much bearing on being employed.¹⁰² What is more, the Community Rights Assessment Report published in 2015 shows that the institutions of Kosovo have made little progress in providing equal access to socio-economic rights, encompassing both employment opportunities and removing barriers to self-employment.¹⁰³ This is particularly significant in the context of agricultural land, where illegal land usurpation remains a continuing problem affecting primarily the Kosovo-Serb community and is restricting their economic opportunities. The OSCE recorded 12 such cases during the reporting period.¹⁰⁴

On the one hand, the difficulties faced by the youth in Mitrovica in obtaining employment constitute a violation of article 7(c) ICESCR. In the General Comment no. 23 on the right to just and favourable conditions of work it was stipulated that "there should be no place for irrelevant criteria such as personal preference or family, political and social links".¹⁰⁵ On the other hand, the restrictions on the economic activity of Kosovar-Serbs go against article 15 FCPNM, as the government of Kosovo does not create the conditions necessary for their effective participation in economic life.

Active Labour Market Policies

As it was mentioned above, before the war in Kosovo the Trepca mine was responsible for providing the majority of jobs in the region. Its collapse resulted in a high rate of unemployment (65%)¹⁰⁶ and an economic division of the city along the borders of segregation. However, the

¹⁰¹ Marzena Maciulewicz, 'Divided Cities. A case study of Mitrovica' (Doctoral dissertation University of Warsaw, 2019) <core.ac.uk/download/pdf/304741145.pdf> accessed 10 March 2022, 191

¹⁰² Maciulewicz (n 101), 192

¹⁰³ OSCE, 'Community Rights Assessment Report. Fourth Edition', November 2015, 26

¹⁰⁴ Ibid

¹⁰⁵ UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights)*, 7 April 2016, E/C.12/GC/23, available at: <https://www.refworld.org/docid/5550a0b14.html> [accessed 22 April 2022], para 31

¹⁰⁶ Oltion Rrumbullaku, 'Youth Study Kosovo 2018/2019', *Friedrich Ebert Stiftung*, 45

youth unemployment rate is serious problem in Kosovo and Mitrovica in particular, as it amounts to 49.4% in the age group of 15-24 and is the highest among all the other age groups in Kosovo.¹⁰⁷ That is also the reason why the majority of youth in Mitrovica is considering economic migration either now or in the nearest future.¹⁰⁸ Those young people who find employment often have poor quality jobs, working for low wages and under precarious conditions. Close to 60% are working without a contract and are not able to take advantage of the social protections provided with a contractual job

Therefore, in order to tackle this issue and to adhere to the ICESCR obligations, the government of Kosovo has introduced a number of active labour market policies under the “Strategy for Youth 2019-2023” programme. Its strategic objectives target Kosovo’s youth and focus on providing skills and preparing youth for the labour market.¹⁰⁹ The strategy plan is reviewed on a yearly basis in terms of achieving its strategic objectives and the effectiveness of relevant activities in the implementation process.¹¹⁰ These include among others promoting and raising youth awareness of career orientation and adequate job market, organising and supporting fairs for informing young people about their importance and promoting them for joining the labour market, or developing the criteria and standards to support youth entrepreneurship, and roadmaps for companies that target youths support.¹¹¹

However, it has to be pointed out that the current strategic plan contains no reference to the way in which the government of Kosovo plans to target the ethnic minorities who are particularly affected by high unemployment. This was underlined by the Advisory Committee on the Framework Convention for the Protection of National Minorities in its fourth opinion on Kosovo (adopted before the new strategic plan was announced) that it is recommended that the authorities devise measures targeting employment opportunities for persons belonging to national minorities within employment programmes and activities to promote their economic integration.¹¹² Furthermore, the Committee has emphasized that a lack of ethnicity-disaggregated data on unemployment makes it difficult for the government to provide more targeted interventions to address minority unemployment.¹¹³ It has been raised in the 2020

¹⁰⁷ Bashkim Bellaqa and Besim Gollopeni, ‘Youth employment and unemployment rates in Kosovo, *Corporate Governance and Organisational Behavior Review* 5(2) 2021, 218

¹⁰⁸ *ibid*

¹⁰⁹ Republic of Kosovo, Ministry of Culture, Youth and Sport, *Strategy for Youth 2019-2023*, May 2019, 4

¹¹⁰ *Ibid*, 21

¹¹¹ *Ibid*, 31

¹¹² Advisory Committee for Framework Convention, ‘Fourth Opinion on Kosovo’ (adopted 8 March 2017) ACFC/OP/IV(2017)001, para 111

¹¹³ ACFC, ‘Comments by the United Nations Interim Administration Mission in Kosovo (UNMIK) on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo’ (21 December 2017) GVT/COM/IV(2017)007, para 26

report by the European Training Foundation on Kosovo's developments in education, training and employment that the current approach of the government towards active labour market policies constitutes a 'one-size-fits-all' model, which makes it difficult to adequately address the needs of all unemployed people.¹¹⁴ This is significant in relation to the current segregation in Mitrovica, where the cooperation on the central-local level is limited and it is evident on the example of the lack of a clear distribution of tasks between the Kosovar authorities and the Kosovo-Serb municipality in the North.¹¹⁵ As a result of the work of the parallel institutions, the Kosovo-Serbs from the north municipality are economically connected to Belgrade and can rely on financial transfers and additional public sector jobs provided by the government of Serbia which are not available to Kosovo-Albanians.¹¹⁶ The lack of focus on marginalised groups in Kosovo's approach to the problem of youth unemployment is likely to draw critique from the CESCR. In its concluding observations to a number of reports from states, which are characterised by divided societies,¹¹⁷ on the implementation of the ICESCR the Committee has recommended that the active employment policy measures should be improved by identifying the causes on a 'case-by-case' basis¹¹⁸ and include a focus on promoting employment of persons from marginalised groups.¹¹⁹

6. Cross-community Recommendations: The right to work

This section of the memorandum provides cross-community policy agenda recommendations in relation to the implementation of the right to work in Mitrovica. It is essential for proposing a solution to the employment issues that it contributes to the process of bridging the gap between the divided communities of Kosovo-Serbs and Kosovo-Albanians.

In relation to the programme of active labour market policies developed by the government of Kosovo under the "Strategic Plan for Youth 2019-2023", it is necessary that they reflect the needs of the marginalised groups, such as the ethnic minorities of Kosovo. Therefore, it would

¹¹⁴ European Training Foundation, 'Kosovo. Education, Training and Employment Developments', 2020, 13

¹¹⁵ Advisory Committee for Framework Convention, 'Fourth Opinion on Kosovo' (adopted 8 March 2017) ACFC/OP/IV(2017)001, para 6

¹¹⁶ Lulzim Peci, Mentor Agani, Diedon Nixha dhe Valdrin Ukshini, 'Municipalities of the Mitrovica Region. Socio-Economic Profiles', *The Kosovar Institute for Policy Research and Development* (2019), 12

¹¹⁷ CESCR, 'Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland' UN Doc E/C.12/GBR/CO/6; CESCR, 'Concluding observations on the third periodic report of Bosnia and Herzegovina (AUV)' 15 October 2021 UN Doc E/C.12/BIH/CO/3;

¹¹⁸ CESCR, 'Concluding observations on the third periodic report of Serbia' 6 April 2022 UN Doc E/C.12/SRB/CO/3, para 39

¹¹⁹ CESCR, 'Concluding observations on the second periodic report of Serbia' 10 July 2014 UN Doc E/C.12/SRB/CO/2, para 17

be beneficial if the approach could be altered in the way in which the authorities on the local level were able cooperate with the central authorities in order to deliver the most effective results in line with the recommendations of CESCR. Moreover, we definitely urge the Human Rights Council to ensure that Kosovo is subject to Universal Periodic Review and other human rights monitoring, especially for minority rights.

To look at it alternatively, it was submitted above that the main obstacles to an effective implementation of the right to work are unemployment, discrimination, and a lack of cooperation between the two municipalities which has its roots in the animosity between Kosovo-Serbs and Kosovo-Albanians after the war. Therefore, it seems beneficial that a possible solution to the problems surrounding the right to work encompasses not only employment opportunities, but also encouraging friendly and peaceful relations between the two major communities of Mitrovica. Therefore, the notion of 'institutional logic' will be particularly useful here to present a solution that could ensure these two goals.

As it was shown by Mac Ginty, it is possible to bridge the gap between the divided communities not only by "individuals doing things in a particular way so as to avoid conflict, but also doing things in a particular place and space governed by norms and rules different from those underpinning a particular conflict."¹²⁰ The concept of institutional logic is defined as "a set of material practice and symbolic construction which constitutes the organising principles of a given institutional order and which is available to organisations and individuals to elaborate."¹²¹

Spaces in post-conflict environments can be governed by different institutional logics. Some spaces are governed by the logic of national identity and territorial sovereignty, other spaces may be governed by, for instance, the logic of the market and business transactions, logic of class difference or the logic of religious tolerance.¹²² The latter three logics may foster different types of behaviour than the former one. Bridges in Mitrovica serve the purpose of boundary spaces between the two communities and are informed by different institutional logics.¹²³ For example, interactions and practices on and around the Main Bridge are arguably defined by the logic of politics and territorial sovereignty as the bridge has been the site of numerous clashes between ethnic groups in recent decades. As a result, a set of material practices characterise the space on and around the Main Bridge as crossing the bridge is not only physically problematic due to different types of barriers but apparently remains an infrequent

¹²⁰ Jozef Batora, Kari M. Osland, Florian Qehaja & Sonja Stojanović Gajić, 'Spaces and Institutional Logics in Post-Conflict Settings of Mitrovica', *Journal of Intervention and Statebuilding* (2021), 117

¹²¹ Ibid, 118

¹²² Ibid

¹²³ Ibid

choice for locals crossing the river.¹²⁴ However, locals are much more likely to use the Eastern Bridge and they do so primarily for ‘business purposes’ as this is the closest way to an inter-ethnic market located in Bosnjacka Mahala. It has become a contact point where farmers come to trade crops across the ethnonational divide and where economic exchanges between the two parallel systems occur.¹²⁵

Despite the history of clashes and violence on and around the Main Bridge, this space came to be seen as a symbol in the process of ‘normalisation’ of relations between Albanians and Serbs in Kosovo, and thus in August 2015, the EU moderated a dialogue between the two sides resulting in an agreement stating that the Main Bridge should be revitalised and re-opened to pedestrians allowing them to pass freely.¹²⁶ However, the EU had a lot of difficulties in establishing itself as a legitimate actor and their initiatives and actions were rejected by the local population in the north. The aforementioned institutional logics surrounding the Main Bridge to a large extent played a role in rising tensions as the local Kosovo Serb authorities built a two-metre-high concrete wall on the northern side of the bridge as an attempt to block public traffic. The wall was later demolished by the Kosovo authorities but the bridge has not yet been opened for traffic – due to the refusal of the Municipality of North Mitrovica to open it as well as rising tensions between Serbia and Kosovo.¹²⁷

Therefore, it is submitted that it would benefit the inter-ethnic relations in Mitrovica if enough financial support were to be diverted towards development of the market in Bosnian neighbourhood or a shared common space of similar economic institutional logic were to be developed in a different part of the city. This would undoubtedly contribute to normalising relations between Serbs and Albanians and could lead to economic growth and creation of jobs.

7. Conclusion

To conclude, the division of Mitrovica has to a large extent contributed to an ineffective implementation of socio-economic rights. This memorandum has presented a socio-legal analysis of the right to education and the right to work and provided cross-community solutions to the issues.

¹²⁴ Ibid

¹²⁵ Ivan Gusic, ‘The relational spatiality of the postwar condition: A study of the city of Mitrovica’, *Political Geography* 71 (2019), 53

¹²⁶ Batora (n 120), 120

¹²⁷ Ibid

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