

## **A “Monastic Orthodox Community” as a means of preserving the Orthodox Christian monastic establishments and sites in Kosovo**

(Paper read by Dr. Evangelos Kofos at the workshop on “Kosovo: Seeking a Sustainable Status” organized by ELIAMEP, Thessaloniki, 5-6 March 2005).

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The riots of March 2004 in Kosovo revealed the weakness of the international agencies in the field either to predict or to prevent the sad events. The damages suffered by the minorities (human casualties and eviction of thousands from their homes) and the systematic destruction of historical and religious sites brought to the surface the deep-rooted malaise of ethnic antagonisms and the inefficiency of multicultural experiments in societies that have not divest themselves of the burdens of history. At the same time, the main actors of the tragedy, Albanians and Serbs, have come to realize that the international community has neither the means nor the will to take a decisive action to avert the damage done.

Yet, March 2004 has acted as a catalyst; this time, in a reverse way. In similar circumstances, a decade ago, one would have expected an international outcry, severe punitive measures against the perpetrators, and a renewed interest by the International Criminal Tribunal for former Yugoslavia (ICTY) for this part of the Western Balkans. Nothing of the sort has happened. The events were viewed as the frustrated reaction of the Kosovar Albanians against the “complacency” and “procrastination” of the international community in resolving the status of the province by granting it independence. As a result, concern for a probable repeat performance of those violent events of March 2004 finally switched on the green light for meaningful discussions on the status issue.

Although acting under duress might not be the wisest course to follow, entangled issues might need Gordian knot solutions.

Over a period of ten years, I have personally strived to work out exit scenaria during critical phases of the Kosovo question. Being aware of historical antecedents, I endeavoured to canvass ideas with an eye to long duration rather than stopgap arrangements.

By definition, consideration of the future status needs to address medium- and long-term issues. Therefore, as we are approaching the starting line of the status talks, it is of the utmost importance, before being preoccupied with the intricate details of building a new governing entity, to draw out an equitable framework of fundamental requirements. Such a framework would aim to guarantee sustainable peace and security not only for Kosovo but for the entire SE European region. Whether we speak of extended autonomy under international supervision or of conditional independence, it is important to engage Belgrade in the talks

and secure its tolerance if not its consent. To achieve this, certain legitimate concerns, not only of the Serbs but of the Western Balkan region as a whole, should be addressed to and enshrined into a new international document.

Taking into account the sad experiences of March 2004, ironclad guarantees for the protection and advancement of Serb and other minorities of the region are imperative. Other points include the non-militarisation of the new entity, safeguards against the promotion of irredentism toward neighboring regions, and certain limitations--similar to the clauses of the state treaties of two EU members, Austria and Cyprus—which would ban Kosovo's union with third countries, without the consent of the signatories to a final status treaty. More specifically, on the emotionally burdened issue of the protection of the Serb Orthodox Christian historical and religious institutions and sites, the international community should take concrete measures to ensure that these monuments and religious establishments in Kosovo are sufficiently protected and remain functional even after the final status of the province is determined.

With the cooperation of academics and experts in ecclesiastical law—at this point I wish to express my indebtedness to Professor Charalambos Papastathis of the Aristotelian University of Thessaloniki—I worked out a concrete proposal which I submit for the first time to an international forum. My purpose is to stimulate discussion, particularly among the parties directly concerned. The proposal, which was endorsed by ELIAMEP, aims at establishing in Kosovo a Monastic Orthodox Community (MOC) along the lines of the Athos Monastic Community in Greece.

The Athos monastic community, located in the easternmost promontory of the Chalkidiki peninsula, is an ecclesiastically self-administered district of the Greek state, composed of 20 monasteries and their dependencies. Its special status is the result of customary regulations since the Byzantine and Ottoman times, of international treaties (Congress of Berlin 1878, Treaty of Lausanne 1923, Greece's adhesion to the European Union (1981). Moreover, it has been enshrined in the Constitution of the Hellenic Republic. It should be emphasized, however, that its ecclesiastic self-administered status in no way confers extraterritorial rights to the Athos community whose territory is part of the Greek state.

Along the same lines, with necessary local adjustments, the MOC of Kosovo would include all major monasteries with their dependencies and those historical sites to be identified specifically in its Charter

Notwithstanding the lack of geographic contiguousness, the MOC will be governed by a singular Charter to be drafted by the MOC, approved by the Serbian Patriarchate, and ratified by the governing authority of Kosovo.

More specifically, the MOC, and the monasteries individually, will enjoy vis-à-vis the Kosovo governing authority a self-administered status, which will entail:

--Free and unhindered exercise of executive, legislative and judicial jurisdiction according to the holy canons, rules, and customs of the Orthodox Church and the Charter of MOC.

--Recognition by the governing authority of tax- and duty-exemptions for the MOC, as well as restrictions of movement and residence of unauthorized persons within the confines of the monasteries.

--Unhindered entry of individuals from Kosovo or from abroad for purposes of pilgrimage or residence in the monasteries upon clearance by the MOC.

--All organs and functions of the MOC will be governed by an Internal Regulation along the lines of the Athos Community Internal Regulation, with all due adjustments.

--The monasteries and MOC as a whole will be subjected to the spiritual authority of the Serbian Patriarchate (in a similar fashion with the spiritual authority of the Ecumenical Patriarchate of Constantinople in the case of the Athos Community). Free and unhindered communication between all monasteries and their dependencies will be guaranteed.

--All land property, as well as the mobile and immobile property of the monasteries cannot be expropriated.

--The governing authority will provide for the safety and security of the monasteries as holy places of worship and monuments of world cultural heritage.

--Full observance of the above will be the responsibility and obligation of the governing authority and its agents and should be guaranteed by the United Nations and the European Union.

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If accepted as a basis for resolving the delicate issue of the protection and survival of monuments and institutions, this novel approach would undoubtedly stimulate debate which, in turn, might enrich these initial thoughts. In tabling this proposal, I hope that it would positively meet Serbian legitimate concerns. On the other hand, it will test the Kosovar Albanians' tolerance vis-à-vis the issue of cultural rights and identity of the Serbs at large. In this respect, it should not raise any difficulties with the Albanian side as it will not infringe upon its rights and those of the governing authority of Kosovo.

Thessaloniki, 5 March 2005