



A Visit to The
Newest Country
in the World

By Catherine C. Carr

Last fall, I visited Kosovo, one of the newest countries in the world. While I went there to teach, I learned probably more than I taught. I learned about a struggling new nation seeking to govern itself and establish a new legal system after centuries of conflict and recent war. I learned about a country with a huge youth population facing extreme unemployment, but still living with hope and optimism for the future. I learned about a country facing the challenge of multiple ethnic groups seeking to coexist after centuries of distrust and conflict, which very recently led to murder, war and destruction.

Before I was invited to teach in Kosovo, I knew as much about the country as most Americans – that is, very little. It was formerly part of Yugoslavia; ethnic groups had conflicts with the Serbs; people were killed and forced to leave; the U.S. and NATO target-bombed the Serbs; and now the United Nations was keeping peace there. I was excited at the prospect of learning more, sharing some of what I know and traveling to a new country working to set up a new system after years of conflict.

My trip to Kosovo came after years of interest in traveling in Eastern Europe, and in particular, in learning about legal services for the poor in that part of the world. After investigating several other possible programs, I learned about an opportunity through the nonprofit group The Center for International Studies of the American Bar Association. They select and match experienced attorneys with teaching opportunities in Eastern European law schools. The program is run out of Salzburg, Austria, and

recruits and selects American lawyers, then provides them with training, orientation and placements. Like many international opportunities, part of the expense is borne by the volunteer lawyer, who pays for the training and travel, and part is borne by the host law schools, which house the attorneys during their stay.

My assignment was to teach at a small university in Prishtina, the capital city, which has a law school, business school and international studies program. During the months leading up to my visit, Kosovo declared its independence and published its new constitution. My contacts at the university liked the idea of having me teach Constitutional Law; I could teach both about the U.S. Constitution and the new Kosovar Constitution. I would have the chance to talk about the American founding fathers and their vision for a new government, and how that vision has unfolded over 200 years. I liked the idea that I would teach this to students who were witnesses and participants in the rollout and implementation of their own new nation and its constitution and government.



I arrived in Prishtina on a flight from Croatia. Despite the fact that Kosovo and Croatia were both part of Yugoslavia, the differences in prosperity in the two countries were striking from the moment I arrived. Kosovo, populated largely by persons of Albanian origin, was the most neglected part of Yugoslavia. It is a small country, about the size of Delaware, landlocked and situated on the flat in the middle of mountains. There has been little industrial development, and it has the highest rate of unemployment in Europe (40 percent) and the lowest per capita income. For centuries, the Albanian and the Serb ethnic groups have been in conflict in Kosovo. The Serbs treasure the area as a center of their history. There are Serbian Orthodox monasteries with beautiful chapels and ancient frescos from the 14th century still operating. The majority of the population, however, has been Albanian for centuries.

I was surprised to learn upon my arrival that I was not teaching at the main state-run university, but instead at a small private school run by a married couple on a for-profit basis. The state university, like much of the government system, is disorganized and run-down. Yet there are huge numbers of young people without jobs who want to go to school. As a result, numerous private schools are opening, indeed so many that an otherwise inactive government has stepped in to regulate and accredit them. I was lucky to be in a school that was well run, with modern facilities, lots of computers and attentive administrators. There were backup generators, since the electricity goes out frequently, and water reservoirs, since the water system shuts down for most of the day.

Like many European schools, the theory at my school seemed to be that many students were admitted without strict criteria, and perhaps half or more would drop out or fail. Because there had been minimal planning

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before my arrival in mid-semester, and many students were scared away from an English-speaking professor, I ended up with a small group of students. This was wonderful for me, as I got to know them each personally, and we had interactive discussions about law and government and Kosovo. They were fascinated to learn about the American constitutional system and its history, to think about checks and balances and how to create a culture of laws and respect for the legal system. We discussed minority rights, religious tolerance and the parallels of American federalism and the European Union structure and their development. I was in Prishtina on Nov. 4, 2008 and spoke to several groups about our electoral system, and heard their excitement and wonder that Barack Obama was elected president.

My students were remarkably positive and optimistic about Kosovo and their lives in view of the state of their country, its past and its future. They were in their 20s, but had lived through a war where their families had all been forced to leave quickly to avoid death and destruction. Most families had fled to somewhere in Europe and returned to find their homes burnt down, villages destroyed and their livestock killed. I met students who had lived in Albania, France, England, Macedonia, Germany and Switzerland

during the war. Many had family members still abroad who were working and sending back money. It is estimated that 15 percent of the income in Kosovo comes from remissions from abroad, and a similar amount from international aid and grants. Families are large, and Kosovo has the highest percentage of young people of any European population. Prishtina was full of young people.



many who had come from the countryside where their families farm. They have little hope of finding professional employment (I met several cab drivers with university degrees) but they are remarkably pleasant and hopeful.

For Albanian Kosovars, it is a time of hope despite their challenges. After centuries of being ruled by others, they now have their own government. However, they are learning this is not simple. First, they live in a culture that has always had disdain for the

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government run by the “other,” whether it was Ottoman, Serb or Communist. It has been a badge of honor to refuse to pay one’s taxes and avoid interaction with the government. The loyalty of the Kosovars has been to their family and village, not to the state, so it is an adjustment now that the state is their own. My students complained about corruption in the government, and the tendency of government officials to look after themselves and their own families rather than the common good, a problem that is not surprising in view of the culture and history. Additionally, they have psychological challenges resulting from generations of being seen as inferior and incompetent by those in charge, compounded by the disadvantage of being excluded from the educational system by the Serbs prior to the war.

The presence of an international community overseeing the country and its governance, while essential to keeping the peace, has contributed to problems as well. Some governmental decisions are the result of international pressure to keep stability and avoid future conflict, rather than to further local development or interests. Thus the government contains many of the “old guard” – corrupt politicians formerly involved with the communist regime and used to a totalitarian process, and now involved with Balkan organized crime. The party system lets party leaders choose the government representatives, and many get the jobs because of their connections. This leaves many good people and idealistic youth discouraged and alienated from the system.

Locals told me they believed the large presence of international troops has encouraged prostitution and human trafficking. At the same time, the international presence has helped some groups, such as women, who historically had few roles outside of the home in this Muslim culture, but who now hold jobs and status in international organizations. As the United Nations moves out of Kosovo, some worry about whether the status of women will take a big step backward.

In addition to my teaching, I was able to meet with a variety of lawyers involved in setting up the new legal system and working on



civil rights and poverty issues. The challenges in establishing the rule of law post-conflict are many and complex. While 90 percent of Kosovars are of Albanian ethnicity, there are areas and towns that are completely Serb, and some that are split down the middle. The Kosovar Constitution is designed to protect and include the minority populations, but that is much more easily said than done. An obvious example is choosing the judiciary. In a nation where very recently each group has been involved in murder, hatred and violence toward the other, it is hard to guarantee even the appearance of impartiality when judges make decisions contrary to the “other” group. An ombudsman position in Prishtina, designed to deal with minority group problems, has gone unfilled partly because of this problem. The favored contender for the appointment suffered the death of many family members at the hands of Serbians during the conflicts. While I was assured by Albanian Kosovars that he is a fair and honest man, understandably, some Serbian minority groups feel that simply his history creates an appearance that he might rule against them in revenge.

I met with staff of the ABA’s Rule of Law Initiative in Kosovo, which is focusing its work on improving the legal education system and reform of the legal profession. I was particularly encouraged by the energy, vision and intellect of several young Kosovar lawyers I met. They are working hard to create a new legal system that will be fair and transparent. Some are talking about the need for better law schools and clinical training for young lawyers, and are seeking funding to set up institutions to do that. Others are working with civil rights organizations and legal services groups to assist minorities in gaining their rights, or resolving inter-group disputes. Some are working on drafting new laws, or strategizing about how to make Kosovo secure, despite the threats of instability coming out of poverty, unemployment, corruption and ethnic stress. They were open about their concerns and the huge amount of work that must get done.

All the Albanian Kosovars were warm and welcoming to me. They

hold a huge sense of gratitude for America’s leadership in the NATO intervention to stop the Serbian violence and oppression. Their appreciation was evident in the excitement of shopkeepers after learning I was American, the discussion with my students about how they hoped to be the 53rd state (they thought we already had 52!), the “Thank You USA” party my school threw on Thanksgiving, and the huge mural of Bill Clinton rising above Bill Clinton (sic) Avenue in the center of town. Despite the ethnic stresses and poverty, Prishtina was a safe place where children play alone in the streets and women walk around comfortably in the dark of night.

Kosovo is a small country that has been through terrible trauma and still faces big challenges. I look forward to watching as Kosovars proceed to implement the promises of their own constitution and build their new nation into a country of laws, justice for all, stability and productivity. I feel privileged to have spent time with so many of them, learned so much, and shared some of what I know. ■

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