

# *The Multicultural Agenda as a Part of Peace and State Building in Kosovo: Fictional Peace or Sincere Efforts*

*Remzie Istrefi\**

UDK: 317.723:355.018(497.115)

323.11: 355.018(497.115)

Review scientific paper / pregledni znanstveni rad

Received / primljeno: 15. 7. 2017.

Accepted / prihvaćeno: 16. 3. 2018.

This article explores how multiculturalism has been conceived as part of peace- and state-building processes in post-conflict Kosovo. Following the 1999 NATO intervention, the United Nations established an international civilian presence known as the United Nations Mission in Kosovo (UNMIK). After the declaration of independence in 2008, UNMIK remained present and the Kosovo authorities gained the support of the European Union and other international organisations. The promotion of “multiculturalism” was and continues to be a primary concern of the international presence as well as the Kosovo authorities. The aim of this paper is threefold: to analyse the modalities for instituting the multicultural agenda as part of peace- and state-building processes, to analyse if multicult-

---

\* Remzie Istrefi, Assistant Professor of International Law, Faculty of Law, University of Prishtina, Kosovo (docentica na kolegiju Međunarodnog prava, Pravni fakultet Sveučilišta u Prištini, Kosovo, e-mail: remzie.istrefi@uni-pr.edu).

ORCID ID: <https://orcid.org/0000-0002-8854-5907>

turalism can be achieved in the daily life of communities facing a great divide as a result of the conflict, and to establish if the implementation of the multicultural agenda has created conditions for lasting peace and reconciliation among the Kosovo communities.

*Keywords:* multiculturalism, Kosovo, human rights, international communities, peace-building, state-building

## 1. Introduction

Multiculturalism has a variety of meanings; it is understood differently by different people and its meaning is subject to a range of situations. Multiculturalism may refer to a demographic fact (Kallen, 1924; Handlin, 1951; Gordon, 1964), to new philosophical ideas (Kymlicka, 1989), or to a public policy by a government or institutions towards a diverse population (Grassby, 1973; Moran, 2011; Guo & Wong, 2015). Multiculturalism has been used to characterise the moral and political claims of a wide range of marginalised groups, including African-Americans (Glazer, 2003), women (Mookherjee, 2009), the LGBT population (D'Andrea, & Heckman, 2008), and people with disabilities (Ferguson, Ferguson, & Taylor, 1992). Multiculturalism is also used to reflect multipluralism in a society, which might stem from the coexistence of long-standing minority groups, or it might be a result of the migration of people of different cultures, religions, languages, and origins.

The term multicultural agenda refers to the national strategies used to define the terms of relationship between different cultural communities. It proposes an equal dialogue between these communities to arrive at principles of access, equity, and social justice. It thereby delivers equality in the public arena and social cohesion for all. Its core principle is the notion of equality between all cultures within a given territory (Mahajan, 2002, pp. 120-133).

Recently, the institution of the multicultural agenda has been linked with international efforts in post-conflict situations to establish conditions for the coexistence of vulnerable communities – formerly parties to the conflict. The efforts of the international presence in Kosovo exemplify this situation.

Several sources and related literature on demography provide evidence that there has historically been a long-standing presence of different mi-

nority groups in Kosovo. However, the same sources provide evidence that there is uncertainty about the size and ethnic composition of the population of Kosovo (Malcom, 1999, pp. 24–44). In particular, it is difficult to estimate the population size and composition before the 1998–1999 conflict, because no census was conducted in the 1990s and because of migration streams during the 1990s, which were significant but inadequately recorded (Malcom, 1999; Brunborg, 2002). Based on the 2011 population and housing census, Kosovo has an estimated population of 1.8 million (World Population Review, 2017). The 2011 census recorded 1,739,825 residents in Kosovo, disaggregated by ethnicity as follows: 92.2% Albanians, 1.5% Serbs, 1.6% Bosniaks, 0.6% Gorani, 0.5% Roma, 0.6% Egyptians, 0.9% Ashkali, 1.1% Turks, and 0.6% declared as “others” (Kosovo Agency for Statistics, 2012). The numbers and ethnic distribution of the Kosovo population differ depending on the reporting agency (Petersen, 2013).

Ethnic relations between majority and minority communities living in Kosovo continue to play hostage to widespread ethnically-based human rights violations of the past, which culminated in large-scale deaths, thousands of missing persons, political prisoners, war crimes, and crimes against humanity. During the 1998–1999 conflict, Serb forces engaged in indiscriminate killings, forced displacement, and ethnic cleansing of the Albanian population. Other documented forms of gross human rights violations committed by Serb forces during the Kosovo conflict involve rape and sexual assault, torture, cruel and inhuman treatment, the use of human shields, and placing civilians at risk of harm (Stan & Nedelsky, 2013, pp. 266–272). The aftermath of the war has been marked by harassment and intimidation, including severe beatings, abductions, and murders of Serbs and Roma, who were perceived by ethnic Albanians as having been willing collaborators in Serb-perpetrated abuses (Human Rights Watch, 1999). The legacies of the past and conflict-related property disputes continue to affect the relations between Serbs and the Albanian community. Past violence in Kosovo has been based on ethnic lines; the (absence of) relations between the communities today is related to ethnic lines. Therefore, the issue of dealing with differences in the peace-building process has become a necessary ingredient in overcoming ethnic division in Kosovo.

Armed conflicts have both general and specific causes. Attempts at dealing with past conflict and prevention of conflict recurrence must therefore attempt to address both: the generic conditions that make societies prone to armed conflict and the potential catalysts that might imminently

translate into a propensity for the recurrence of conditions that can constitute a background for further violence. In international relations different methods and legal bases have been developed to deal with conflicts. International assistance in preventing conflict recurrence and a renewal of hostilities between parties formerly in conflict is divided into two main categories: short-term and long-term preventive measures (Zaagman, 1996, pp. 29–39). Short-term preventive measures relate to containing a crisis or preventing it from escalating into armed conflict, while long-term measures aim to address the root causes of latent conflicts. The measures most often used to address the root causes of a conflict involve establishing a legal framework that integrates international human rights standards and equality for all, instituting multiculturalism and multiethnicity as a constitutional category, assisting democratisation, establishing the rule of law, building civil society, and monitoring human rights violations. Very often in post-conflict societies all these measures are materialised by means of integrative processes into international and regional organisations, as well as the membership of these organisations in the monitoring mechanism of human rights treaties.

Multicultural approaches and policies vary widely all over the world, ranging from the advocacy of equal respect for the various cultures in a society to a policy of promoting the maintenance of cultural diversity and policies in which people of various ethnic and religious groups are addressed by the authorities as defined by the group to which they belong. These approaches are instituted as a constitutional category and subsequently followed by other national legislation and policy measures; i.e., decentralisation processes, use of native language, access to education, and freedom of religion. In the aftermath of the Kosovo conflict some of these measures were undertaken by the international community and some were subsequently undertaken by the Kosovo authorities. The sections below will exemplify these developments and their (lack of) implementation in practice.

## 2. Multicultural Agenda by International Actors: Peace-Building Through Multiculturalism

After the NATO intervention had ended, the United Nations established an international civilian presence known as the United Nations Mission in Kosovo (UNMIK), with an extensive mandate to administer Kosovo (UN SC Resolution 1244). UNMIK is a peace-building mission with the aim of creating conditions in which all communities can enjoy relative

peace, while allowing the final political status of Kosovo to be resolved. Among other things, UN SC Resolution 1244 which established the UNMIK provides the protection and promotion of human rights (UN SC Resolution 1244, sec. j) and assures the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo (UN SC Resolution 1244, sec. k). The resolution does not specifically mention the situation of communities living in Kosovo. UNMIK's commitment to respecting the rights and interests of minority communities led to the establishment of a multicultural agenda that was manifested in a newly established legal framework and later reflected in political negotiations as part of the final status settlement (Stahn, 2001). The UNMIK-promulgated Constitutional Framework for Provisional Self-Government in Kosovo (Constitutional Framework for Provisional Self-Government in Kosovo, 2001) sets out extensive rights for minority communities. Chapter 4 of the Constitutional Framework provides that: "Communities and their members shall have the right to: (a) use their language and alphabets freely, including before the courts, agencies, and other public bodies in Kosovo; (b) receive education in their own language; (c) enjoy access to information in their own language ... (i) provide information in the language and alphabet of their Community, including by establishing and maintaining their own media...(o) be guaranteed access to, and representation in, public broadcast media, as well as programming in relevant languages..." (Constitutional Framework for Provisional Self-Government in Kosovo, 2001, Chap. 4). The rights guaranteed to minority communities under the Constitutional Framework go far beyond international standards and indeed those that apply in other countries, as the standards appear to apply to all communities, at all times, and in all places in Kosovo. Consequently, the rights granted have at times been almost too broad in scope to be effective, particularly in the Kosovo post-conflict setting. For example, the right granted to everyone under the Constitutional Framework to "receive education in their own language" was actually impossible to implement in practice. This right as provided in the Constitutional Framework did not give any indication of its limitations; i.e., as drafted, it would require that every person belonging to a minority group be able to exercise their right to having all education up to university level delivered in their native language. Similarly, the right to "use their language and alphabets freely, including before the courts, agencies, and other public bodies in Kosovo", was implemented very little because most public institutions established after the conflict were staffed only with Kosovo Albanians and there were no human resources with adequate language skills to translate

all the documents into the community languages of Kosovo. This was the case particularly during the first few years of the UNMIK administration. Additionally, despite all their efforts to implement these broad rights, when they failed to do so the UNMIK could not be held accountable for violating community rights because of broad immunities and privileges (UNMIK Regulation 2000/47, 2000). This legal and institutional set-up under the UNMIK administration proved to be overly complex and it failed to spell out in sufficient detail the operative regulations concerning the implementation of community rights and the accountability when these rights failed to be implemented.

The founding document of Kosovo statehood, the Comprehensive Proposal for the Kosovo Status Settlement (Office of the Special Envoy of the Secretary-General of the United Nations for the future status process of Kosovo, 2007), which provided for “supervised independence”, is a political settlement with strong guarantees to minority communities that their rights and interests will be protected under the new regime. Its Annex 2 “The rights of communities and their members”, provides explicitly that “(2.1) Kosovo shall create appropriate conditions enabling Communities, and their members to preserve, protect and develop their identities. The Government shall in particular support cultural initiatives from Communities and their members, including through financial assistance.”

The catalogue of rights listed in the Comprehensive Proposal for the Kosovo Status Settlement and later codified in the relevant legal framework exceeds the rights provided by the Council of Europe Framework Convention for the Protection of National Minorities (FCNM). This is evident in the right to use the native language (Law No. 02/L-37, 2006, Art. 2) in terms of representation at all levels; in terms of citizenship (Law Nr. 03/L-034, 2010, Art. 3); and specifically in terms of the right to veto the adoption, amendment, or repeal of legislation of vital interest (Constitution of the Republic of Kosovo, 2008, Art. 81).

The overall aim of the Comprehensive Proposal for the Kosovo Status Settlement was to create a state of citizens where political loyalty and collective identity is generally directed towards a political community, pluri-ethnicity, and a state that provides equal treatment and freedom for all. These values are reflected in the key dimensions of the state of Kosovo: (1) The Constitution of the Republic of Kosovo; (2) Kosovo’s political system; (3) state symbols; and (4) public culture. Indeed, the infusion of human rights values, multiculturalism, and equality for all through legal and political settlements provides for a particular constitutional and political order which is intended to reorient the loyalty of citizens away

from a particularistic attachment to a nation, which has caused the fragmentation of society by way of systematic and widespread human rights violations. The idea of the international community to realise a multicultural agenda based on the respect of human rights standards – by legal and political settlements – creates conditions which enable people to live together peacefully even in the presence of disagreements over what exactly happened in the past and why. Despite this, they are able to respect each other as citizens.

### 3. Multiculturalism as Part of State-Building

With the declaration of Kosovo's independence, the rights of communities in Kosovo became an explicit constitutional category. The Constitution of the Republic of Kosovo, in Art. 57.1 of Chapter III on the Rights of Communities and their Members, states that: "Inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo (Communities) shall have specific rights as set forth in this Constitution in addition to the human rights and fundamental freedoms provided in chapter II of this Constitution". The constitutional priority to preserve and promote Kosovo's multiculturalism was reflected in Art. 59 (1), which stipulates that "members of communities shall have the right, individually or in community, to express, maintain and develop their culture and preserve the essential elements of their identity, namely their religion, language, traditions and culture".

Specifically, Art. 5 calls for special reference to Arts. 7 and 58/2 of the Constitution of the Republic of Kosovo, which provide:

"Art. 7/1: The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy.

Art. 7/2: The Republic of Kosovo ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life.

Art. 58/2: The Republic of Kosovo shall promote a spirit of tolerance, [and] dialogue and support reconciliation among communities and respect the

standards set forth in the Council of Europe Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.”

Furthermore, the Constitution of the Republic of Kosovo, in Art. 64/2, provides that ten seats be reserved for the parties, coalitions, citizens, initiatives, and independent candidates representing the Kosovo Serb community and that ten seats be allocated to other communities with the number guaranteed as follows: one seat to the Ashkali community; one seat to the Egyptian community; one seat to the Roma community; one additional seat to either the Roma, Egyptian or Ashkali community, depending on the highest overall votes; three seats to the Bosnian community; two seats to the Turkish community; and two seats to the Gorani community – if the number of seats won by each community is less than the number guaranteed.

In order to secure the overall implementation of the constitutional rights of minority communities, an extensive legislative framework was adopted, guaranteeing specific rights. The Law on the Protection and Promotion of the Rights of Communities and their Members in Kosovo (Law No. 03/L-047, 2008), as amended and supplemented (Law No. 04/L-020, 2011), provides for the extensive rights of minority communities living in Kosovo. Together with the Law on the Use of Languages (Law No. 02/L-37, 2006), this is the most important law with regard to community rights. It has provisions on the following: identity, language, culture, media, religion, education, economic and social opportunities, health, political participation, and the Consultative Council for Communities. The law protects communities and their members' right to freely express themselves and maintain and develop their culture and identity. It also guarantees the equality of communities and protects them from discrimination. These rights are guaranteed to "... national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that are not in the majority. These groups are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani, Montenegrin, Croatian and other communities" (Law No. 03/L-047, 2008: Art. 1/4). "Members of the community in the majority in the Republic of Kosovo as a whole who are not in the majority in a given municipality shall also be entitled to enjoy the rights listed in this law (Law No. 04/L-020, 2011, Art. 1/4).

Implementation of the rights contained in this law enables communities to cultivate, develop, and express their identity, to protect their fundamental and human rights, and to ensure their full and effective equality through special measures implemented by the Kosovo government (Law



No. 03/L-047, 2008: Art. 2). The law also sets out other provisions with regard to identity, such as religion, language, traditions, and cultural heritage. The issue of the official status of Serbian and Albanian and their alphabets at the central level, as well as Turkish, Bosnian, and Roma at the municipal level is regulated specifically in the Law on the Use of Languages (Law No. 02/L-37, 2006).

Promotion and protection of community rights is also guaranteed by the Law on Ombudsperson (Law No. 05/L -019, 2015), Law on the Protection from Discrimination (Law No. 05/L-021, 2015), and Gender Equality Law (Law No. 05/L -020, 2015) adopted as a package, with the aim of providing equal protection for all and providing mechanisms for redress when the practical application of human rights is failing. The Organization for Security and Cooperation in Europe (OSCE mission in Kosovo), which regularly monitors the progress of community rights protection by Kosovo authorities, highlights the need for Kosovo institutions to address issues in the areas of inter-community dialogue, security and the justice system, language, education, socio-economic rights and participation, human rights institutions, returns and reintegration, and culture and the media (OSCE, 2015).

With the signing of the Stabilization and Association Agreement (SAA) in 2015, the Kosovo authorities undertook steps to comply with European Union (EU) multiculturalism standards as reflected in the EU Treaty (EU Treaty, 2002, Art. 151, para. 4), which in turn are reflected in the Kosovo National Programme for Implementation of the SAA (National Programme for Implementation of SAA, 2016, sec. 1.2). The latest European Commission (EC) progress report on Kosovo recognises some progress with regard to the improvement of the position of communities in Kosovo as a result of implementing an advanced legal framework which broadly guarantees the protection of human and fundamental rights in line with European standards (EC Progress Report, 2016, p. 22). However, limited progress on the effective guarantee of property rights and the return and reintegration of displaced persons remains a concern, as does the protection of cultural heritage. Implementation of human rights continues to be hindered by a lack of resources and political commitment, including at the local level (EC Progress Report, 2016, p. 22). Overall, the conclusion of the EC progress report on human rights and minority protection is that some steps have been taken to implement the package of human rights laws, yet important challenges still remain (EC Progress Report, 2016, pp. 22-30).

While the current legal and government frameworks have to a certain extent supported the existence of certain communities, the practical appli-

cation of the multicultural agenda by means of positive discrimination measures and the decentralisation of authority (Ebel & Péteri, 2007) has resulted in further ethnic division and has impeded possible coexistence as well as potential reconciliation among communities. Discrimination against certain groups and minorities continues to be a major concern in Kosovo. The Serbian community remains directed by the Serbian government (Demjaha, 2017), while the Roma, Ashkali, and Egyptian (RAE) communities remain Kosovo's most vulnerable and discriminated-against groups. There has been progress in the adoption of the legal framework and strategies that protect and promote the rights of the RAE communities, such as the Strategy and Action Plan for the Integration of Roma, Ashkali and Egyptian Communities, 2009–2015, and the legal framework regulating the readmission process in Kosovo. However, concerns and challenges remain with regard to the reintegration of these communities, because the government has done little to implement the measures envisaged under the national strategies and legislation that would lead to a more sustainable and permanent solution for the integration of RAE communities. It has been stated that a liberal understanding of multiculturalism proposes a depoliticised and neutral understanding of the preservation of culture and ethnicity, whereby institutions and customs born out of tradition and culture must conform to larger apparatuses of the rule of law, neutral and content-free (Park, 2010, pp. 414–415).

At the political level, the European Union has successfully managed to convince authorities in Kosovo and Serbia to engage in a dialogue, which started in March 2011 and still continues (UN GA Resolution 64/298). This dialogue was intended to focus only on technical issues of mutual interest whose solution would improve the lives of the people; however, over time, the scope of the dialogue was expanded so as to include a variety of political questions. In any event, in public discourse Pristina and Belgrade question the relevance of the dialogue and focus on the differences in their positions on status. The sustainable improvement of Pristina–Belgrade relations will take a long time and require significant goodwill and effort on both sides. Meanwhile, relations between the Kosovo communities will remain volatile and impact the overall peace and reconciliation processes.

Multiculturalism is not composed solely of legal frameworks or institutional decisions, but also of public culture or, in other words, the embodiment and internalisation of the principles of multiculturalism on part of the population. In Kosovo, it may be argued that to a certain extent there already is a culture generally created on the precepts of multicult-

turalism, expressed in public and institutional life as well as in the overall relations between some of the ethnic groups. However, it is too early to say that this public culture has been sufficiently consolidated, particularly with regard to the Serb community living in the municipalities of northern Kosovo. Serbs and Albanians live mostly segregated lives, and the majority of Albanians and Serbs do not want to live on the same street as the other ethnic group (UNDP, 2011). Although large-scale violence has not occurred since 2004, interethnic incidents and minority rights violations continue to take place, mostly in the northern part of Kosovo. The decentralisation of power has been an important step forward in enhancing the political participation of Serbs (Delcour, Deda, & Srdian, 2010). However, horizontal relations between Serbs and Albanians are still practically non-existent, and among Kosovo Albanians there is a perception that decentralisation has only benefitted the Serb community. In the northern part of Kosovo, the potential for engagement between the ethnic groups is limited: continued political pressure and interference on part of the Serbian government continues to keep tensions high. Therefore, although multiculturalism has been formally recognised in Kosovo's constitutional order and political settlements, it is not being implemented in its entirety in the daily life of a number of Kosovo citizens.

## 4. Conclusion

From the preceding discussion it can be concluded that both the international community and subsequently the Kosovo authorities have ensured the legal entrenchment of very high human rights standards and community rights, as well as the political participation of minority communities in Kosovo. However, the implementation of those rights in practice remains weak. This conception of rights without implementation in practice only reflects the political compromises of undergoing transition and the establishment of statehood. The fact that the rights of communities have been emphasized by pointing out the ethnic-centred perspective has resulted in a greater divide between the communities. Equality cannot be achieved without committed authorities – be they international or local – meaningfully embracing community rights as an existential requirement for Kosovo society and not as a means of preserving their own political power (Beha, 2014). The institutionalisation and regulation of cultural diversity in public life is essential for a stable and fair democracy. The determination and ability of the Kosovo authorities to overcome ethnic

division profoundly affects the process of democratisation. The modalities for infusing the concept of multiculturalism into post-conflict Kosovo were planned to be part of its newly established legal framework and political settlements within the context of peace- and state-building processes. However, in practice, the multicultural agenda was not implemented with the appropriate engagement of society. Because of this, its implementation created a paradox whereby, whilst attempting to create a cohesive society through “political agendas”, the end result continues to be a separation of different ethnic groups. As a consequence, the division between communities is growing worse and their isolation is deepening, which means they remain outside of the originally envisioned cohesive social structure.

The implementation of laws that provide for human rights and policies on multiculturalism requires an approach which combines state policies with the resourcefulness of civil society, the general public, and the communities themselves.

## References

- Beha, A. (2014). Minority rights: An opportunity for adjustment of ethnic relations in Kosovo. *Journal on Ethnopolitics and Minority Issues in Europe*, 13(4), 85–110.
- Brunborg, H. (2002). *Report on the size and ethnic composition of the population of Kosovo*. Retrieved from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.692.480&rep=rep1&type=pdf>
- Demjaha, A. (2017). Inter-ethnic relations in Kosovo. *SEEU Review*, 12(1), 181–196.
- D’Andrea, M., & Heckman, F. E. (2008). Contributing to the ongoing evolution of the multicultural counseling movement: An introduction to the special issue. *Journal of Counseling & Development*, 86(3), 259–260.
- Delcour, L., Deda, I., & Srdian, D., (2010). *The Decentralization process in Kosovo and the creation of the new municipalities: A Kosovo-Albanian and a Kosovo-Serb minority view* [Study]. Retrieved from [http://www.iris-france.org/docs/kfm\\_docs/docs/observatoire-voisinage-europeen/briefing-note-kosovo-decentralisation-process-published.pdf](http://www.iris-france.org/docs/kfm_docs/docs/observatoire-voisinage-europeen/briefing-note-kosovo-decentralisation-process-published.pdf)
- Ebel, D. R., & Péteri, G. (Eds.) (2007). *The Kosovo decentralisation*. Budapest, Hungary: Open Society Institute–Budapest.
- European Commission (2016). *Kosovo 2016 Report* [Commission staff working document]. Retrieved from [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf)
- Ferguson, P.M., Ferguson, D.L. & Taylor, S. J. (Eds.) (1992). *Interpreting disability: A qualitative reader*. New York, NY: Teachers College Press.

- Grassby, A. (1973). *A multi-cultural society for the future*. Retrieved from [http://www.multiculturalaustralia.edu.au/doc/grassby\\_1.pdf](http://www.multiculturalaustralia.edu.au/doc/grassby_1.pdf)
- Glazer, N. (2003). *We are all multiculturalists now*. Cambridge, MA: Harvard University Press.
- Gordon, M. M. (1964). *Assimilation in American life: The role of race, religion, and national origin*. New York, NY: Oxford University Press.
- Government of the Republic of Kosovo (2016). *National Programme for Implementation of the Stabilization and Association Agreement (NPISAA) [Strategy]*. Retrieved from [http://www.mei-ks.net/repository/docs/3\\_pkzmsa\\_miratuar nga\\_kuvendi\\_final\\_eng.pdf](http://www.mei-ks.net/repository/docs/3_pkzmsa_miratuar nga_kuvendi_final_eng.pdf)
- Guo, S., & Wong, L. (Eds.) (2015). *Revisiting multiculturalism in Canada theories, policies and debates*. Rotterdam, Netherlands: Sens Publishers.
- Handlin, O. (1951). *The uprooted: The epic story of the great migrations that made the American people*. Boston, MA: Little Brown.
- Human Rights Watch (1999). *Federal Republic of Yugoslavia: Abuses against Serbs and Roma in the new Kosovo*. Retrieved from <https://www.hrw.org/reports/1999/kosov2/>
- Kallen, M. H. (1924). *Democracy and culture in the United States*. New York, NY: Boni and Liveright.
- Kymlicka, W. (1989). *Multicultural citizenship: A liberal theory of minority right*. Oxford, United Kingdom: Clarendon Press.
- Malcolm, N. (1999). *Kosovo: A short history*. New York, USA: New York University Press.
- Mahajan, G. (2002). *The multicultural path: Issues of diversity and discrimination in democracy*. New Delhi, India: Sage Publications.
- Moran, A. (2011). Multiculturalism as nation-building in Australia: Inclusive national identity and the embrace of diversity. *Ethnic and Racial Studies*, 34(12), 2153–2172.
- Mookherjee, M. (2009). *Women's rights as multicultural claims, reconfiguring gender and diversity in political philosophy*. Edinburgh, United Kingdom: Edinburgh University Press.
- Office of the Special Envoy of the Secretary-General of the United Nations for the future status process of Kosovo (2007). *Comprehensive Proposal for Kosovo Status Settlement*. Retrieved from <http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf>
- Organization for Security and Cooperation in Europe Mission in Kosovo (2015). *Community rights assessment report* (4th ed.). Retrieved from <http://www.osce.org/kosovo/209956?download=true>
- Park, S. J. A. (2010). Peace building, the rule of law and the problem of culture: Assimilation, multiculturalism, deployment. *Journal of Intervention and State Building*, 4(4), 413–432.
- Petersen, J. (2013, January 8). *Minority figures in Kosovo census to be used with reservations*. [Web log message], Retrieved from <http://www.infoecmi.eu/index.php/ecmi-minority-figures-in-kosovo-census-to-be-used-with-reservations/>

- Stahn, C. (2001). A constitution without a state: Kosovo under the United Nations Constitutional Framework for Self-Government. *Leiden Journal of International Law*, 14(3), 531–561.
- Stan, L., & Nedelsky, N. (Eds.) (2013). *Encyclopedia of transitional justice*. Cambridge, United Kingdom: Cambridge University Press.
- United Nations Development Programme (2011). UNDP Public Pulse Report No. 1. Pristina, Kosovo: UNDP and USAID. Retrieved from [http://www.ks.undp.org/content/kosovo/en/home/library/democratic\\_governance/-/](http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/-/)
- World Population Review (2017). Retrieved from <http://worldpopulationreview.com/countries/kosovo-population/>
- Zaagman, R. (1996). Some reflections on OSCE conflict prevention and the code of conduct. *Helsinki Monitor*, 7(2), 29–39.

## Legal sources

- Consolidated Version of the Treaty Establishing the European Community (2002). Retrieved from <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12002E/TXT&from=EN>.
- Constitution of the Republic of Kosovo (2008). Retrieved from: <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>
- Constitutional Framework for Provisional Self Government in Kosovo (2001). UNMIK Regulation no. 2001/9 Retrieved from [http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001\\_09.pdf](http://www.unmikonline.org/regulations/unmikgazette/02english/E2001regs/RE2001_09.pdf)
- Law No. 02/L-37. (2006) On The Use of Languages.
- Law 03/L-047. (2008) On the Protection and Promotion of the Rights of Communities and Their Members in Kosovo.
- Law No. 03/L-034. (2010) On Citizenship of Kosovo.
- Law No. 04/L-020. (2011) On Amending and Supplementing of the Law No.03/L-047 On the Protection and Promotion of the Rights of Communities and their Members in Republic of Kosovo.
- Law No. 05/L-020. (2015) On Gender Equality.
- Law No. 05/L-019. (2015) On Ombudsperson.
- Law No. 05/L-021. (2015) On the Protection from Discrimination.
- Regulation no. 2000/47 On the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo (2000). Retrieved from <http://www.unmikonline.org/regulations/2000/reg47-00.htm>
- Resolution of the General Assembly of UNO 64/298 (2010) Retrieved from [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/64/298](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/298).
- UN Security Council Resolution 1244 (1999). Retrieved from <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4F-F96FF9%7D/kos%20SRES%201244.pdf>

## THE MULTICULTURAL AGENDA AS PART OF PEACE- AND STATE-BUILDING IN KOSOVO: FICTIONAL PEACE OR SINCERE EFFORTS?

### Summary

*This article has analysed the modalities of conceiving multiculturalism as part of peace- and state-building processes in post-conflict Kosovo. Following the 1999 conflict in Kosovo and the NATO intervention, international efforts to normalise the situation have been exemplified in legal and political terms. UN SC Resolution 1244 has provided for the protection and promotion of human rights of all the inhabitants of Kosovo. However, human rights violations and animosities between communities as a result of the conflict have necessitated greater attention towards communities on part of the international community. In legal terms, protection of the communities has been carried out by means of the Constitutional Framework for Kosovo and other by-laws enacted by the UNMIK law-making authorities. The Constitutional Framework instituted the protection of the rights of communities living in Kosovo as a way of respecting and securing the continuous presence of all communities living in Kosovo, as well as acknowledging and valuing their socio-cultural differences. Subsequently, very high human rights standards for communities were guaranteed in the documents drawn up in the political processes which served as the basis for establishing the statehood of Kosovo. With the declaration of Kosovo's independence, the rights of communities, including their representation and participation in public life, as well as the right to veto certain laws considered to be of vital interest, became a constitutional category. The institution of multiculturalism as a constitutional category by means of legal human rights protection embodied a new orientation towards the future and living with differences on part of Kosovo society. Despite the legal and political undertakings by international and Kosovo authorities, it is questionable if these measures have managed to encourage and enable communities to enhance their contribution to public life in an inclusive cultural context of Kosovo. Communities remain divided with limited participation in public life and the protection of their rights as provided for in the legal framework remains a challenge. Therefore, the analyses in this article have been conducted so as to allow us to discover if the efforts undertaken by international community and subsequently by the Kosovo authorities as a part of state- and peace-building are only fictional or if they have really managed to enhance the position of communities, and thus contribute to long-lasting peace and reconciliation.*

*Keywords: multiculturalism, Kosovo, human rights, international communities, peace-building, state-building*

## MULTIKULTURALNA AGENDA KAO SASTAVNICA IZGRADNJE MIRA I KOSOVSKE DRŽAVE: LAŽNI MIR ILI ISKRENA NASTOJANJA?

### Sažetak

U radu se analiziraju načini na koje je multikulturalizam zamišljen kao dio mirovnoga procesa i procesa izgradnje kosovske države u razdoblju nakon sukoba. Nakon sukoba na Kosovu 1999. godine i intervencije NATO-a, pokušaji međunarodne zajednice da se situacija normalizira odrazili su se u zakonskim i političkim rješenjima. Rezolucija 1244 Vijeća sigurnosti UN-a osigurala je zaštitu i promicanje ljudskih prava svih kosovskih građana. Ipak, s obzirom na povrede ljudskih prava i na netrpeljivost koja je vladala među nacionalnim zajednicama, međunarodna im je zajednica bila prisiljena posvetiti veću pozornost. Zakonsku zaštitu nacionalnim zajednicama pruža Ustavni okvir Kosova te ostali zakonski propisi Privremene administrativne misije Ujedinjenih naroda na Kosovu (UNMIK-a). Ustavni okvir uveo je zaštitu prava zajednica na Kosovu kako bi izrazio poštovanje svim zajednicama i osigurao im trajni boravak na Kosovu te kako bi prepoznao vrijednost njihovih socio-kulturoloških razlika. Vrlo visoke standarde ljudskih prava zajednicama također su zajamčili dokumenti proizašli iz političkih procesa na kojima se temeljila izgradnja državnosti Kosova. Nakon proglašenja kosovske neovisnosti prava su zajednica stekla status ustavne kategorije. To je uključivalo pravo zastupanja zajednica i pravo na sudjelovanje u javnom životu kao i pravo na ulaganje veta na zakone od značajnog interesa. Uvođenje multikulturalizma kao ustavne kategorije zakonskom zaštitom ljudskih prava označilo je preokret u načinu na koji kosovsko društvo gleda budućnost i suživot u različitostima. No usprkos zakonskim i političkim potezima međunarodnih i kosovskih vlasti, postavlja se pitanje jesu li ti potezi uspjeli omogućiti zajednicama veći doprinos javnom životu u inkluzivnom kontekstu Kosova. Nacionalne su zajednice i dalje podijeljene te ograničeno sudjeluju u javnome životu, dok provedba zakonom zajamčene zaštite njihovih prava i dalje predstavlja izazov. Stoga je ova analiza imala cilj utvrditi jesu li nastojanja međunarodne zajednice i kosovskih vlasti da izgrade mir i državu bila uzaludna ili su ipak uspjela osnažiti zajednice te na taj način pridonijeti dugotrajnom miru i procesu pomirbe.

Ključne riječi: multikulturalizam, Kosovo, ljudska prava, međunarodne zajednice, izgradnja mira, izgradnja države