

STUDENTS IN GREECE: CHALLENGING AND CHANGING STEREOTYPES

KATARINA TADIĆ: UNDERSTANDING THE INTERNAL DIALOGUE ON KOSOVO IN SERBIA

III. COMPLEX RELATIONS WITH THE EU AND THE ROLE OF NON-RECOGNISERS

DORIS MANU: THE INSTITUTIONAL SET-UP AND CHALLENGES

INFLUENCE OF INTERNATIONALISATION PROCESS

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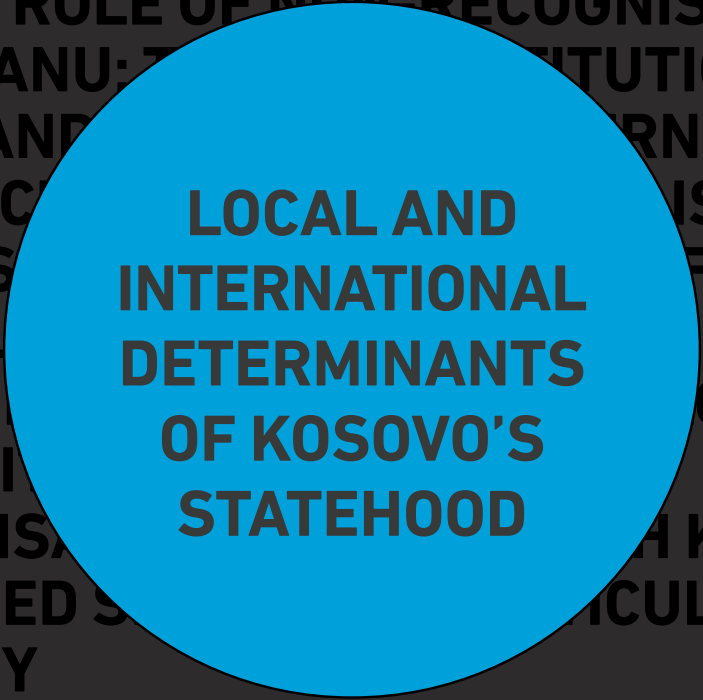
ZORAN NIKOLAIĆ: THE KOSOVO QUESTION

EU CONDITIONS FOR KOSOVO'S STATEHOOD

LIBERALISATION OF KOSOVO: INCREASED SECURITY AND ECONOMIC SCRUTINY

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**LOCAL AND
INTERNATIONAL
DETERMINANTS
OF KOSOVO'S
STATEHOOD**

EDITED BY:
IOANNIS ARMAKOLAS,
AGON DEMJAHA,
AROLDA ELBASANI,
STEPHANIE SCHWANDNER-SIEVERS

LOCAL AND INTERNATIONAL DETERMINANTS OF KOSOVO'S STATEHOOD

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LIST OF ABBREVIATIONS

ATRC	– Advocacy Training and Resource Centre
BIK	– Kosovo Islamic Council
BSPK	– Union of Independent Trade Unions of Kosovo
CDC	– Democratic Convergence of Catalonia
CIG	– Council for Inclusive Governance
CiU	– Convergence and Union [Catalonia]
CoE	– Council of Europe
COREPER	– Committee of Permanent Representatives
COWEB	– Council Working Group on the Western Balkans
CSP	– Comprehensive Proposal for the Kosovo Status Settlement
CVE	– Countering Violent Extremism
DES	– Department of Education and Science
DG NEAR	– Directorate General for Neighbourhood and Enlargement Policy
ECHR	– European Court of Human Rights
ECMI	– European Centre for Minority Issues
EEAS	– European External Action Service
ERC	– Republican Left of Catalonia
EU	– European Union
EULEX	– European Union Rule of Law Mission in Kosovo
EUPT	– European Union Planning Team
GRECO	– Group of States Against Corruption
HMG	– Her Majesty’s Government [United Kingdom]
IBCM	– International Business College Mitrovica
ICJ	– International Court of Justice
ICV	– Initiative for Catalonia Greens
IOM	– International Organisation for Migration
JCCE	– Joint Civil Commission on Education
JNA	– Yugoslav People’s Army
KAA	– Kosovo Accreditation Agency
KLA	– Kosovo Liberation Army
KMDLNj	– Council for the Defence of Human Rights and Freedoms
LDK	– Democratic League of Kosovo

MEST	– Ministry of Education, Science and Technology
MoU	– Memorandum of Understanding
OSCE	– Organisation for Security and Cooperation in Europe
PDeCAT	– Catalan European Democratic Party
PDK	– Democratic Party of Kosovo
PLUS	– Party of Liberty, Unity and Solidarity [Romania]
PNV	– Basque Nationalist Party
PP	– Popular Party of Spain
PSC	– Catalan Socialist Party
PSOE	– Socialist Party of Spain
SAA	– Stabilisation and Association Agreement
SANU	– Serbian Academy for Sciences and Arts
SAPK	– Socialist Autonomous Province of Kosovo
SFRY	– Socialist Federal Republic of Yugoslavia
SPP	– Serbian Progressive Party
SRP	– Serbian Radical Party
SRSB	– Special Representative of the Secretary General
UDC	– Democratic Union of Catalonia
UDMR	– Democratic Alliance of Hungarians in Romania
UJDI	– Yugoslav Association of the Democratic Initiative
UN	– United Nations
UNCAC	– United Nations Convention against Corruption
UNDP	– United Nations Development Program
UNESCO	– United Nations Educational, Scientific and Cultural Organisation
UNMIK	– United Nations Interim Administration Mission in Kosovo
UMN	– University of Mitrovica North
UPKM	– University of Pristina in Mitrovica
UPSUP	– Independent Student Union of the University of Pristina
USAID	– United States Agency for International Development
USR	– Save Romania Union - Uniunea Salvati Romania
WB	– Western Balkans
WBCTI	– Western Balkans Counter-Terrorism Initiative

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INTRODUCTION

**Ioannis Armakolas, Agon Demjaha, Arolda Elbasani,
Stephanie Schwandner-Sievers**

Currently in its twelfth year of independence, and despite significant steps forward in many policy areas, Kosovo continues to struggle with a number of policy challenges, both domestic and international. This book offers in depth analyses on a number of these policy challenges, attempting to make a contribution to both scholarly analysis and policy thinking on the domestic and external influences and determinants to Kosovo's statehood. The book is divided in three parts or pillars of analysis, each corresponding to one of the key policy areas and sources of challenges to Kosovo's statehood. Part I tackles issues of civil society and civic mobilization. As a response to social phenomena and political problems, and in juxtaposition with top down perspectives and elite level solutions, the three chapters in this part dissect grassroot agency and its role in some of the important political developments and policy areas in Kosovo in the last thirty years. Part II turns attention to issues of identity and otherness. The chapters in this part investigate instances and situations whereby Kosovar identity, whether in more formal and institutionalised forms or as a lived experience, encounters the ethnic and national other. The chapters in this part offer in depth and nuanced analyses that challenge conventional, and at times stereotypical, understandings of these encounters and their implications and consequences for Kosovo's statehood and national identity-building. Finally, Part III focuses more on the external challenges of Kosovo's statehood by analysing various aspects of Pristina's relations with the EU and European non-recognisers. Here again the policy challenges for Kosovo are significant and tend to become even more complicated due to the institutional and political realities of the EU as well as the non-recognisers' own domestic problems and dilemmas. In what follows, we present briefly the conceptual and analyt-

ical issues of the three parts of the book as well as offer a brief introduction to each of the chapters in this volume.

Part I: Social Actors and Social Movements – Bottom-up Mobilizations

Participation and inclusion of the citizenry in the governing processes is often seen as the panacea to the many problems plaguing new states and democracies. From organizing against authoritarian tendencies, to offering policy solutions and to promoting new alternatives, the organized citizenry plays a crucial role in fermenting political and institutional change. The organized civil society, by scrutinizing the work of their institutions and elected representatives, also helps to disclose problems of governance and hold their power holders to task for their deeds. Hence, an active civil society helps to further democratic processes, safeguard institutions and improve trends of governance while linking formal institutions and social interests that make modern societies.

Whether shaking up institutional status quo, enabling vertical accountability or bridging governance and society, civil society is a necessary element of democratic politics. Its role is all the more important in hybrid regimes which suffer from weak institutions, hierarchical political organizations, patronage style of governance and widespread corruption. Yet, the input of civil society in the socio-political processes is neither automatic nor certain. In order to perform its functions, organized citizenry requires necessary conditions to mobilize, capacities to provide alternatives and lobby for change and a certain independence from specific politics and interests. Therefore, when, how and to what extent civil society may become a force to reckon with remains an open question in need of empirical investigation.

Kosovo has been the scene of various forms of social mobilization during its eventful transformation from an Autonomous Province in the context of the

Socialist Yugoslavia, and through Milošević's authoritarianism and war, to an international-run entity and later an independent state. As such, it offers a rich laboratory for investigating the role of civil mobilization under different political regimes and through various moments of transition. The cluster of chapters in Part I explores the conditions under which, but also the extent to which, civil society has become a transformative power in the specific Kosovar context.

Nedim Hogić's chapter explores the input of social mobilization in the battle against corruption by focusing on the adoption of the whistleblower legislation during the period 2011-18. The analysis juxtaposes the role of top-down institutional incentives and bottom-up policy impulses in order to highlight whether and how civil mobilization makes a change in the quality of relevant legislation and the prospects of its implementation. Accordingly, the first whistleblower legislation adopted hastily by the Kosovo legislature back in 2011 had many inconsistencies and vague provisions to be applicable. It was the activity of few NGOs focused on the issue of whistleblowers protection that highlighted the weakness of the 2011 legislative framework and demonstrated that nothing was being done to protect emerging cases of whistleblowers. Additionally, organized NGOs progressively lobbied for legislative changes and prepared their own proposal. Finally, it was the alliance between local NGOs and international structures, particularly EU and the Council of Europe, that helped to place the legal amendments in the political agenda. The amendments that provide for civil society participation in the legislative process have helped to improve the law but also embody the new legislation in a net of social safeguards necessary to trace the future implementation of the law.

Ervjola Selenica's chapter investigates evolving policies to stem threats of radicalisation and violent extremism, with a focus on mechanisms that target youth, education and the local communities. The author suggests that in the Kosovo context, one can notice Islamization of those lacking identity, a process which between marginalization and nihilism leads to radicalization. Hence, law enforcement measures are increasingly complemented with so-

cietal measures aimed at addressing broader issues of social integration, polarisation and cohesion. Most policy measures are outlined, led, sponsored and managed by the international community but target the empowerment of civil society able to offer expertise, suggest policy solutions and deliver services. The author finds that the broader side-effects of those international-led efforts is the promotion of donor-dependent project-focused and benefit-seeking civil society that has little to do with the society or the functions of truly independent social actors. To paraphrase one of the local researchers working on the topic, the field has been transformed into ‘business’ driven by ‘profit’. Those findings call for further research on the role and limits of a donor-dependent and profit-oriented civil society, a new and still unexplored trend across the Balkans and other similar cases of international intervention.

Finally, Shkëlzen Gashi’s chapter provides a nuanced empirical account of the rise of a wide social and political movement that later morphed into a parallel governing system defying the oppressive state apparatus of the Milošević era. The chapter shows that increasing political repression provided the glue that merged separate cases of social protest and dissidence into a powerful movement including citizens from different walks of life. Finally, it was the leadership of Ibrahim Rugova and his ideas of peaceful resistance that provided a set of common goals, a framework of mobilization and the infrastructure of an organized formal political structure. Rugova’s ideals and political organization, however, proved insufficient to reach the goal of independence. It was the competing movement, the Kosovo Liberation Army, and its use of the armed struggle, that drew the attention of the international community and achieved the final goal of independence. Still, one can also argue that the international popularity of Kosovo’s cause and the ample international support it received in the path of independence derives to a large extent from the model of civil disobedience that Rugova propagated.

Part II: Experiences, Performances and Representations of Self and Other

Who, or what, are the drivers and spoilers of societal reform and change? In liberal peace- and state-building projects, the aspired change is towards democratic and inclusive societies. In the case of post-conflict Kosovo and its people, as in the wider Western Balkans, bridging interethnic divisions at social and political levels has remained at the top of the international agenda, arguably sometimes overlooking factors that can underpin societal divisions and structures of exclusion, other than the ethnic. While this section remains in the field of studying social agency, as introduced in the preceding section, it shifts the focus away from organised civil society actors and their mobilisation and towards the interplay between wider systems, on the one hand, and individual actors on the other. The former would include formal institutions, social and cultural forms of organisation, legal and policy frameworks at local, national or geo-political level and the latter politicians and ordinary citizens.

The question of whether individual people, by their actions and behaviour, can drive structural change or, alternatively, whether external, pre-existing structures such as wider institutional, social or cultural (including political-cultural) frameworks shape people's behaviour, has a long history in the social sciences. Prominently subsumed under the 'structure and agency debate', this theoretical paradigm has been criticised, repeatedly, for its dichotomous presumptions. In political science, for example, 'structure' has sometimes been equated with 'top-down' and, conversely, 'agency' with 'bottom-up', perspectives. However, the individual agency of leading political representatives of a system might have just as important an impact on chances for reform and socio-political changes as entrenched structures at grass-roots' level, e.g. cultural belief systems, might have on stagnation.

Equally, a dichotomous approach can lend itself to political positioning and reductionist views of wider social and political realities. For example, analysts who emphasise individual 'agency' as a catalyst for change might overlook

structural constraints deriving, typically, from social inequality in terms of power, resources, class or prejudice in ways that can profoundly impede any individual's scope for autonomy and choice (whether a hierarchical social order applies or not). If, then, such individuals are held responsible for a fate over which they have little control, such tendencies easily align with neo-liberal political agendas. Conversely, if pre-existing 'structures' of such a kind are seen as paramount in their impact on people's scope for improving their lives, a theoretical perspective usually associated with Marxist sociology, individuals' capacities for unsettling an unsatisfactory status quo via their actions, might be overlooked. Last, but not least, exclusively structuralist approaches risk essentialising cultures and societies, for their emphasis on supposed static frameworks as shaping people's attitudes and behaviour. In the case of the Western Balkans, for example, this has been notoriously evident in writings that evoke 'ancient hatred theories' as an ahistorical framework which would seem to forfeit any chances of peaceful coexistence between groups of different ethnic heritage.

Sociologist Anthony Giddens, when introducing 'structuration theory' in the mid-1980s, highlighted the need for a dialectic focus on the interplay between 'structure' and 'agency' in seeking to identify the factors that enable or hinder social and cultural change. For the contributors to this section, implicit questions remain as to the location and relation of 'structure' and 'agency' in the case studies under scrutiny. Their studies respond to the following questions, more or less explicitly: what is the scope for Serb citizens at grassroots level in Kosovo to resist and subvert pervasive structural constraints experienced through both horizontal (social) encounters and hierarchical (political) structures of dividing the citizenry, as experienced in everyday life? (Trupia) What factors allow a liberal-benevolent process of reform - driven by powerful international actors - to mutate into one that effectively consolidates the (cultural, social and political) structures it set out to transform? (Picciano) How do individual actors negotiate transnationally competing structures of loyalty, identification and prejudice? (Drosopoulos) And, what happens if subversive agency arises from within the 'structures' of power themselves, such as when

the highest powerholders suspend, manipulate or abuse pre-existing national and international, institutional structures according to their partisan interests ?(Tadić)

Trupia's chapter leads us directly into the micro-perspectives of ordinary Serb villagers, their everyday experiences and their agency in dealing with two mutually competing and incompatible, ethnicised citizenship regimes, respectively imposed by both Belgrade and Prishtina. Epistemologically aware of the power of the prevailing discourse, he deliberately undercuts any ethnicised categorisations by asking the villagers for their concept of 'good personhood' in social interactions. The stories thus elicited allow Trupia to explore their strategies of navigating their local identity in response to the conflicting, hegemonic structuring of citizenship in Kosovo ('structure', here, as embodied in discourse, ideology, state administration and institutions). The villagers' responses are refreshingly pragmatic and, on occasions, outright brave. However, they reveal not only much human potential in resisting dividing forces and building unexpected social bridges, but also the power of (sometimes very localised) socio-economic dependencies in perpetuating segregation and divisions. Interestingly, the dividing lines that emerge are internal to Kosovo Serbs as either fostering or rejecting, in either benefiting or losing out from, ethno-nationalist agitations. There might be limits to the representativeness of these villagers' specific experiences, practices and attitudes for the Serb population in Kosovo at large, given the (anonymised) Village's distinct topographical situatedness and its partial embeddedness with an Albanian-dominated economy surrounding it. Yet, the original method employed and the resulting findings - such as regarding contingencies of attitudes and the heterogeneity of people who are usually viewed through an ethnicised, homogenising lens only - offers the potential for wider methodological, empirical and theoretical applications.

Picciano's chapter contributes to challenging the structure/agency dichotomy if imagined only as a 'top-down' versus 'bottom-up' process. She focusses on the agency of powerful foreign and local actors in Kosovo's educational reform

process and its unexpected outcomes of consolidating pre-existing structures of segregation, which she locates at grassroots level. Her study traces how the internationally-driven endeavours of liberal education-building in post-conflict Kosovo, explicitly aimed at inclusivity and integration, de facto ended up in a parallel, ethnic system of education at all levels. Furthermore, the partial privatisation of the sector, in particular, allowed corruption to flourish, a side effect further distorting any Kosovo student's chances for a quality education. Picciano's analysis of the unsuccessful reform process reveals some unexpected complicities between actors, from the most local to international levels, in reproducing pre-existing, religious and, hence, cultural structures of ethnic affiliation. Her documentation of the post-conflict process of reform negotiations emerges as ridden by conflict as much as by rational and pragmatic compromise at the interface between foreign and local aims and concerns, forfeiting any chances for a true structural change of the educational system. While the involved domestic actors, at all levels, are shown to have successfully instrumentalised their reference groups' historical and cultural identifications and loyalties in this process, international actors are shown to have helped to effectively institutionalise segregation in an attempt to rescue multi-ethnicity, albeit less than meaningful in social reality. The resulting consolidation of educational segregation and the creation of, de facto, exclusionary, hybrid institutions, emerges as much as an outcome of agency (or the lack of agency) as of structure in terms of power, policy frameworks, and prevailing culture at all levels.

Drosopulos's chapter shifts our attention again to the level of individual agency at a micro-level, here of young people vis-à-vis conflicting cultural structures of perceptions, values, norms and expectations in transnational situations. Torn between expectations from home and opportunities abroad, Kosovo students of various ethnic backgrounds, who study at university in Thessaloniki, often find themselves identified with outdated stereotypes in either nationalist or ethnicist terms. This study not only reveals the everyday nationalism and, frequently, ignorance hidden in such expectations and assumptions which these students are exposed to, both from home and abroad

(including upon their return to Kosovo). This contribution's micro-sociological view on the numerous interviewed actors' presentation of Self, their everyday negotiation of stereotypes and constructions of identity, reveal a range of adaptive performances and strategies as well as, in fact, these students' potential for building better relations between the two countries as 'cultural ambassadors'. Strategies and presentations of Self documented in this Greek location include, on the one hand, students either distancing themselves from a history of war and violence alone (if associated with Kosovo) or from a stereotypical association with crime (if identified via their Albanian ethnicity) as well as a diplomatic shifting of emphases on identity features suggesting commonality, where opportune and to avoid misplaced distrust (e.g. because of different religious background). On the other, there can be withdrawal into one's own group or avoidance or disruption of cross-national contacts, including of love relationships, where these various pressures defeat alternative choices. As Drosopulos suggests, the hold of these structures of perceptions over a respondent's freedom of choice, respectively, correlates with the individual respondent's specific socio-economic (including family) and geographic background in Kosovo and his or her dependency on these. Overall, her study concludes in a call for more intercultural exchange, as only sufficient opportunities to get to know each other can break the perpetuation of stereotypes and associated nationalist attitudes and fears.

Finally, Tadić's chapter follows a presidentially-initiated process of public consultations in Serbia since summer 2017, known as 'internal dialogue', which set out to achieve national consensus at societal level over the contested question of normalising relations with Kosovo. Arguably these consultations could have served as an example of how political and societal agency, by circumventing existing structures, might reveal creative potentials that could lead to innovative solutions. Even though initiated from the top down, they were deliberately set outside the EU-facilitated 'normalisation' talks at the bilateral level as well as outside any national, institutional frameworks such as, for example, the parliament. However, Tadić's study reveals that exactly the opposite was the case. It offers a paradigmatic case study of the need to differentiate the na-

ture of structural constraints when analysing potentials for change, and how it is often those constraints that are not immediately visible, which can have the most detrimental impact on progress. For example, she documents how participants perceived the discussion culture created as an autocratic performance of power which forfeited open and critical debate, rather than facilitating inclusivity and participation. She also describes the general lack of clarity regarding the dialogue's purpose and accountability and the ambiguous forms of documentations which lend themselves to contradictory interpretations of supposed agreements, making them impossible to implement; as well as the deliberate ignoring of the EU's policy framework for integration. 'Structure', here as a form of autocratic culture resulting from political agency at top national level, is selectively constructed, ignored or used and put to the service of governmental power which invokes, tightens or loosens its constraints according to political partisan interests. Not surprisingly, the resulting lack of any structural predictability - such as through agreed participatory procedures and rules of both debate and aspired outcomes - in the end simply reproduced and reaffirmed the political deadlock over the normalisation of bilateral relations between Serbia and Kosovo, rather than generating any new avenues towards a solution.

The contributions to this section thus take very different perspectives when analysed through the theoretical lens of the structure/agency debate; yet they all delve into the interplay between both perspectives at stake. They inspire fresh thinking as to the definition of this theoretical couple, and where 'structure' and 'agency' might be located, substantiated or emerge, sometimes unexpectedly, in opening up or hindering opportunities for change on a general, theoretical level. They also arrive at some unexpected, specific insights into the, often-overlooked, drivers and spoilers of societal, political, and attitudinal changes in both Kosovo and the wider region.

Part III: Complex Relations with the EU and the Role of Non-Recognisers

This part of the book brings together four papers that analyse the complex relations between Kosovo and the EU, with special focus on the role of non-recognisers in these relations. The role of EU institutions has been very important during the first phases of the international civil administration since the Union was in charge of the pillar IV for reconstruction and Economic Development under the auspices of the international administration. Actually, since the end of the Kosovo war in 1999, the EU has been one of the leading international actors in Kosovo, involved in “almost all aspects of governance in the country” (Papadimitriou, Petrov and Greiçevci 2007, 220). However, Kosovo’s relations with the EU have been quite complex and complicated since unilateral declaration of independence in 2008. The European Council has one day after Kosovo declared independence stated that member states would decide in accordance with national practice and international law on the issue of Kosovo and their relations with the new country. As a result, five out of 28 EU member states have still not recognized Kosovo’s statehood, which in addition to putting a strain on the common foreign policy of the EU, has from the outset convoluted Kosovo’s relations with the Union. Currently, Kosovo is considerably lagging behind the rest of the region, as the last country to sign the Stabilisation and Association Agreement, and the only one in the Western Balkans without visa liberalisation. Despite the various EU and member states’ actors present in Kosovo, the issue of recognition/non-recognition among the EU member remains as one of the major obstacles to ensure the coherence of the EU’s foreign policy regarding Kosovo (Mutluer 2018, 161). Due to the lack of consensus among member states regarding Kosovo’s independence, the EU decided to take a status-neutral position that has seriously hampered the EU integration process of the country (Rrahmani 2018). The EU’s inability to deal with Kosovo as an independent state has seriously undermined the standing of its state-building policies. Kosovo’s Stabilisation and Association Process has been arduous and complicated, reinforcing the sense that Kosovo is being treated differently to other EU aspirants (Mutluer 2018, 200).

The EU has also been criticized for ignoring the Western Balkans' slide towards authoritarianism by prioritizing stability over democracy (Balkans in Europe Policy Advisory Group 2017). The EU's internal problems, the mixed migration crisis of 2015 and the growing influence of Russia have led to the EU significantly limiting its criticism of the Balkan ruling elites' undemocratic practices, and continuing its cooperation with them in order to limit migration and maintain those countries within the Euro-Atlantic sphere of influence (Szpala 2018). By offering external support for the sake of the false promise of stability, the EU has contributed to creation of so-called 'stabilitocracies' across the region: regimes that have considerable shortcomings in terms of democratic governance, yet enjoy external legitimacy for offering some supposed stability.

In Kosovo, the EU and other external actors greatly ignored domestic shortcomings in the domain of the rule of law and the fight against corruption in exchange for cooperation in the dialogue with Belgrade (Bieber 2018). Such EU-facilitated dialogue between Kosovo and Serbia has also highlighted various problems stemming from the EU internal disunity regarding Kosovo's status. The persistence of the non-recognizers has undoubtedly undermined the EU's ability to act more decisively vis-à-vis both Belgrade and Pristina by forcing it to speak with a more muffled voice (Mutluer 2018, 159). The dialogue has continuously suffered from ambiguities and inconsistencies, both in terms of its overall aim as well as in terms of implementation of already signed agreements. Moreover, one could argue that the dialogue has damaged the process of the recognition of Kosovo's independence since it has given an excuse to five EU and other non-recognising countries to postpone such decision until the dialogue is concluded (Demjaha 2018).

Due to the disagreement over Kosovo's status, Pristina's European integration is basically blocked since the Council cannot authorise further progress of the county towards EU regardless of the fulfilment of the accession criteria. Thus, currently visa liberalisation is the only 'carrot' the EU can offer to Kosovo authorities as an incentive to stay on a constructive path (Juzová 2019). In July 2018, the European Commission announced that Pristina has fulfilled the re-

maintaining two conditions - its Parliament ratified the border demarcation with Montenegro and the country worked on improving its track record of organized crime and corruption cases - and recommended once again to the European Parliament and the Council to introduce the visa-free regime for Kosovo (European Commission 2018). The EU's failure to deliver on its promise even after Kosovo had fulfilled the extensive list of conditions has further eroded its credibility among Kosovo citizens and political elites. This was clearly demonstrated in November 2018 when Kosovo introduced 100% trade tariffs on goods from Serbia and Bosnia and Herzegovina despite strong criticism from the EU and US officials. The EU and its leaders were suddenly rendered powerless due to their primary leverage - visa liberalisation - losing credibility as a realistic prospect for Kosovo (Juzová 2019). The fact that months after their introduction, the tariffs are still in place, despite recommendations and even pressure from Brussels to revoke them, is a warning signal in this direction.

The first two chapters of this part of the book deal specifically with Kosovo's cumbersome visa liberalisation process. They bring together comprehensive and objective analysis of Kosovo's path towards visa-free regime by providing additional and important insights on the topic. Manu's chapter seeks to examine how the inter-institutional architecture and division of competences between EU institutions influence the EU's decision-making process in relation to Kosovo's visa liberalisation. The chapter points out that since five EU member states have not yet recognized Kosovo as an independent state, the EU Council discussion on Kosovo is characterized by the so-called 'constructive ambiguity', meaning that the EU deliberately uses an ambiguous language on a sensitive issue in order to advance political purposes. However, Manu concludes that in terms of the visa liberalisation, the five non-recognizers were not the only obstacle. She asserts that the visa-free regime for Kosovo was delayed mainly due to the intricacies of EU decision- and policy-making, and its direct connection to migration and asylum-related concerns of the EU member states. The current political climate in the EU, with numerous concerns related to migration, has prompted scepticism among other EU member states towards further EU enlargement, thus hindering the advancement

of the Western Balkans countries towards full integration. By the same logic, such concerns of member states regarding the state of anti-corruption reforms and the large number of asylum applications have blocked Kosovo's visa liberalisation, despite the European Commission's confirmation that Kosovo has fulfilled the technical criteria enshrined in the visa liberalisation Roadmap.

The chapter by Nechev and Nikolovski examines the application of the EU conditionality policy regarding the visa liberalisation process with Kosovo. The chapter also explores the similarities and differences in the EU approach as well as the policy instruments and tools applied in the process in comparison to the other Western Balkan countries. The analysis shown that while the policy conditionality applied and the mechanisms used in the case of Kosovo have followed a pattern of visa liberalisation similar to other countries of the region, in order to take into account the specificities of the country the EU needed to introduce a tailor-made Roadmap for Kosovo. Due to this complex reality related to the status of Kosovo vis-à-vis the European Union, Kosovo was able to fulfil the visa liberalisation criteria only after six years, while other countries in the region needed approximately 2-3 years. Moreover, the chapter shows that due to the increased level of precision and detailness of the documents, the number of criteria given to Kosovo exceeds by double the number of requirements provided to the other Western Balkan countries. While in terms of content, Kosovo is required to implement the same reforms as other countries, the chapter concludes that the possibility to amend the criteria in the Roadmap provided to Kosovo directly influences the determinacy and credibility of the EU approach related to the visa liberalisation process for Kosovo.

To complete the picture on complex relations between Kosovo and the EU, the two other chapters in this section bring interesting insights about perspectives on Kosovo from the two non-recognizing countries - Spain and Romania. Vila Sarriá's chapter explores the reasons behind the non-recognition of Kosovo by Spain, and at the same time examines the role that the case of Kosovo has played in Catalonia's quest for self-determination. Instead of addressing differences between Catalonia and Kosovo's path for self-determination, and ar-

guing whether Catalonia does or does not have a right to secede, the chapter tries to explain the role that Kosovo played in legitimising the Catalan quest for independence. The empirical analysis identifies the internal power struggle of Spain as the most important reason for the non-recognition of Kosovo, although other reasons, such as the adherence to international law and the fear that recognition of Kosovo might potentially create a precedent for the Basque Country and Catalonia, also played a decisive role. The author suggests that Kosovo played a significant role in the Catalan process of self-determination due to Catalan elites' increased interest in the process that led to Pristina's independence. The chapter concludes that two major events have shaped the Catalan interest in Kosovo. Firstly, the declaration of independence since it left the door open for the potential creation of new states in Europe. Secondly, the ICJ Decision, as it signalled to Catalan separatists that declarations of independence were no longer considered a breach of international law, and therefore, could potentially be replicated elsewhere.

Damian's chapter attempts to answer the question: what is the current position of Romanian political parties and which narratives are dominant when it comes to the Romania-Kosovo relations? In doing so, the author contributes to filling a gap in understanding the attitudes of the Romanian political parties concerning Kosovo and also to assessing how recently-established parties position themselves with regard to this topic. The analysis shows that the entire political spectrum in Romania, be those the mainstream parties or the new political parties, shares a common view regarding the policy of non-recognition towards Kosovo. While such position embraces a legalist approach according to which independence of Kosovo represents a breach of international law, meanwhile alternative narratives have been promoted, portraying Kosovo as a presumably dangerous precedent. Namely, a parallel was drawn between Kosovo's independence and the fear of secession of Székely Land in Romania, the status of the breakaway region of Transnistria in Moldova, and, after 2014, the illegal annexation of Crimea. In addition, the almost mythologized relationship between Romania and Serbia has created an environment with very few opportunities for any in-depth debates on Kosovo. The chapter concludes

that for Romanian political parties an agreement between Belgrade and Pristina must precede any change of the policy of non-recognition towards Kosovo. In this way, the political parties are able to maintain a predictable behaviour, which is deemed important in the international arena, and are not required to create new narratives that would explain to the public their change of position towards recognition.

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**SOCIAL ACTORS AND
SOCIAL MOVEMENTS
– BOTTOM-UP
MOBILISATIONS**

**WHISTLEBLOWER
PROTECTION IN KOSOVO:
WHAT ROLE FOR
COLLECTIVE ACTION?**

NEDIM HOGIĆ

NEDIM HOGIĆ

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In post-war Kosovo, the battle against corruption has been the target of abundant international support, myriads of external projects and experts as well as many legal initiatives and institutional reshuffling. Most such initiatives have failed to take root and make a change on the ground. We assume that fighting corruption requires not just a set of elaborate legal measures, but also mobilization of an active civil society able to provide alternatives and monitor institutional packages. We assess how the top-down institutional solutions and the more bottom-up collective action influence the battle against corruption by focusing in the process of regulation of whistleblowing since the first adoption of the law in 2011. The analysis suggests that institutional design and legal solutions to battle corruption need to be complemented by active societal mobilization to deliver results. Specifically, the initial institutional design regarding whistleblowers that took primacy as 'weapon of choice' didn't result in better protection or more cases of whistleblowers. Instead, what was crucial was the mobilization of the civil society organizations, which improved the efficiency, raised public awareness concerning the relevance and aligned with international institutions in order to obtain technical support for the improvement of the initial legal framework.

INTRODUCTION

Corruption has been the buzzword of international and local efforts to rebuild post-war Kosovo. Ever since the establishment of UN Mission in Kosovo (UNMiK) in 1999 the issue has been in the spotlight of both international statebuilders, citizens and politicians. The issue has gained steam with the creation of the European Union Rule of Law Mission in Kosovo (EULEX) and the signing of a Stabilization and Association Agreement (SAA) between EU and Kosovo in 2016. In the case of Balkan enlargements, the EU has developed elaborate criteria regarding rule of law priorities as a must for target countries, including Kosovo, to advance in the institutional ladder of accession (Nozar 2012; Elbasani 2019).

Yet, corruption has survived dense international support, myriads of external missions, projects and experts as well as many legal initiatives and institutional reshuffling undertaken in the field. International indexes demonstrate little actual progress of rule of law in general and corruption in particular, while continuously singling out Kosovo as the country with the lowest scores of rule of law in the Balkans (Freedom House 2018). Citizens themselves typically see corruption as one of the main societal problems in the country (Lëvizja FOL 2015). Why have institutional efforts to tackle corruption failed to deliver measurable progress on the ground? When and how do institutional initiatives take root in the domestic context where they are transposed? We assume that institutional arrangements that focus on twisting formal incentives for corrupt behaviour are a necessary but insufficient toolbox to deal with the issue. Fighting corruption requires not just a set of elaborate legal measures but also societal demand for and engagement of an active civil society able to suggest alternatives, promote its versions and safeguard the implementation. Ultimately, it is the social mobilization against corruption that explain why and when institutional measures take root in specific social and political contexts.

This chapter analyses how institutional incentives and social mobilization strategies play out to explain the process of regulation of whistleblowing, including development of legislation and its implementation since the initial adoption in 2011. Focus on this particular measure in the battle against corruption allows us to assess the role of different approaches and relevant actors both social, governmental and international. Empirically, we use primary and secondary sources. Primary sources consist of semi-structured interviews with leading representatives of Kosovo's NGOs and legal experts as well as personal observation. Secondary sources include reports, reviews and findings available in the academic literature and in archives of international organizations, domestic institutions and local nongovernmental organizations.

The paper is organized in four sections. Section one identifies explanatory approaches in the fight against corruption: principal - agent and collective action theories. The next sections analyse how the identified factors play out in the introduction, implementation and evolution of whistleblower legislation in Kosovo. Section two outlines the features of relevant legislation adopted in 2011 and the broad political context within which this happened. Section three explores the actions of civil society organizations and other international and governmental actors on improving and raising awareness of the law. Section four examines the new legal solutions adopted in 2018. Finally, the paper offers a conclusion and discussion of the findings.

THEORETICAL APPROACHES TO FIGHT AGAINST CORRUPTION: THE ROLE OF CIVIL SOCIETY

The failure or success in the fight against corruption is usually analysed through two competing lenses: the principal-agent model and the collective action one. In the principal-agent model, the principal is a benevolent actor which controls

the agents that exercise the authority to govern (Mungiu-Pippidi 2013). For example, the principal can be a minister of a government while agents are officials in the ministry. Or, the population of a country can be understood as a principal while all government officials are agents of this collectively understood ‘principal’. In the context of international intervention, key international actors endowed with governing competences can also take over the role of leading principal in the fight against corruption. If the agents misuse public authority in order to promote private gains, then actions which would limit their incentives to do so represent the core of legal reforms needed to curb corruption (Rose-Ackerman 2006). For example, legal and institutional reforms which lead to a more independent judiciary or criminal penalties for charges of corruption are common anticorruption measures resting on an assumption that in order to reduce corruption one should reduce the formal incentives to engage in corruption (Klitgaard 1988; Persson, Rothstein and Teorell 2013). If the principal institutions don’t fulfil their task a review of their work and a possible change of personnel through democratic accountability mechanisms will lead to improved results or design of new institutions. Very often, such constraining institutional measures have a too narrow focus on regulating and monitoring corruption tainted transactions, and that once they come into light.

Proponents of collective action approach see the fight against corruption as a more holistic task because they believe that corruption is a wider societal problem and that its success depends on the societal context, including capacities of mobilization. For example, Rothstein notes that a wider societal change (which he calls ‘the big bang’) is a necessary precondition for the institutional reforms to work, thus viewing institutional efforts without such a backdrop as incremental and only worsening the situation (Rothstein 2011). Uslaner claims that in societies with high inequality, the ‘inequality trap’ hollows social capital and solidarity leading to higher rates of corruption (Uslaner 2008). In this vision, corruptive practices are understood as either a societal norm or as path of dealing with one’s needs. This is why they focus on social capital- and trust-building measures and the broader effects that other transformative processes have on society. In general, proponents of this theory believe that “people will act cor-

ruptly as long as they expect that most other people will also behave corruptly” (Ledeneva, Bratu and Koekker 2017). Which of the two models is used in a particular setting determines the measures that are deployed and often the actual output in the fight against corruption.

The two approaches are interlinked. Corruption can be understood as both principal agent and collective action problem (Stephenson 2017; Marquette and Peiffer 2015). This is because most policy developments in the fight against corruption involve the role of a governmental body and the reaction of citizens to its actions as well as wider societal changes that may result from a particular policy. This is why this research seeks to analyse whether whistleblower protection can be better understood by analysing the institutional tasks or a broader change involving the activity society in which the whistleblowers operate.

The growing literature on the problem of corruption in Kosovo points at the existence of both institutional and societal or contextual factors: Kosovo’s unfinished statehood (Elbasani 2018), its violent past (Belloni 2012), the slow transition towards a modern economic system, the failure of international donor coordination (Venner 2016), interplay of local actors and the international presence (Uberti 2014; Tadić and Elbasani 2018) incompetence and corruption of international statebuilders (Capussela 2015), and lack of social capital (Ante 2008), to mention a few. Corruption in general is seemingly deeply engrained in Kosovo’s society (Duli 2014), although one can notice significant societal mobilization against it too (Luci 2016). To be sure in the case of Kosovo most policy solutions have been designed or strongly influenced by the international presence according to specific international templates to deal with post-war polities.

Yet, the weakness of domestic political agency has emerged as key explanation to the failure of statebuilding efforts and good governance, especially since Kosovo de facto independent statehood and subsequent transfer of most governing tasks to local authorities in 2007. Institutionalization and even more so implementation of anti-corruption initiatives be it financing of political parties, freedom of access to information, judicial independence, government hiring,

public procurement, bribery of public officials and servants are all tainted by active political resistance, informality and illicit strategies of controlling the range of anti-corruption institutions (Đorđević and Fazliu 2019). More often than not, civil society actors had at best an indirect input in the process of reform via producing valuable knowledge and solutions apt to the social context (Phillips 2018; Qehaja and Prezelj 2017). Generally, in anticorruption literature, an active civil society is assigned the role of social accountability mechanism, which includes articulating local demand for clean hand politics, denouncing corruption affairs, lobbying for specific policies and taking their politicians to task for their abuses (ERCAS 2014). In their comparative research of Croatia and Albania's EU accession process, for example, Elbasani and Šabić have demonstrated how Croatian NGOs have played an ubiquitous role in the Croatia's fulfilment on EU criteria on rule of law and good governance (Elbasani and Šabić 2017). This example, as well as examples from other former EU candidates and now EU member states (Beblavy 2009; Pippidi 2004) show the importance of wider societal involvement in checking and safeguarding anticorruption reforms.

Whistleblower legislation and its enforcement is perhaps the best example of how institutional and social mobilization approaches play out and interact to explain the fight against corruption in practice. While the quality of legislation and institutions is essential for the ensuring legal protection of the whistleblowers it is the social context in which their revelations occur that makes those institutional measures work or not. By revealing immoral, illegal or criminal acts of those in power whistleblowers act as the conscience of a society. They are blamed and harassed where corruption is socially accepted as a way of doing things; they are alternatively praised and rewarded where society is mobilized against corruption. Because of their denouncing crucial abuses, whistleblowers however are generally retaliated against by the government and suffer tremendous mental pain and a loss of standing in a society (Fotaki, Kenny and Scriver 2015). Willingness of the society to protect them, but also to act on their revelations, is essential for establishment of a system in which people are willing to report hidden wrongdoings of important powerholders. Therefore, their protection requires specific laws protecting their rights. Even more importantly, it

requires an active society, advocating for their rights, participating in legislative changes, scrutinizing government's options and mobilizing for realization of legislation in practice.

In general, whistleblower regulation represents a first formal step to regulate, secure and protect the safety and well-being of those who reveal illegal, illegitimate and immoral practices that their employers or other organizations commit (Micela and Near 1992). These individuals, risk jobs, status and well-being of themselves and their family members in order to stand up to a much more powerful structure enshrined in corporate executives, government officials or those involved with organized crime. Following enactment of Whistleblower Protection Act in United States in 1989 whistleblower legislation swept the world with 35 jurisdictions now regulating specific whistleblower protection measures (International Bar Association 2018). The United Nations' Convention against Corruption (UNCAC) while not explicitly ordering enactment of legislation protecting the whistleblowers, recommends countries to adopt whistleblower protecting measures. The EU has no specific *acquis* regarding protection of whistleblowers, but it has adopted a recent directive on the issue and it has encouraged the legal process in Kosovo, especially in the context of EULEX investigation of high level corruption cases.

The campaign to frame whistleblower protection as an act protected by the freedom of expression in order to ensure better legal protection for exposing certain information which is under way has gained traction with the ruling of European Court of Human Rights in *Guja v. Moldova* case. Some of the biggest leaks exposed in the last few years such as the Panama Papers show the rise of so-called 'digital whistleblowing' where the whistleblower remains anonymous. This time around the focus is on the technology that allows for gathering or processing of information relevant to public interest and the rights of journalists to publish this data.

Still, the existence of whistleblower protection legislation itself seem to explain little in terms of activation of whistleblower cases. For example, in Slovakia and in Belgium a specific whistleblower legislation has been in place for three

years and five years respectively, yet no whistleblowers have used it (Blueprint for Free Speech 2018b). Similarly, when the legislation was first enacted in the United States and the United Kingdom, its impact remained questionable. Only subsequent amendments and enactment of new legislation that offered the stimulus to whistleblowers enabled a change in corporate culture. But this was a process that lasted for fifteen years in the United States. In Great Britain, the country considered a European leader in the field of whistleblower protection, debates concerning the impact of such legislation persist even to date. By contrast, in Serbia the law has yielded 443 cases of application since its adoption three years ago. Hence, the jury is out on which specific institutional measures and what format of collective mobilization encourage the effective protection of whistleblowers.

THE INITIAL AD HOC AND VAGUE LEGAL INITIATIVES FOR PROTECTION OF WHISTLEBLOWERS

In Kosovo, the Law on Protection of Informants has been adopted in 2011, earlier than in any other jurisdiction in the Western Balkans.¹ Prior to this, whistleblower protection was regulated by the corporate code of ethics as envisaged by the Law on Publicly Owned Enterprises (Kosovo Assembly 2008). At the time of the adoption of Law on Informants, Kosovo was one of the few European countries that already had some legal provisions dealing specifically with whistleblowers and their protection. Also, in most of the countries which enacted the law, its passage was preceded by a concerted effort led by NGOs, political attention or international pressure. In Kosovo, some international NGOs that analysed Kosovo legislation advocated for inclusion of whistleblower protection, but there was no concerted campaign to lobby the UNMIK or the government (Article 19 2003). Attention, be it through political pressure or the international activity, usually the main driver of the reform (Duli and Dodbiba 2015), was not focused on this law too.

One possible explanation as to why the law made it in the parliamentary agenda was that emerging cases of whistleblowing gained wide press coverage among the domestic and international outlets. This was not just because of the widespread corruption that went unreported, but because the first important cases of whistleblowing had an international dimension and impact. These were the cases in which professionals working for international organizations in Kosovo blew the whistle on what they saw as corrupt practices within these institutions. In 2007, James Wassestrom, an UN official reported suspicions of corruption among UN staff only to be detained and fired by UNMIK (Wall Street Journal 2008). Maria Bamieh, a prosecutor working for EULEX on anticorruption cases, was fired and arguably had her rights violated if one considers European Court of Human Rights (ECHR) precedents concerning whistleblower protection (Kusari 2015). Informants who were acting as possible witnesses in war crimes cases related to influential Kosovo politicians were also reported to have been intimidated and scared of testifying (Council of Europe 2010)

Still, the new law and the rights it enabled didn't enforce a better protection. In 2012, the Kosovo Anti-Corruption Agency envisaged a public awareness campaign in order to promote the law to public and private sector employees based on the suggested findings that "public administration still lacks proper internal channel to allow whistleblowers' reporting, without fear for retaliation" (Kosovo Anti-Corruption Agency 2012). An analysis conducted by local NGO Lëvizja FOL in 2013 demonstrated that public sector employees certainly had a poor level of understanding of the law and its provisions showing that the campaign was not launched at all or that it has failed in its objectives. The reasons for this were not just a failure of public awareness campaign but also a lack of actual provisions in the law obliging the public employer to establish a procedure for whistleblowers within the organization.

Indeed, the Law on Informants contained many problematic provisions. The very name of the law was unusual. The word 'informant' suggests the conduct of the whistleblowers themselves is problematic and it echoes the label of a 'snitch'. Such connotations did not resonate well with the population and recalled Milosevic tactics of relying on informants to extend his power in Kosovo (Regional

Anticorruption Initiative 2017). This was not a specific Kosovo problem; the name whistleblowers was allegedly coined in the early 70s by US activist Ralph Nader precisely in order to avoid the stigma that the word ‘informant’ carried out. Most problematically, the law used vague language in designating an official person/institutional mechanism authorized to deal with complaints or reports filed by whistleblowers. In article 2.1.5. the law stipulated that a person *may* be authorized by the employer to receive complaints and information from whistleblowers. This crucial intervention in the language of the law, which was not in the adopted draft, but found its way in the official text of the law meant that there is no obligation for a public employer to designate such a person.² The vague article introduces a completely new practice, but leaves the details of implementation to the good will of individual public employers. Hence, it is unreasonable to expect that individual public entities will strive to implement it without direct pressure from above. The absence of any internal awareness raising campaign regarding law’s existence made the law a useless piece of letter (Lëvizja FOL 2013).

Various local NGOs, media reports and analysis criticized the law upon its passage. Beyond the name issue and vague articles on implementation, the main critiques addressed the lack of comprehensive protection offered to whistleblowers. The provisions of the law do not explicitly state sanctions for those retaliating against whistleblowers. Nor do they allow whistleblowers reporting outside of the official channels (Lëvizja FOL 2013). Under the law, the only protected action includes reporting of the wrongdoings through official channels which are not well defined. In practice, this means that if an official is denied protection his or her only recourse is the court procedure. This puts the potential whistleblower in a precarious position; he or she is to await the outcome of court proceedings while enjoying no protection until the court proceedings are over, a process that may take several years to end. Not all features of the law were negative. For example, the law did not make a distinction between an employee of an organization or an ordinary citizen allowing anyone to make a disclosure, a broad approach not followed in all jurisdictions (Transparency International 2018). The law also widely defined possible retaliatory measures against which an employee was protected.

REPAIRING THE ELUSIVE LAW: THE ROLE OF THE NGOS

Lëvizja FOL was among the first NGOs involved in assessing and promoting the application of 2011 law. Back in 2013, thanks to the financial support of US Embassy, Lëvizja FOL carried out a project to identify and raise awareness regarding the law provisions among public sector employees. Yet, they did not limit its activities to legal analysis. The organization also actively sought information concerning the details of (non) implementation of the law and prepared several policy briefs concerning the lack of knowledge and execution of the law by public authorities (Lëvizja FOL 2013).

Although Lëvizja FOL was financially supported by the US Embassy in Kosovo in preparation of this report, general technical assistance of foreign donors was neither focused nor well-coordinated on the issue of whistleblowers legislation. An analysis of the technical support projects related to implementation of strategic documents on anticorruption finds no reference to whistleblowers protection (UNDP 2012; OSCE 2006), which attest to lack of coordination with providers of technical assistance but also a lack of relevance attributed to the law. Reports from this period merely indicate the existence of the law as such (State Department 2013). EULEX's Compact Progress reports, a monitoring tool used to assess various aspects of functionality of the rule of law in Kosovo, also make no reference to the Law on Informants or whistleblowers protection as such (EULEX 2013; 2014; 2015; 2016; 2017). In fact, it is only after the passage of the law and the campaign led by civil society organizations that the lack of implementation of provisions of this law were picked up by EU Country Reports and made a modest appearance in technical assistance projects (UNDP 2015). Even then, international organizations and actors involved in Kosovo shared little interest in the implementation of the Law in the context of wider anti-corruption programs.

The social context, however, was quite favourable to the law. A study by the Regional Co-operation Council has shown that Kosovo's population is more favorable to whistleblowers and holds more belief in these practices than citizens of any other South East European country (Regional Cooperation Council 2017). Media has often reported on the issue, but tends to problematize social support by portraying whistleblowers as victims of their own courage (Kosovo 2.0 2017; Prishtina Insight 2016) that are frequently intimidated by those they reported against.

The unfolding of several cases shows mixed social support and mobilization on behalf of the issue and most importantly the weakness of the legal measures to actually protect its subjects. In the case of Murat Mehmeti, a tax official who exposed the existence of network of shell companies which help tax evasion, the investigations were stalled without results (Balkan Insight 2016). For his courage, Mehmeti was awarded with the Civic Courage award by Lëvizja FOL. Abdullah Thaci, a bank lender who has exposed misuse of public funds by a school director in the city of Prizren, by contrast, has been sentenced to six months in prison with his sentence being converted to a 5000 € fine because of exposing bank secrecy (Blueprint for Free Speech 2018). Abdullah Thaci's case was complex and deserves further attention because of its institutional implications. He reported the corruption not to bank officials, but to a representative of a local branch of Vetëvendosje political party, which filed a criminal charge in court against the director of the school. Under the scope of the Law on Informants, the whistleblowers are not exempt from possible criminal prosecution and even if the Criminal Code provides protection for those who expose confidential business data in order to report criminal activity this exception was not noted by the court that found Abdullah Thaci guilty. The judgment of the first instance court in Prizren was *prima facie* wrong but due to Thaci's guilty plea in exchange for a reduced sentence the case never got its legal epilogue. It also appears that Thaci did not have proper legal representation.³ However, the case received significant media attention (Kusari 2015). Kosovo Democratic Institute organized a march supporting Thaci and a number of media outlets produced articles sympathizing with him.

In August 2015, an open letter entitled ‘Public institutions should stop intimidation of whistleblowers’ signed by representatives of NGOs and activists was sent to the highest institutions in the country including the President of the Republic and the Speaker of the Parliament. Highlighting the case of Abdullah Thaci as well as that of two employees of the public broadcasting corporation RTK, who were removed and then returned to their positions, the signatories demanded standards of whistleblower protection in line with the ECHR judgment in *Guja v. Moldova*, a precedent in which ECHR first addressed the criteria for whistleblower protection.⁴ They also demanded an increase in application of the law by the public institutions including courts and a creation of the new law within a twelve months deadline. Kosovo President Atifete Jahjaga responded to this letter by urging the country’s judicial officials to pay more attention to protection of whistleblowers (Gashi 2016). Even if the judicial officials have acknowledged this warning they were unable to do so. Namely, not a single employee of Kosovo’s institutions has used the reporting mechanisms under 2011 law in order to either report a wrongdoing or protect his or her rights.⁵ Therefore, there were no cases in which the law was actually applied.⁶ The reasons for this could lie not only in a poor awareness campaign that the government conducted among its employees,⁷ but also in the overall climate of socially acceptable and socially rooted corruption that still exists in Kosovo to date. While the awareness of widespread corrupt practices by the citizens was high and while fight against corruption was widely used as a rhetorical tool in political campaigns, lack of evidence towards any meaningful progress of implementation of whistleblowing legislation meant that the institutional and legal changes met the hard reality of deeply entrenched corruption and abuse of office (Coelho 2018).

The NGO community too was not involved systematically or powerfully enough to demand specific changes to the Law on Informants. Although a series of cases were promoted in public there was no clear advocacy campaign aiming at this piece of legislation. This can be explained through lack of a specific organization dedicated to freedom of speech but also a feeling that the government is unresponsive towards demands for legislative changes.⁸ As an issue which represents an intersection between fight against misuse of public office and

freedom of speech whistleblowing was not a primary concern of any particular organization. A similar trend appears across the Southeast Europe; while anti-corruption is in the focus of many organizations of civil society, whistleblowing requires either dedicated organizations or broad coalitions in order to be effectively pushed to the agenda of the government or the public. The organizations that dealt with inadequacies of whistleblower cases and the Law on Informants in Kosovo have not attempted to turn the issue into a wider case of mobilization within the country or into a cross-country mobilization campaign involving other regional partners. As Phillips demonstrates in his research on CSOs operating in the field of security studies, civil society organizations in Kosovo have the capacity to act as an epistemic community⁹ and to inform stakeholders of their recommendations but they fell short of the capacity for broader societal mobilization (Phillips 2018). This mobilization is usually the terrain of political parties, which have a long way to go in order to establish fruitful cooperation with civil society organizations on issues of common interest.

Only in 2016, Lëvizja FOL presented its own amendments to the Law on Informants (Lëvizja FOL 2016). Related activities focused on attending sessions of the parliamentary committees and influencing the MPs in order to change the law (KFOS 2018). Most MPs, however, invested little in the matter also because they have committed to another important piece of the anticorruption legal framework, the Law on Declaration of Assets, discussed at around the same time.¹⁰ Yet, this time around, international actors pressured more forcefully governmental actors to improve the legal framework on whistleblowing. The pressure grew as the 2016 EU country report mentioned the problem of the Law on Informants for the first time since its adoption in 2011 (European Commission 2016). Parallel to this development, the issue of whistleblower protection gained traction also at the European level with the adoption of an EU-wide Directive on the protection of persons reporting on breaches of EU law, which elevated the issue after the eruption of series of scandals, such as Dieselgate, Lux Leaks and Panama Papers. The Council of Europe, which had enacted a series of recommendations for protection of whistleblowers in 2014, identified a young Kosovo citizen as the leading European expert to produce an analysis of law. In the 2011 - 2015

period, the Council of Europe's office in Kosovo focused only on the recommendations of its own body, the Group of States Against Corruption (GRECO), and did not feature whistleblower protection.¹¹ But following the aforementioned elevation of this issue at the European and international level and also contacts with local NGOs they too embarked on the issue.

The combination of an increased relevance of whistleblower protection in EU member states, donor assistance, willingness to recognize the relevance of local expertise and the activity of the local NGOs pushed the Ministry of Justice to make necessary amendments to the Law on Informants. The Minister of Justice, Abelard Tahiri, pledged that changes were soon underway during an event marking the Anti-Corruption Day in December 2017 (Council of Europe 2017). Afterwards, the Ministry of Justice moved to create a working group in charge of revising the whistleblower law.

Political promises to tackle the issue, however, did not shift government's general reluctance to recognize the importance of whistleblowers or attempts to sell related institutional packages that pay lip service to international standards and social pressure. This was clear in the case of Bujar Ejupi, the former deputy director of the Air Service Navigation Agency of Kosovo. Ejupi blew the whistle on breaches of the public private partnership contract between the Turkish owned company LIMAK and Kosovo government regarding the management of Prishtina airport. Breaches of the contract concerned the safety of the airport and the level of investments made by LIMAK leading to Kosovo government losing more than 14.5 million euros (Xharra 2018). Ejupi notified his superiors, the Kosovo government, the Anti-Corruption Agency, the police and the office of the prosecutor of his findings. He was consequently fired from his position of deputy director. After receiving no legal protection or political support regarding his claims, he publicly exposed the information disclosed to his superiors to no reaction from the government.

THE NEWLY AMENDED LEGISLATION

On 2 and 3 May 2018, the Working Group tasked with producing the draft law on whistleblower protection held its first meeting in Pristina (Council of Europe 2018). The meeting reflected close collaboration between various international governmental and civil society actors. Supported by Council of Europe's Project against Economic Crime, the Working Group comprised members from many public institutions, including the courts, nongovernmental organizations prominent in public campaigning for changes to the law and journalists. While the Ministry of Justice was together with the Council of Europe's office in Prishtina the co-organizer of the meetings, NGOs assumed a pivotal role in drafting the revisions of the law.¹²

Given the collaborative and open mode of drafting, local experts considered the law as “one of the best pieces of legislation covering this field in Europe”.¹³ The praise certainly indicates a certain degree of local ownership and pride in the quality of legislation. The law also represents a stark departure from the vague clauses of the previous one. Modelled after the Irish and Serbian law, which are considered to be among the best pieces of legislation in Europe (Transparency International 2018), the revised law addressed one of the main shortcomings of the previous legislation: the creation of safe internal channels for whistleblowers reporting. Specifically, the revised law follows a three tier approach to whistleblowing, first featured in the UK Public Interest Disclosure Act (Vandekerckhove and Phillips 2016). This approach enables whistleblowers - with certain limitations - to choose among internal, external (meaning reporting to a public institution) and public channels of communicating the information in their possession. Additionally, the law envisages that each public institution employing more than 30 people and each private institution employing more than 80 must have a person designated to receive potential reports of whistleblowers.¹⁴ If the whistleblower has reasons to believe that the designated person will not handle requests properly, he or she may report directly to the manager. In any case, in-

ternal whistleblowing procedures must be started immediately within receipt of the information that the whistleblower is providing and must be closed within 45 days. External whistleblowing concerns cases when a whistleblower reports to the Anti-Corruption Agency. He or she may do this when related reporting is focused against the manager of an institution, or when a sense of urgency is justified by the need to prevent irreparable damage happening to them or to public interest. Both guarantees of various channels of reporting and measures prohibiting retaliation are a cornerstone of new whistleblower protection law. At the same time, this approach lowers the probability that the organization in which the whistleblower works suffers consequences as a result of whistleblowing. All acts that are detrimental to the whistleblower and can be understood as a measure of retaliation shall be considered null. Any damages arising out of these acts shall give grounds for compensation to the whistleblower.

The law also facilitates the process of investigation that falls under whistleblower protection. The standard of evidence for court cases initiated by the whistleblowers is different than an ordinary burden of proof standard before the courts. The evidence provided only need to prove the likelihood that an action was directed as a retaliation against them; the burden of proof is on the employer to prove that the action was not retaliatory in its nature. The law also provides for monitoring and evaluation of its implementation by assigning the Anti-Corruption Agency the responsibility of preparing annual reports concerning its implementation (Draft Law 2018). Accordingly, the Agency will now handle the cases while being institutionally responsible for whistleblower protection. Coupled with the detailed provisions for external channels of reporting, those facilities of investigation and central management of cases allow for a wide span of institutional protections for reporting individuals, a stark departure from the previous law.

The right to a compensation for losses and damage incurred as a result of whistleblowing is also made integral part of the revised law (Draft Law 2018), although a more detailed norm regarding particular circumstances of damages arising out of retaliation to the whistleblower should have been used as the rarity of these cases appearing before the courts might lead to a confusion for the courts adjudicating

the compensation. Finally, the revised law contains an atypical provision stating that, with regards to the private sector, it will enter into force in one year's time.¹⁵ This suggests that the drafters were careful not to impose obligations that cannot be implemented immediately upon the law's entry into force but rather demand efforts for preparation. If taken seriously, the provisions of the law will open a window of opportunity for collaboration between the NGOs and the private sector regarding also the implementation of the law.

Still, the experts were sceptical about the long term commitment of the government as far as implementation is concerned.¹⁶ In general, NGO experts do not feel that the attitude of the government towards corruption has changed, thus risking that the law will become another piece of legislation that pays only lip service to the battle against corruption (Elbasani 2019). There are two specific risks that could arise during the implementation of the law. First is the capacity and willingness of the Anti-Corruption Agency to perform its duties conferred by the law to monitor, receive reports, and produce implementation reports. In terms of capacity, it seems that the Agency is well equipped and will receive further technical assistance in order to conduct these tasks. The second issues that might arise concerns the willingness of Ministry of Justice to adopt necessary bylaws that determine the exact terms of internal administrative procedure initiated when internal whistleblowing occurs. The reluctance of the Ministry to do so cannot stop the implementation of the law, but may hinder its application, at least in the short run. Ultimately, it is the effectiveness of the two institutions in performing their duties and the activities of the civil society to report on those issues that will determine the application of the law in practice.

CONCLUSIONS

The fight against corruption in Kosovo has so far relied more on principal - agent understanding of the fight corruption. This is why institutional design and legislation took primacy as 'weapons of choice' in the fight against corruption. In the

seven years of application of the Law on Informants, the entire impact of the law can be summarized as mobilizing the civil society organizations in improving its efficiency, raising public awareness concerning its relevance and liaising with international institutions in order to obtain technical support for its improvement. The law itself has led neither to better standards of protection of employees or to more cases of whistleblowing. The cases of whistleblowers alarming the public on wrongdoings of companies and public institutions resulted more from citizens' courage, but they remained largely unsupported by government institutions.

The Law on Informants is a typical case of a legal implant that has failed to produce substantive change to the way that the system functions. Yet, it is atypical because unlike other legal implants it was not imposed from the above and it received very little if any technical and lobbyist support from the international statebuilding efforts. Rather, it is the unintended consequence of the law - the mobilization of civil society - that led to drafting of a new law which is, as we have demonstrated above, an adequate legal framework for protection of the rights of whistleblowers. The rise of investigative journalism in Kosovo to prominence, but also globally, is also a factor to which an increase of relevance of the law can be attributed.

Surely, Kosovo as a post-conflict society and a case of unfinished nationhood is a fertile ground for corruption (Belloni 2012). But, blaming the lack of progress on political will, politically crafted institutions or the post conflict context does not paint the whole picture of why and when anti-corruption measures work. This research demonstrates that the institutional design of anticorruption measures and top-down efforts to impose legal solutions need to be complemented by active societal mobilization to deliver results. Government's readiness to work on a whole new piece of legislation is commendable, but as evidenced by the case of Eyupi, does not automatically ensure results.

In general, the quality of anticorruption legislation and related institutional packages have little to no relevance in the face of an unfavourable institutional and societal context that characterises transitional countries. The interaction

among civil society, international organizations and government actors that would serve to improve, monitor and safeguard those initiatives tends also to be poor. Civil society seems to have no trust in political party representatives or the government and vice versa. Despite being financed to, inter alia, establish closer ties with MPs in order to amend the Law on Informants through parliamentary procedure, NGOs have failed to achieve this. Instead, they forged alliances with international organizations, in this case the EU and the Council of Europe, to contribute their expert knowledge and revise the institutional framework. While the synergy between international and civil society actors has produced legislation of impressive quality, it is not a guarantee for good implementation. What is certain is that the presence of more information regarding corruption would hardly surprise any Kosovo citizens. The awareness of corruption among them is high (Lëvizja FOL 2016) and they perceive the government as “weak and undemocratic” (International Republican Institute 2017). What they yearn to see is accountability (Luci 2016) and without a wider societal mobilization this is unlikely to happen. Given the NGOs’ ownership of the (new) law, one can hope that such initiatives will be safeguarded and extended to further bottom up anticorruption policies.

LIST OF INTERVIEWS

Elbasan Racaj, Legal Advisor, Lëvizja FOL Movement, Prishtina, 21 September 2018.

Edmond Dunga, Project Adviser, Project for Economic Crimes in Kosovo II, Council of Europe Office, Prishtina, 22 September 2018.

Flutura Kusari, PhD, European Center for Protection of Media Freedom, 23 September 2018.

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ENDNOTES

- 1 In Bosnia and Herzegovina the law was adopted in 2013, in Montenegro and Serbia in 2014, in Albania and Macedonia in 2016. See Regional Anticorruption Initiative 2017. Protecting Whistleblowers in South East Europe, A review of Policies, Cases and Initiatives.
- 2 Interview with Flutura Kusari, 23 September 2018.
- 3 Interview Elbasan Racaj, Prishtina, 21 September 2018.
- 4 Strictly legally speaking, it is unclear whether Thaci would have received protection under the Guja v. Moldova precedent. Namely, one of the criteria for whistleblower protection is also that the person acts in good faith. It is unclear whether Thaci's submission of documents alleging illegal actions by the school principal to the political party and not, for example, to the media, would be considered as an act done in good faith. In any circumstance his prosecution was illegal, but it is unclear whether disciplinary actions taken by his employer would also be considered illegal.
- 5 Interview with Flutura Kusari, 23 September 2018; Interview with Elbasan Racaj, Prishtina, 21 September 2018.
- 6 This, however, does not mean that there is an absolute unwillingness of Kosovo's public employees to report misuses of office or corruption. In a survey conducted by Lëvizja FOL in 2016, 12 out of 160 surveyed employees have reported corruption or misuse of office to their superiors or the prosecutors out of which three have suffered consequences for their actions.
- 7 According to Lëvizja FOL reports and an interview with its representative, only 15% of the employees were aware of the existence of the law.
- 8 Interview with Edmond Dunga, Prishtina, 22 September 2018.
- 9 While the collective effort that various local CSOs have put into changes to the Law on Informants is without a doubt it seems appropriate to pinpoint the role that Flutura Kusari, as one of the leading new European researchers has played in researching the whistleblower cases, advocating for the changes to the law and finally development of new legal solutions.
- 10 Interview with Elbasan Racaj, Prishtina, 21 September 2018.
- 11 Interview with Flutura Kusari, 23 September 2018.
- 12 Interview with Edmond Dunga, Prishtina, 22 September 2018.
- 13 Interview with Flutura Kusari, 23 September 2018.
- 14 In those employing less than this number the complaints will be filed directly with the manager/director.
- 15 For the public sector, the law is to be applied as it is usual, eight days upon its publication in the official gazette of Kosovo.
- 16 Interview Edmond Dunga, Prishtina, 22 September 2018.

**COUNTERING VIOLENT
EXTREMISM AND
RADICALIZATION IN
KOSOVO: INTERNATIONAL,
STATE AND SOCIETAL
RESPONSES AND THEIR
CONSEQUENCES**

ERVJOLA SELENICA

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Countering terrorism and preventing radicalization and violent extremism have taken center-stage in donors' and governmental policy agendas in the region more broadly and in Kosovo in particular. International donors, national governments and civil societies in the Western Balkans increasingly emphasise the risk of youth radicalization and at the same time they are seeking new strategies for counter-radicalization that would prevent the young from slipping into violent and extremist paths. More broadly, youth, education and local communities have become crucial entry points for securitized responses against the challenges and threats of terrorism and radicalization. This chapter aims to critically analyse counter-radicalization and countering violent extremism discourses and practices and reflect upon their implications and effects for a number of Kosovo societal sectors and actors such as youth, education and local communities. While many research and policy initiatives have focused on drivers, causes and mechanisms to counter violent extremism and radicalization, there has been no critical analysis of their societal effects. In this regard, this study has both theoretical and policy-making relevance as it tries to fill this research gap, while also reflecting on dilemmas of current strategies and projects as well as providing insights for future policy initiatives in Kosovo.

INTRODUCTION

Since the London and Madrid bombings, the EU agenda on counter-radicalization has become substantial and ambitious (de Goede and Simon 2012, 315). With the Syrian war, which has seen an increased participation of foreign fighters from Bosnia-Herzegovina and Kosovo, the question of *jihadism*, and thus the fight against radicalization and terrorism, has assumed a central focus within international donors and local governments' actions in the Western Balkans more broadly and in Kosovo more specifically. More recently, youth radicalization has gained attention and raised concerns following intelligence reports on young European foreign fighters going to or returning from Syria.¹

This chapter aims to critically analyse the societal effects of counter-radicalization and countering violent extremism (CVE) in Kosovo. More specifically, the analysis seeks to map the governance of counter-radicalization and CVE and how youth, education, and Muslim authorities and communities are incorporated into and affected by strategies, policies and narratives of counter-radicalization and CVE. The main research question is: How are counter-radicalization and countering violent extremism (CVE) discourses and practices affecting social sectors and actors in post-independence Kosovo? Other sub-research questions structuring the empirical analysis have investigated: the threat of radicalization and violent extremism and how they are defined by different stakeholders and within discourses, policies and projects; the governance and focus of CVE and counter-radicalization policies and projects; and the ways in which the role and functions of youth, education and local communities have been (re)defined by strategies and policies of CVE and de-radicalization.

The chapter is based on a qualitative methodology relying both on the review of primary and secondary sources, textual analysis of strategic documents of

both international organisations and national governments, and semi-structured interviews with representatives of civil society, international officials and representatives of Kosovo institutions involved in CVE and counter-radicalization. A first in-depth literature review highlighted knowledge and research gaps and identified main official documents for textual analysis as well as refined the focus, objectives and research questions. Secondly, one week of semi-structured interviews was conducted in Prishtina in September 2018, with a total of seven semi-structured in-depth interviews as well as two informal interviews. Drawing on previous fieldwork research experiences, interviews have been conducted with the highest regards to the privacy and after securing the informed consent of the interviewees. Given the sensitivity of the topic and its hyperinflation in terms of research and policy analysis in the past years in the country, the author has encountered many difficulties in accessing and interviewing both international and local stakeholders. Main target groups that were interviewed during the week trip in Kosovo were key major international and national stakeholders that were divided into four groups: (1) representatives from international organizations; (2) government officials; (3) imams; (4) scholars, think tank and civil society representatives.

The first section offers a brief conceptual and analytical review of the literature on counter-terrorism policies in Europe and its recent shift in focus towards countering radicalization and preventing violent extremism within the EU and across its external borders under the Enlargement policy. This shift has also entailed the emergence of a de-radicalization and preventing violent extremism policy focus in Kosovo and the broader Western Balkans region. Analytically and theoretically it is based on recent scholarship from critical terrorism studies and it places the focus not on the effectiveness of such policies but on what informs them and how they affect the Kosovar society. The second section sheds light on the most recent radicalization phenomena often linked with the emergence of a jihadi threat in Kosovo and it critically analyses the causes, drivers and the concepts that have informed the action of state institutions, international donors and civil society. In this regard, the chapter suggests a more nuanced reading of such *problematique*. The third

section analyses international and local government policy responses to such challenges, and unravelling how these policies have targeted and prioritized specific actors and sectors. The fourth section investigates the incorporation of social sectors and actors within CVE and counter-radicalization and reflects upon the societal implications and effects.

THE EU AGENDA OF COUNTER-RADICALIZATION AND COUNTERING VIOLENT EXTREMISM

Counter-terrorism, counter-radicalization and countering violent extremism have become top security priority for international actors such as the European Union (EU), the United Nations (UN), the United National Educational, Scientific and Cultural Organisation (UNESCO), the Organisation for Security and Cooperation in Europe (OSCE) as well as EU member states (Kundnani and Hayes 2018). Law enforcement measures are increasingly complemented by societal measures aimed at addressing broader issues of social integration, polarisation and cohesion (Ragazzi 2017, 22). While an increasing focus has been put on preventing radicalization in prison, other detection and preventative measures have been developed to prevent violent extremism in sites such as neighbourhoods, communities, schools and hospitals.

Western Balkan countries' strategies have aligned with the 'prevent, pursue, respond' model established in 2010 by the EU. The model has focused on policing, community outreach and education and has aimed at countering extremist propaganda as well as monitoring social media and Internet traffic for terrorist-related activity.² A shift towards preventing violent extremism can be seen in 2015, during the Balkans Regional Summit on Countering Violent Extremism held in Tirana, which saw the participation of Western Balkans ministers, civil society representatives and other strategic partners such as the OSCE, the

EU, the UN.³ During the summit, discussions revolved around the importance of investing and strengthening particular local actors, such as youth, with the overall aim of improving societal resilience *vis-à-vis* terrorist threats. This was to be done by improving educational and economic opportunities.

A decade of research and debate on the issue both at the academic and practitioner level has led to no consensus around the issue of radicalization, both in what it means and how it should be prevented or fought. The European Commission's *Expert Group on Violent Radicalization* defined radicalization as a "context-bound phenomenon [...] Global, sociological and political drivers matter as much as ideological and psychological ones" while violent extremism is "socialization to extremism which manifests itself in terrorism" (2008, 7). This chapter builds upon previous academic work which adopts a conception of radicalization as a relational process of escalation, and in line with these studies, it emphasises the need to take into consideration the relational dynamics between individuals, groups and state responses and the broader socio-political and economic structures in which they are embedded (see Bigo et. al. 2014).⁴

Counter-radicalization and CVE measures show mixed results while also raising fundamental questions regarding the efficiency of prevention, the risk of escalation and the broader societal effects in terms of Fundamental Rights, religious discrimination and social cohesion. In other words, a number of pre-emptive judicial powers across EU member states aimed at tackling radicalization and violent extremism threats challenge citizens' fundamental rights and civil liberties and might itself pave the ground to further violent escalation (Bigo et al., 2014, 7). Moreover, 'softer' approaches to preventing radicalization and violent extremism that have entailed the involvement of a number of non-traditional security actors such as communities, religious authorities, and teachers may hamper social trust and cohesion by instilling a logic of surveillance and suspicion.

Schmid (2013) argues that much of the literature on radicalization focuses on Islamist extremism and jihadist extremism. Related policies to counter this

form of extremism have been criticised by Human Rights organizations and Muslim associations for generating a feeling of suspicion between the state and Muslim communities across Europe and leading to the stigmatization, framing and making of Muslims as a ‘suspect community’ (Kundnani 2009). In recent years, teachers are also asked to spot radicalization through a set of indicators. A recent report by the Council of Europe argues that policies developed to identify and prevent radicalization, may itself undermine social cohesion and inclusion by introducing a logic of suspicion and surveillance in the education sphere (Ragazzi 2017, 5). Families are also expected and encouraged to report signs of radicalization, especially in France, UK and the Netherlands. In the Netherlands, selected community members have been asked to report on possible cases of radicalization or deviant behaviors to the police and intelligence services (Kouwenhoven 2016 cited in Ragazzi 2017, 17). In Denmark, the ‘Arhus model’ is based upon the involvement of communities, social and health workers to generate intelligence data for law-enforcement purposes (Henley 2014 cited in Ragazzi 2017, 17).

A NEW JIHADI THREAT IN KOSOVO? CAUSES, DRIVERS AND CONCEPTS OF RADICALIZATION AND VIOLENT EXTREMISM

Islam has historically been predominant among both the Bosniak population in Bosnia-Herzegovina and the Albanian population in Kosovo following four centuries of Ottoman rule in the region. The revival of the Islamic faith in the Balkans during the 1990s and the 2000s and the threat of a radicalized and radicalizing Islam emerged following the arrival of foreign Islamic movements that brought both financial assistance and their respective ideas and agendas (Elbasani 2016). Such movements, often in competition between each other, can be grouped into two main fronts with opposing interpretations of Islam and differing agendas for its advancement in the region: (1) Salafism/Wahab-

bism underpinned by a puritan version of Islam, that excludes mediation between mosque and society and promoted through foundations funded by Saudi Arabia or other Gulf States and organized through informal networks that include imams and militant missionaries; (2) a neo-ottoman model promoted by Turkey through government-supported networks, such as Tika and Diyanet, or non-official networks such as the Gülen, which represents a perspective in historical continuity *vis-à-vis* the traditional Islam in the Balkans, strongly influenced by Sufism (Roy 2015).

The involvement of Balkan foreign fighters,⁵ in particular from Kosovo and Bosnia-Herzegovina, in the wars in Iraq and Syria has attracted the attention of national governments in the Balkans, the civil society, international actors, such as the US Embassy, the EU and OSCE, as well as local and international media with regard to a new threat of radicalization and violent extremism and a new generation of radicalized Islamists in both countries (Augestad Knudsen 2017, 4).

Country	Total 2012-2015	Returned	Killed	Women	Children	Still in Syria and Iraq
Albania	136	40 (a)	20	N/A	N/A	76 (b)
Bosnia-Herzegovina	260	43 men 6 women	44 men 2 women	56	N/A	77 men 48 women 46 children
Croatia	1	-	-	1	N/A	1
FYR Macedonia	135 (c)	80	20 (d)	N/A	N/A	35
Kosovo	314	110 men 1 child 6 women	57	38	27	75 men 38 women 27 children
Montenegro	Up to 30		5			
Serbia	42	9 (e)	11	N/A	N/A	22
Slovenia	3+3 (f)	2	1+1 (g)	2	5	2 women 5 children (i)

Table 1: Balkan foreign fighters in Syria and Iraq, 2012-2015

(source: Atlantic Initiative, May 2016)

NB:

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| <p>(a) Out of these, 33 are suspected of being engaged in fighting or military training.</p> | <p>(e) Three out of nine returnees are in custody, and are being tried before Serbian court. Another three FTF are being tried in abstentia.</p> |
| <p>(b) Out of this number, 24 are considered as fighters. The rest are family members or supporters.</p> | <p>(f) Three Slovenian citizens, and three men with either dual Slovenian/Bosnian citizenships or places of birth in Slovenia.</p> |
| <p>(c) Macedonian security services estimate that the share of women in this contingent is close to 10%.</p> | <p>(g) One Slovenian, Jure Korelac, and Denis Delanovic, with dual Slovenian/Bosnian citizenship.</p> |
| <p>(d) The official figure is 17.</p> | <p>(i) Two women married to Bosnian men, and their five children</p> |

The figure that brought Kosovo back to the attention of international media outlets was the high percentage of citizens that had travelled to territories under ISIS rule, measured in per capita and compared to other European countries, with around 400 people travelling to Syria or Iraq between 2012-17 (Kursani 2015, 25; Kursani 2018, 5).⁶ Around one third of them has returned to Kosovo, one third has lost their lives in conflict zones, while the remaining one third is still in the above-mentioned areas. While a single profile of Kosovo foreign fighters does not exist, most of those who had travelled to Syria and Iraq belonged to the 20-30 age group. Several studies on the profile of European foreign fighters may suggest Kosovo has the demographic features and the conditions for extremist recruitment (Heggammer 2016).⁷ Kosovo has a substantial number of male youth in socio-economic conditions of poverty and marginalization: 43 percentage of the population is below 25 years old, with unemployment around 32.9 and youth unemployment around 57.7 percentage (European Commission 2016, 39).

Studies on radicalization and violent extremism in Kosovo have identified several explanatory factors for the phenomenon of radicalization and foreign fighters in Kosovo. Two key factors have dominated the debate: firstly, the invasive presence of religious foreign foundations stemming from diverging Islamic spheres, and secondly, the socio-economic factors. The role of Gulf backed foundations and organizations, especially from Saudi Arabia and Turkey, have been regarded as instrumental in promoting trajectories of radicalization and recruitment of young Kosovars through a combination of private mediators, extremist imams and donations (Kursani 2018). While several local analysts and researchers argue that these foundations have contributed to the introduction in Kosovo of a Salafi/Wahhabi form of Islam, in contrast to the locally-rooted form of Hanafi Islam (Kursani 2015; Demjaha and Peci 2016; Shtuni 2016), “there is little (if any) evidence that the often-mentioned cases of Middle East funded religious based NGOs directly recruited people into violent extremist ideological groups, or exacerbated the phenomenon” (Kursani 2018, 4). In fact, the recruitment and cooperation between violent extremists has occurred through physical or virtual close links (Kursani 2018, 4).

The socio-economic conditions of the country, and more specifically, the combination of high levels of poverty, (youth) unemployment and low levels of education have been identified as a second factor for radicalization in Kosovo (Gjinovci 2016).⁸ However, recent data on violent extremists in Kosovo argue that education does not appear to be a significant factor in driving the phenomenon (Kursani 2018). Poorer socio-economic conditions seem to represent an exacerbating factor rather than a driving one.⁹ When socio-economic data are further disaggregated, unemployment and social (im)mobility seem to play a greater role as data from foreign fighters' socio-economic background show that regardless of their social strata, their unemployment rate is double the rate of the Kosovo average unemployment rate (Kursani 2018, 25).¹⁰ While foreign fighters belong to poor socio-economic backgrounds, there are also many individuals and families in Kosovo belonging to similar socio-economic conditions who do not choose an extremist path. Moreover, findings from a recent study commissioned by the British Council suggest that "significant drivers of the phenomenon seem to be based around the notion of an identity vacuum (expressed as detachment from the established social fabric) as well as very close intra-family ties of younger generations" (Kursani 2018, 3). In other words, "belonging to a group which [...] embraces violent extremist ideas was more important than the religious doctrines that such groups were propagating" (Kursani 2018, 27) suggesting that 'pack behavior' was found to play a stronger role than religious doctrine.

While the foreign fighters phenomenon is declining, two new threats have attracted both government's action and donors' funding on counter-radicalization and CVE: the possibility of future returnees and the radicalization of imprisoned foreign fighters and imams serving charges for terrorism the latter being both seen as potentially influencing other imprisoned inmates. Interviews conducted with imprisoned foreign fighters show that "there is a common sense of angst, alienation, and of injustice that many interviewed and observed former foreign fighters and religious authorities feel with the decision of state authorities to imprison them" (Kursani 2018, 16). With regard to the potential danger of returnees, while opinions and approaches from different

stakeholders vary significantly, around 70 percent of Kosovo citizens still in Syria and Iraq are non-combatants (Kursani 2018).

While generally speaking the situation in Kosovo is not substantially different from that of other European or Western Balkan countries, it is important to note the absence in the country of jihadi-based terrorist attacks. Data on radicalization and violent extremism threats vary significantly depending on who is being interviewed. Such data are based on anecdotal evidence with numbers ranging from a couple of hundreds among those in prison and those expected to return to 20.000/30.000 thousand radicalized individuals detected by intelligence sources in Kosovo.¹¹ There are differing opinions from the stakeholders interviewed on the nature and extent of the threat of radicalization. While some interviewees consider the risk of religious extremism and radicalization as still very present,¹² others emphasize the risk of other forms of politically and ethnically based violence, which are often overlooked.¹³ According to a researcher from the *Kosovo Centre for Security Studies* (KCSS), risk assessments on violence have shown that 40 percent of it is politically and ethnically based, whereas only 25 percent of it is religiously motivated.¹⁴ Criminal prosecutions, arrests and two failed planned attempts directed towards KFOR and the Israeli national soccer club may suggest that extremists' activities are still undergoing.¹⁵ Ongoing empirical investigation from KCSS has found that the spread of radicalization ideology is still occurring.¹⁶

While until 2018 there have been no de-radicalization and re-integration efforts, in the past year the government has made it a priority with objective four of the Strategy being specifically on re-integration and de-radicalization of returnees and their families.¹⁷ The Kosovo's *Strategy on Prevention of Violent Extremism and Radicalization Leading to Terrorism 2015-2020* was quickly adopted by the Kosovo government during the same year and was mainly based on the EU strategy, while an Action Plan is still under revision as of mid 2018.¹⁸ The focus of the Strategy is being revised, shifting more towards prevention, the development of critical thinking and raising awareness among youth and their families.¹⁹

When asking for the definitions that are informing the concepts of violent extremism and radicalization, there was little clarity and consensus over their meaning and use. An investigative journalist who is also teaching in various trainings and seminars at the primary and high school level about the consequences of violent extremism (VE) and radicalization, defined both as “everything that is outside social norms”.²⁰ For a prominent local imam, radicalization was “everything against religious norms that causes violence,” emphasizing that “radicalization that does not lead to violence, is not necessarily negative,” with violence being the key differentiating element according to him.²¹ For a local researcher, the concepts of violent extremism and radicalization have been tightly linked to the definition given in the government strategy.²² However, they have been loose and interchangeable.²³ For this researcher, “radicalization is the process that leads to extremism but not necessarily to violence.”²⁴ Another local researcher argues that violent extremism has several components such as behavioral and psychological ones, and it is underpinned by different political, religious and ideological factors.²⁵ While, she argues, there is no single factor or profile of violent extremism, in Kosovo, the local media have solely identified violent extremism with Islamic extremism.²⁶ A local employee working with a prominent international organization active in counter-radicalization and CVE did not give a definition of either concepts but maintained that the terminology being used by the organization is the one used by the United Nations (UN), with prevention being the priority: according to this interviewee, violent extremism is “whatever produces religious violence that leads to terrorism.”²⁷

THE GOVERNANCE OF COUNTER-RADICALIZATION AND COUNTERING VIOLENT EXTREMISM IN KOSOVO

Since 2014, following 130 arrests with charges of terrorism, Kosovo authorities have tightened the fight against radicalization and foreign fighters (Perry 2016, 36). With regard to foreign fighters, an amendment to the law in 2015 has removed the obligation for Kosovo judges to prove that someone has effectively participated in a terrorist group: in line with the legislation approved in other European countries, now it is sufficient to have participated in a foreign conflict.²⁸ According to a report from Balkan Insight, such an amendment has led to a situation in which the threshold for terrorist charges has become lower, leading to convictions based on weak evidences (Qafmolla 2016). One of the major risks of such measures concerns a perspective of criminalization for subjects whose de-radicalization could go through programmes of social re-integration and rehabilitation. The risk that such repressive measurements could entail is a further radicalization in and through prisons (Silke 2014; Williams 2016).

Mapping out the governance of international and local actors dealing with violent extremism and radicalization in Kosovo as well as their activities, projects and strategies has been a challenge. There have been many overlapping initiatives and actors, and each having their own strategy. For a local researcher working on this topic, the field has been transformed into “business” driven by “profit.”²⁹ Since the 2015 Washington Summit, the focus of local and international actors has shifted from fighting terrorism to preventing violent extremism with both mainly focusing on religious extremism.³⁰ However, tensions have emerged during the drafting process following the involvement of US advisors: two approaches have emerged, on the one hand the European approach focusing more on re-socialization, and on the other, the US approach focusing more on punishment and prosecution.³¹

The US embassy has played the main role among international actors through funding and the provision of US experts in different state structures such as the police and the Anti-terror Unit.³² It has contributed to projects focusing on youth, women and media.³³ Other actors have included the United States Agency for International Development (USAID) that has financed small projects focusing on civil society; the EU that has provided experts at the Ministry of Interior as well as funding trainings for youth, women and local communities; the OSCE that has supported research and analysis, assistance to Rule of Law bodies, awareness campaigns targeting at risk communities such as women and youth. Recently more focus has been placed on the process of radicalization in prisons with new projects focusing on the social re-integration of returnees.³⁴ Reintegration has been based on the German and Danish model.³⁵ The Dutch embassy has also funded projects focusing on the development of critical thinking, activism and awareness campaigns targeting youth, parents and teachers.³⁶ New projects are focusing on imams that are lecturing in prisons, putting counter-narratives as central in the fight against prisons radicalization. Main sectors that have been targeted include youth, women, returnees and their families.³⁷

A plethora of international actors such as the US, Italian, and Dutch embassies, the EU, USAID, Advocacy Training and Resource Centre (ATRC), British Council, the United Nations Development Program (UNDP), the International Organisation for Migration (IOM) and OSCE among others have contributed to the creation of referral mechanisms.³⁸ According to a local employee working with an international organization in Kosovo, findings of UNDP have been instrumental in the development of a pilot referral mechanism in Gjilan that comprises municipality authorities, imams, police officers.³⁹ There is an attempt also to involve families as well as friend-to-friend involvement, thus developing a tool that can be applied to for all kinds of violence. According to this interviewee, there have been several cases in which families have denounced their children to the police, so this project envisages the creation of a formal referral mechanism based on the UK and Danish model and that can be applied to every Kosovo municipality.⁴⁰ To sum up, counter-radicalization

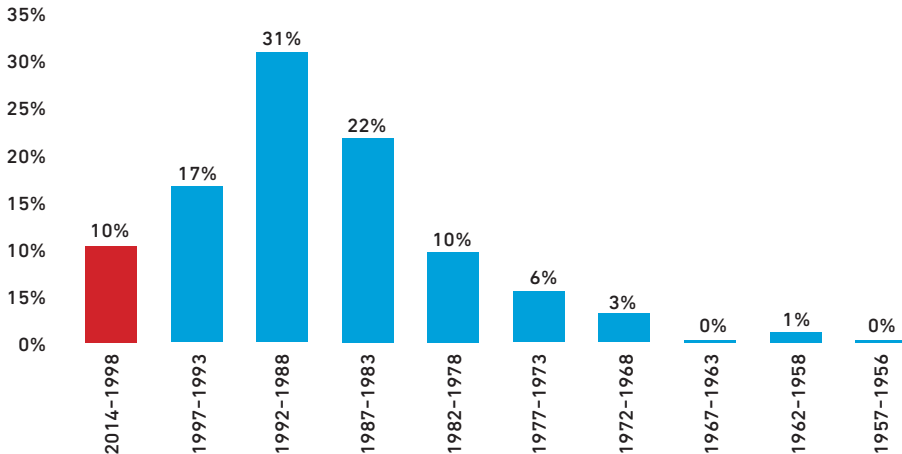
and CVE efforts have initially focused on the push and pull factors of extremism, subsequently the focus has shifted on youth and local communities and more recently, attention has been placed on reintegration of returnees and their families.⁴¹

SOCIETAL EFFECTS OF COUNTER-RADICALIZATION AND COUNTERING VIOLENT EXTREMISM IN KOSOVO

The following three subsections will analyse how social sectors and segments of Kosovo society such as youth, education and the Muslim community have been incorporated in explanatory frameworks for violent extremism and radicalization, targeted by countering and preventative measures and with what effects.

Youth, radicalization, counter-radicalization and CVE

Data on Kosovo foreign fighters reveal similar findings to those of European foreign fighters. There is no single profile of ‘a terrorist’ fitting all the individuals that have travelled to Syria and Iraq: “there are individuals who have been poor or uneducated or both, and others who come from economically well-off families or are highly educated or both” (Kursani 2018, 12). A recent report commissioned by the United Nations Development Programme (UNDP), shows that the majority of Kosovo foreign fighters or those travelling to Syria and Iraq were between 21 and 30 [see Fig. 1 taken from Kursani 2018, 13] (Xharra and Gojani 2017).

Figure 1. Age distribution of Kosovo originating foreign fighters, N=334

Another factor neglected or little researched both within media and studies conducted by local civil society analysts and that only recently have gained new attention is the widespread inactivity among young Kosovo citizens. While interrelated to the socio-economic dimension, this factor is at the same time analytically different as it points out and recognizes the agency of those choosing a path of radicalization. This is related also to a widespread absence of perspectives concerning also those that have studied and that are not considered economically poor.

In this framework, what is at stake is a dynamic of frustration of expectations, and a promise of order and meaning in a context that lacks both. In other terms, following the analytical perspective of Roy (2004), rather than a mechanism of radicalization influenced by a sectarian and identity based Islam, in Kosovo one could notice a form of Islamization of those lacking identity, which is radicalized between perceptions of marginalization and nihilism. Inactivity and the absence of perspectives among Kosovo youth is related to another explanatory dimension, that of identity. According to the study of a local think tank, following years of resistance and national affirmation, the identity di-

mension is to be seen as a central factor in understanding and explaining the radicalization of both Kosovo and other Western Balkans youth (Kursani 2015, 61). In particular, the study argues that the problematic management of the international community of post-conflict Kosovo and their support to a corrupt local political élite is to be seen at the basis of a collective identity crisis, and the search of authenticity often found in religion (Kursani 2015).

The radicalization in Kosovo is to be seen as mainly a youth phenomenon (Malm 2016). As shown above, most of the Kosovo citizens who have travelled to Syria were adolescent or young adults following the Kosovo war and the unilateral declaration of independence in 2008. During the post-war international intervention period characterized by a hybrid and complex governance, several efforts both locally and internationally have tried to de-emphasize the exclusive traits of the Albanian identity of 92.9 percentage of the Kosovo population, emphasizing the construction of a new Kosovo identity based on the 'European' values of inclusivity, multi-ethnicity and liberal multiculturalism (Bargués Pedreny and Randazzo 2012). This might have led many young Kosovars into a state of confusion, disillusionment and disapproval (Demjaha and Peci 2016). Several interviews confirmed that the main focus from international actors in the coming years is expected to be on youth.⁴² A new USAID funding of 9-10 million USD has been approved and is expected to be on youth and social inclusion: although it is not directed explicitly at preventing violent extremism, the aim is preventing it through and among youth.⁴³ Kosovo is also part of the Western Balkans Counter-Terrorism Initiative (WBCTI) framework against intolerance, violent extremism and radicalization. Part of the projects supported within this framework identify young people as crucial actors at the forefront and identify strengthening youth resilience⁴⁴ as one of the main objectives.⁴⁵

Education, counter-radicalization and CVE

Education, and more specifically poor education, has been often linked to the foreign fighters' phenomenon in Kosovo and identified as a driving factor behind radicalization and violent extremism in the country. There are varying interpretations as to the exact role of education depending on the different stakeholders dealing with the issue, with some putting more emphasis on the level of education and others emphasizing more the quality of it. More than 80 percent of Kosovo foreign fighters have finished secondary education, while only 9 percent have a university degree, with the remaining 8 percent having completed primary school (Kursani 2018). Around 52 percent of Kosovo foreign fighters are poor, while 41 percent have average standard of living [see Figures below 2 and 3 taken by Kursani 2018, 14].

Figure 2. Level of education of Kosovo originating (adult) foreign fighters, N=289

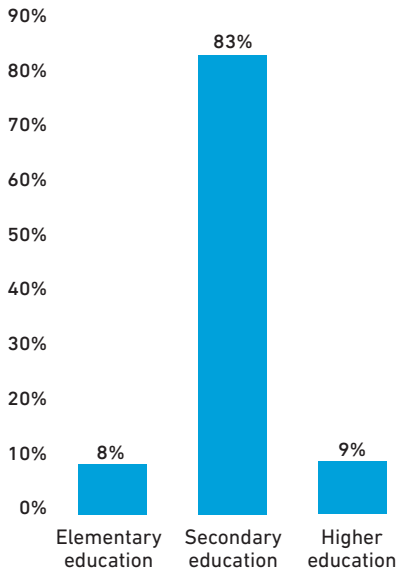
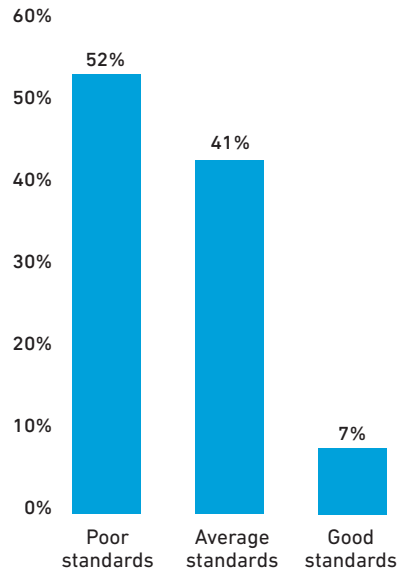


Figure 3. Socio-economic conditions of Kosovo originating foreign fighters, N=54



While research analysis on the level of educational attainment of foreign fighters compared to the country level suggest no correlation between low educational levels and the emergence of the foreign fighters phenomenon, foreign fighters have on average slightly higher levels of education, it is the way in which young people and students are engaged within the system that seems to matter more (Kursani 2018). Moreover, the extent to which education can act as a space where critical thinking is encouraged and the freedom to express themselves is ensured is identified as crucial for education's link and role *vis-à-vis* CVE and radicalization.

Those actors who regard radicalization as a phenomenon driven and underpinned by a religious ideology identify in education an arena where radicalization and violent extremism can be understood, prevented and addressed. Understanding extremist indoctrination and radicalization as also driven by inadequate information and awareness about extremist ideologies and their consequences, education is identified as a key sector for counter-radicalization responses and intervention with more than 40 percent of activities in the government's strategy expected to be implemented by the Ministry of Education. In practice, this has translated into a plethora of training sessions addressing education from primary to tertiary level and implemented by a number of governmental and non-governmental actors often lacking coordination by the Ministry of Education.

Counter-radicalization, CVE and the Muslim Community

Data from prosecutors, biographical evidence from Kosovo foreign fighters and ISIS documents all confirm that many foreign fighters had basic religious knowledge, suggesting that religion as an explanatory and driving factor may have been overrated while at a same time a sense of frustration, alienation and stigmatization may have contributed to radicalization of certain individuals (Kursani 2018, 28). As a matter of fact, most of those that went to Syria had not frequented mosques and their radicalization occurred in and through other

venues and means.⁴⁶ Islamist religious violent extremism remains the dominant security threat within narratives of threats and security concerns among Kosovo institutions and international stakeholders (Kursani 2018). In official discourses by state institutions, Islamist religious extremism and violent extremism have been often used interchangeably. However, a study by the KCSS has shown that over the past 10 years, around 80 percent of violent extremist threats that were executed were politically motivated, while 70 percent of unexecuted threats were religious in nature (Kursani 2017).⁴⁷ Although Kosovo has been characterized by a phenomenon of Islamization or re-Islamization, and the dominant narrative has linked Islam with violent extremism, both Islam and the religious question within the broader society have been contested topics in post-war Kosovo (Augestad Knudsen 2017).

Since the government has launched the strategy against violent extremism and radicalization, the Kosovo Islamic Council (BIK) has been part of it in particular through awareness raising campaigns in partnerships with the Kosovo police and the Ministry of Education. More specifically, this has led to “weekly lectures in 800 mosques targeting young Muslims and describing the phenomenon of radicalization as foreign to Islam.”⁴⁸ This involvement, according to an imam within BIK, has exposed the institution to threats. Furthermore, the Kosovo Islamic Council has signed a Memorandum of Understanding with the Ministry of Justice according to which BIK’s imams should teach against violent extremism in prisons. For a prominent imam within BIK, there has been an increasing discrimination towards the whole Muslim community in Kosovo, a demonization of Islam and a rising Islamophobia fuelled by specific Islamophobic journalists following the advent of the foreign fighters phenomenon.⁴⁹ According to him, “violent extremism is just paralleled to Islamist extremism,” and the “arrests of 40 imams by the Kosovo police has been a big offence to the Muslim community.”⁵⁰ According to a local researcher, the equivalence between violent extremism and religious extremism and discussions on violent extremism in local and international media has affected Muslims in Kosovo in a negative way, leading to their stigmatization.⁵¹ For another local researcher, Muslims in Kosovo have felt obliged to show that they are not

violent. Recently, in several roundtables among local stakeholders there has been some reflection and problematization on why Islam has been the focus and target of much of CVE and counter-radicalization discussions.⁵²

CONCLUSIONS

This chapter argues for a more contextualized and comprehensive analysis of counter-radicalization and CVE initiatives and strategies in Kosovo and a greater focus on their societal effects. Discourses over threats of terrorism, radicalization and violent extremism should go beyond the media and anecdotal evidence and should be backed by substantiated data. Most of the analysis is based upon a reductionist and oversimplified reading of the problem of radicalization: i.e., the number of foreign fighters and a superficial reading of the role of religion in the Kosovar society. The equation of violent extremism with religious Islamist extremism risks stigmatizing and alienating the Muslim community that represents also the majority of the Kosovo population. Therefore, diagnosis of radicalization and violent extremism should be revised and definitions put under scrutiny. Current explanatory models overemphasize the role played by foreign foundations and overlook the agency of local subjects such as youth. Moreover, they overlook other equally important factors and dimensions in the analysis of the link between youth and radicalization in Kosovo: most importantly, the question of anomie, inactivity, a lack of employment opportunities for the generation born after the war, the societal segment that seems today as more vulnerable to religious radicalization. In this regard, attention should be placed on the effects of counter-radicalization and CVE measures and policies, looking at radicalization and counter-radicalization as co-shaping each other. The polarization of the debate so far may further damage social cohesion in an already fragile country. Counter-radicalization and countering violent extremism policies might come into contradiction with some of the key objectives that are identified as central in CVE and counter-radicalization strategies in particular strengthening social inclusion and cohesion.

The nexus youth-security has emerged as an important area of intervention for national and international strategies of countering violent extremism, radicalization and terrorism in Kosovo. A critical review of policy documents shows a framing of the role of youth, education and local communities according to a securitized logic. In this regard, youth risks to be read within two opposing views: on the one hand, as objects of radicalization and thus potentially dangerous for the country's security; on the other, as a tool for preventing radicalization and violent extremism. This has entailed a semantic shift whereby youth are no longer regarded as radical agents but as potentially radicalized subjects. The risk that such a shift entails is that their imminent potentiality to be or become actors of social change and emancipation is hampered and restricted. In other terms, the debate on the role of youth and education *vis-à-vis* radicalization and violent extremism in Kosovo lacks an analysis on how youth as political subjectivities and education as a social arena could contribute to social change, justice and emancipation. Education is a transformative process. In this regard, it is a primary institution for the development of critical skills, including the critique of status quo and the questioning of established values and authorities. For this purpose, schools should be safe, free learning environments and based on diversity. Promoting intercultural exchange, otherness and respect cannot occur in a place where specific sections of the population are considered a priori at risk of radicalization. As the reviewed literature has pointed out, the instrumentalization of education to serve counter-radicalization goals may hamper trust and generate more resentment and exclusion and thus further fuel radicalization (Ragazzi 2017).

LIST OF INTERVIEWS

Interview with investigative journalist, Prishtina, 24 September 2018

Interview with a local scholar, Prishtina, 25 September 2018

Interview with official working with an international organization active in CVE, Prishtina, 26 September 2018

Interview with local imam, Kosovo Islamic Council, Prishtina, 26 September 2018

Interview with researcher 1, Kosovo Centre for Security Studies, Prishtina, 26 September 2018

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ENDNOTES

- 1 According to the EU Counter-Terrorism Coordinator, Gilles de Kerchove, around 2000 young Europeans from France, the Netherlands, the UK, Belgium, Germany have joined the Syrian conflict (France info, 7 February 2014).
- 2 Albania, for example, established its Center for Countering Violent Extremism as a hub for regional coordination and capacity development of local stakeholders.
- 3 Balkans Regional Summit on Countering Violent Extremism Statement by the Ministry of the Interior for the Government of Albania, 19-20 May 2015, Tirana (<https://www.state.gov/documents/organization/245704.pdf>, last accessed 28 August 2018).
- 4 Seeing radicalization and dynamics of violent extremism as a relational process implies shifting the focus from the investigation of policies that counter it and their effectiveness to the analysis of the effects, and sometimes the side effects, of state and non-state policies and actions in countering it.
- 5 The term foreign fighters refers to those travelling to and participating in the Syrian and Iraqi conflicts. Most of the Kosovo foreign fighters have travelled to Syria and part of them have continued on in Iraq.
- 6 Since 2013, the phenomenon of foreign fighters and Islamist religious extremism has dominated the debate regarding violent extremism threats in Kosovo, often overlooking other kinds of extremism such as political and ethnic based (Kursani 2018, 3).
- 7 While socio-economic data, combined with the number of citizens travelling to Syria and the number of arrests related to terrorism charges, seems to distance Kosovo from other Western Balkan countries, Rita Augestad Knudsen shows in a recent study that the international attentions has been disproportionate and very much influenced by a form of sensationalism supported by local media (2017, 10).
- 8 See also the latest World Bank data on Kosovo: <https://data.worldbank.org/country/Kosovo>, last accessed 21 August 2018).
- 9 Rather than the broader socio-economic conditions at the municipal level what seems to play a more important role in explaining participation and recruitment in extremists activities and organizations are the immediate socio-economic conditions at the individual or familiar level (Kursani 2018, 22-3).
- 10 Kosovo foreign fighters “have slightly more advanced levels of education than the average Kosovo citizen. Yet their average socio-economic condition is below the Kosovo average; they tend to be poorer and seem to have had less access to opportunities to reach good standards of living compared to the average Kosovo citizen. [...] the unemployment rate among Kosovo originating foreign fighters is double than the Kosovo average.” (Kursani 2018, 3)
- 11 These data are not public and they were shared with the author informally and anonymously in various interviews. Author’s interview with a local scholar, Prishtina, 25

- September 2018; Author's interview with a local official working with an international organization active in CVE, 26 September 2018
- 12 Author's interview with an investigative journalist, Prishtina, 24 September 2018; Author's interview with a local official working with an international organization active in CVE, 26 September 2018
 - 13 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018; Author's interview with researcher 2, Kosovo Centre for Security Studies, Prishtina, 28 September 2018
 - 14 Author's interview with researcher 2, Kosovo Centre for Security Studies, Prishtina, 28 September 2018
 - 15 Author's interview with an investigative journalist, Prishtina, 24 September 2018
 - 16 Ibid.
 - 17 Interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
 - 18 Author's interview with an investigative journalist, Prishtina, 24 September 2018
 - 19 Ibid.
 - 20 Author's interview with an investigative journalist, Prishtina, 24 September 2018
 - 21 Author's interview with a local imam, Kosovo Islamic Council, Prishtina, 26 September 2018
 - 22 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
 - 23 Ibid.
 - 24 Ibid.
 - 25 Author's interview with researcher 2, Kosovo Centre for Security Studies, Prishtina, 28 September 2018
 - 26 Ibid.
 - 27 Author's interview with a local official working with an international organization active in CVE, 26 September 2018
 - 28 Law No. 05/L-002, 12 March 2015. See also Annex 3, Azinovic e Jusic 2015.
 - 29 Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
 - 30 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018; Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
 - 31 Author's interview with an investigative journalist, Prishtina, 24 September 2018
 - 32 Ibid.
 - 33 Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
 - 34 Author's interview with an investigative journalist, Prishtina, 24 September 2018; Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018; Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
 - 35 Author's interview with researcher 3, Kosovo Centre for Security Studies, 26 September 2018
 - 36 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018

- 37 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
- 38 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
- 39 Author's interview with a local official working with an international organization active in CVE, 26 September 2018
- 40 Ibid.
- 41 Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
- 42 Author's interview with an investigative journalist, Prishtina, 24 September 2018; Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018; Author's interview with researcher 2, Kosovo Centre for Security Studies, 28 September 2018
- 43 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
- 44 Resilience, while common in discourses, policies and strategies against radicalization and violent extremism, is rarely defined. Such concept encompasses a wide range of discourses, practices and policies aimed at consolidating the inherent properties of 'adaptability' of individuals and societies vis-à-vis challenges and shocks related to terrorist acts or the threat of radicalizations (Heath-Kelly 2015, 71).
- 45 <http://wbcti.wb-iisg.com/activities/>. Some of these projects include Youth Against Hate: Empowering Youth to Combat Hate Speech in Local Communities, Active Youth for Secure Community, Civil Society Countering Violent Extremism-Strengthening Civil Society to Build Youth Resilience to Violent Extremism etc.
- 46 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
- 47 It has often been the case that religiously (Islamist) motivated threats have been categorized as 'violent extremism' and terrorism while politically motivated ones as 'criminality' or 'acts by people with mental and psychological disabilities' (Kursani 2018).
- 48 Author's interview with a local imam, Kosovo Islamic Council, Prishtina, 26 September 2018
- 49 Ibid.
- 50 Author's interview with a local imam, Kosovo Islamic Council, Prishtina, 26 September 2018
- 51 Author's interview with researcher 1, Kosovo Centre for Security Studies, 26 September 2018
- 52 Ibid.

**TYPOLOGIES OF
NON-VIOLENT RESISTANCE
IN KOSOVO FROM
1988-1998**

SHKËLZEN GASHI

SHKËLZEN GASHI

Shkëlzen Gashi works as an independent researcher for different NGO-s. He is author of many books and articles. In 2010 he published the unauthorized biography of Adem Demaçi (available in English), who has spent 28 years in Yugoslav prisons. More recently, he has published many articles and books about the presentation of the history of Kosovo in the history schoolbooks in Kosovo and neighbouring countries. Shkëlzen Gashi holds a BA in Political Science from the University of Prishtina and and MA in Democracy and Human Rights from the Universities of Bologna and Sarajevo.

T The purpose of this chapter is to identify what nonviolent resistance methods were used and not used in Kosovo in the period from 1988-1998. More specifically, the chapter focuses on the actors involved and the factors and rationale that underpinned choices made the critical moments of the nonviolent resistance movement in Kosovo. To this end, the chapter is using Gene Sharp's theory of nonviolent resistance, which classifies relevant action into three types: 'nonviolent protests' involving symbolic acts of peaceful opposition to show that those who resist are both against and for something, 'non-cooperation methods' referring to social, economic and political forms of non-cooperation, and, finally, 'nonviolent interference' that refers actions to change the situation through psychological, physical, social, economic and political interferences.

INTRODUCTION

The purpose of this chapter is to identify what nonviolent resistance methods were used and not used in Kosovo in the period from 1988-1998; what actors, factors and rationale underpinned choices taken towards one method or the other at the time; and what this tells us about Kosovo's contemporary political landscape. To achieve this aim, I will use Gene Sharp's theory of nonviolent resistance. Sharp identified 198 methods of civil resistance. He classified nonviolent methods of action into three types: firstly, 'nonviolent protests' involving symbolic acts of peaceful opposition to show that those who resist are both against and for something; secondly, 'non-cooperation methods' which refer to social, economic and political forms of non-cooperation; and, thirdly, 'nonviolent interference', which implies actions to change the situation through psychological, physical, social, economic and political interferences (Sharp 2013).

My hypothesis is that methods of 'nonviolent interference' were not used because they could have accelerated and aggravated the repression of the Serbian regime in Kosovo. But if this is the case, then the question is how did Kosovo's political representatives think that Kosovo was to achieve its main political goal - the independence of Kosovo? A better comprehension of these historical events and processes provides a better understanding of Kosovo's contemporary frictions and conflict in the wider political landscape.

In an effort to answer above questions, the research explores existing studies of nonviolent resistance in Kosovo (Clark 2001). Beyond such literature review, this paper employs further, qualitative research methods, including historical research into media and archives in Kosovo in order to trace decisions, resolutions and declarations regarding the civil resistance movement, and structured interviews with key actors of this movement in Kosovo during

1988-1998. This study, furthermore, applies a behaviourist theoretical framework to its findings. Herbert Blumer, one of the early researchers of social movements, suggested four stages of social movements: social ferment, popular excitement, formalization and institutionalization (Blumer 1969, 67-121). Redefined since, there are today generally recognized as: emergence, coalescence, bureaucratization and decline (Porta and Diani 2006, 150).

The chapter is divided into three parts. In the first part, I describe the acts of peaceful opposition that Kosovo Albanians organized in the period from 1988-1992, in order to demonstrate that they were opposed to the abolition of Kosovo's autonomy and in favour of the Republic of Kosovo, reflecting Sharp's first type of non-violent methods of action. In the second part I present the rejection by Kosovo Albanians of the social, economic and political system of Serbia and the creation of their parallel system in these areas, representative for Sharp's second action type. In the third and final section, I elaborate on why Kosovo Albanians did not use certain types of nonviolent interference methods, such as blocking roads, occupying public buildings, and other methods which would fall into Sharp's third category of non-violent actions of resistance.

KOSOVAR RESISTANCE: AGAINST THE ABOLITION OF KOSOVO'S AUTONOMY AND FOR THE REPUBLIC OF KOSOVO

Action against the abolition of Kosovo's Autonomy

At the end of 1988 and in the early 1989, Albanians undertook a series of peaceful acts against the abolition of Kosovo's autonomy, based on the Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) of 1974, an abolition initiated by Serbia under Slobodan Milošević. On 17 November 1988, nearly 3,000 Trepça miners, soon joined by tens of thousands of Albanian citizens

from all over Kosovo, marched for five days and for tens of kilometers through cold weather to the capital of Kosovo in order to demonstrate against the suppression of Kosovo's autonomy, as based on the Constitution of the SFRY of 1974 (Vllasi 1990, 11). The marchers further demanded not to change the two main political leaders of Kosovo Albanians - Kaqusha Jashari, President of the Central Committee of the League of Communists of Kosovo, and Azem Vllasi, member of the Central Committee of the League of Communists of Kosovo. However, Belgrade fired Kaqusha Jashari under the pretext that she was 'responsible for the general situation in Kosovo', and Azem Vllasi because he was 'a member of the Central Committee of the League of Communists of Yugoslavia and cannot hold two positions at the same time' (Jashari 2015, 237-294; Vllasi 2017, 501-597).

Three months later, on 20 February 1989, over 1,000 Trepça miners entered a hunger strike deep down at underground levels in the mine, demanding that the principles of the SFRY Constitution of 1974 were upheld. The strikers further requested to dismiss three Kosovo Albanian politicians, seen as vassals of Serbian and Milošević's rule - Rrahman Morina, Ali Shukriu and Husamedin Azemi (Abrashi and Kavaja 1996). The strike ended after seven days on 27 February 1989, when the Presidency of the Socialist Autonomous Province of Kosovo (SAPK) promised that the fundamental principles of the SFRY Constitution of 1974 would not be affected and that the three politicians named above, had resigned. However, the strikers were deceived when, the day after ending the strike, the three resignations were revoked and their former political leader, Azem Vllasi, as well as the leaders of the Trepça Mines, arrested. These leaders were accused of organizing the marches and strikes in order to start a 'counter-revolution to the state' (Kavaja 2015, 93).

At the same time as the miners' strike, on 22 February 1989, 215 Kosovo Albanian cultural workers and academics signed an appeal to the Serbian Assembly and the Yugoslav People's Assembly, requesting that the majority Kosovo's citizens' demand to preserve the constitutional position of Kosovo under the SFRY Constitution of 1974 were to be respected. The signatories considered

that a narrowing of Kosovo's autonomy would be an anachronistic act and a cause of wide-spread dissatisfaction. At the same time, they issued a warning that those who insisted on the abolition of autonomy of Kosovo would be held responsible for any resulting crisis. At the very end of the document, the signatories suggested to the Kosovo Assembly not to consent to any reduction of Kosovo's autonomy.¹ A few weeks after the publication of this appeal, police forces arrested dozens of the document's signatories.²

Arguably, these event amount to the first and emerging phase of a social movement in Kosovo, as described by Blumer, the phase of "social ferment". At that time, the social movement in Kosovo was still at a preliminary stage only and not very organized. These actions, although collective, were not strategic, yet they contributed to strengthening a sense of general discontent. However, very soon, at the end of February 1989, the SFRY Presidency declared the state of emergency in Kosovo "to end the bloodshed". Immediately, the Yugoslav People's Army (JNA), supported by some 1,500 federal police officers under Serbian command, deployed to Kosovo (Meier 1999, 89). In response, the students of University of Prishtina organized protests for several days, and so did the miners across Kosovo - although the resulting strikes were considerably smaller than the preceding ones, and quickly were extinguished by the state authorities (Clark 2001, 51).

Serbian violence against Kosovo Albanians

Despite the Miners' March, as the major February 1989 strike came to be known, as well as the subsequent strikes, appeals and numerous peaceful protests by Albanians mobilizing against the abolition of Kosovo's autonomy, the Serbian government engaged in a series of violent acts against the Albanian population in Kosovo and against Kosovo's autonomous status in breach of the 1974 SFRY Constitution. By the end of March 1989, Serbia completed the process of constitutional changes when it abolished Kosovo's autonomy under the motto 'Serbia of three parts is whole again'. Surrounded by army and po-

lice, the majority of Kosovo Assembly MPs, apart from a handful of Albanian MPs, accepted the abolition of Kosovo's autonomy on 23 March 1989. Evidence exists that the Serbian government had exerted pressure on MPs and brought into the Assembly Hall people who had never been members of the Assembly to vote on the issue (Malcolm 2002, 344).

Consequently, in Prishtina and in other major cities, spontaneous protests broke out on mass scale by the end of March 1989. This time, the protesters were not peaceful: they threw stones and, in some places, even Molotov cocktails. Police interference was brutal. They used tear gas, water cannons and bullets. According to official data, 25 people including 2 police officers were killed. Moreover, police arrested hundreds of Albanians who had participated in these demonstrations (Mertus 1999, 182). In addition to such brutal repression and state violence, during March and April 1989, police and the authorities arrested over 250 members of Kosovo's elite strata - professors, doctors, engineers, enterprise directors, and others - including further, former signatories of *Appeal 215* and some of the organizers of the Miners' March and the strike (Osmani 2009, 71-80). The detainees were kept in isolation, not allowed any contact with their families and denied the right to any defense lawyers. Only after about two months the police informed that the detainees had been "isolated in a special place because their activity was oriented towards endangering the constitutional order" (Osmani 2009, 72-80). After approximately four further months, all of those thus 'isolated' were finally released.

Kosovo Albanians' response to Serbian state violence

Albanians in Kosovo responded in different ways to the abolition of autonomy, the killing of dozens of demonstrators, the isolation of hundreds of Kosovar elite members and other forms of repression by the Serbian state apparatus (Mertus 1999, 183). In December 1989, they founded a number of political associations and parties. These included, as the first such organisation, the Kosovo branch of the Yugoslav Association of the Democratic Initiative (UJDI), and

also the Council for the Defence of Human Rights and Freedoms (KMDLNj). The last such association, formed in 1989, was the Democratic League of Kosovo (LDK), led by Ibrahim Rugova, which was soon to become the largest political party of the Kosovo Albanians with about 700,000 members. Although the original intention of these political groups, equally as with those established in the first months of 1990, only was to restore Kosovo's autonomy based on the 1974 Constitution of the SFRY, they shattered the monopoly of the Communist League of Yugoslavia.³ It is here that the social movement in Kosovo passes into its second phase, known as 'coalescence' or 'popular stage', which is characterized by a clearer definition of a sense of discontent. This sense of discontent is more coordinated, since the leadership of the social movement emerges on the scene.

At this stage, mass actions are organized to show the power of the social movement and to make the demands clearer. The violence of the Serbian authorities against any Albanians who opposed the abolition of Kosovo's autonomy led some of these newly established associations - UJDI, KMDLNj, and The Association of Philosophers and Sociologists of Kosovo, supported by LDK activists - to initiate a petition, titled 'For Democracy, Against Violence', in February 1990. The petition included several demands, including the abolition of the state of emergency, the release of all political prisoners who had not used or preached violence, respect for the right to free political organization, scheduling of free elections, the abolition of all decisions that denied the right to education and employment - due to 'moral-political inadequacy' - to many citizens, and the ending of state control over the public media.⁴ About 400,000 citizens signed this petition, which was sent to the Yugoslav federal authorities in Belgrade.⁵

Regardless of this petition, the repression through Serbian rule continued. In March 1990, about 7,000 students in state schools were sent to hospitals with stomach pains, headaches and sickness. The authorities did not allow an investigation, yet offered a diagnosis of mass hysteria. Meanwhile, the parents of the affected pupils were convinced that their children had been poisoned in

school. United Nations toxicology experts found Sarin and Tabun substances in the blood and urine samples of these children, poisons manufactured by the JNA (Malcolm 2002, 345). This mobilized Albanians even more strongly against Serbia and Yugoslavia. It also triggered dozens of attempts to attack Kosovo Serbs, which were prevented only through the intervention of some Albanian political activists (Malcolm 2002, 345).

Throughout the 1990s, Albanian citizens of Kosovo organized symbolic and peaceful protests repeatedly. A particularly noteworthy protest occurred on 12 June 1990, when some of the newly-established political organizations, including UJDI and the 'Youth Parliament', organized an action against the introduction of emergency measures by the Serbian Parliament in almost all public enterprises and institutions in Kosovo. According to the lawyer Nekibe Kelmendi, the basic aims of the parliament introducing these measures in Kosovo were: "the destruction of public enterprises and institutions in Kosova, ruining of the economic basis, of banking, schooling, educational, health, information, juridical, and cultural system in Kosova; mass dismissal of Albanians from work, and the creation of conditions for employing as many Serbs and Montenegrins settling to Kosova, aiming at an ethnic cleansing of Kosova respectively" (Kelmendi 1993, 18-19). The organizers of the demonstration against these measures, on 12 June 1990, led about 50,000 citizens, starting from the Catholic Church of Prishtina in the direction of the City Cemetery, carrying a coffin without a corpse inside. On top of the coffin laid a flower bouquet. The idea was that the missing corpse symbolised 'violence'. This action was called 'The Burial of Violence'. It aimed at raising awareness of the outside world to the repressions that the Serbian regime exercised in Kosovo (Gashi 2010, 106).

The most significant action in terms of rallying and mobilizing the Albanians behind a shared cause, occurred in the spring of 1990. About 500 Kosovo Albanian young activists and intellectuals engaged in a campaign to reconcile those Albanian families across Kosovo who were engaged in internal strife, rooted in customary blood feuding traditions. The main purpose of this cam-

paing was to stop the killings and eliminate the blood feuds in order to unite the Albanians against the Serbian occupation, while making a step towards integration into Europe. The biggest gathering for this purpose was held in ‘Verrat e Llukës’ in Deçan on 1 May 1990. According to the Serbian authorities, about one hundred thousand Albanian citizens of Kosovo gathered for this activity. The organizers claimed that approximately five hundred thousand citizens assembled. In this campaign people “...stretched out the hand of reconciliation and forgave blood on behalf of the people, the youth and the flag” (Clark 2000, 62). The campaign led to thousands of families being reconciled for cases of homicide that underpinned feuding threats from the past as well as approximately five hundred for injuries, and about seven hundred for a variety of other disputes amongst them (Pirraku 1998, 20).

Action demanding a Republic of Kosovo

In my opinion, during the period from the end of 1988 to the mid-1990s, Albanian protest actions mainly opposed the abolition of Kosovo’s autonomy as based on the 1974 Constitution of the SFRY as well as the repressions of the Serbian regime. From the early 1990s, they increasingly began to show that they were in favour of creating an independent Republic of Kosovo through an array of non-violent acts. During the below-mentioned activities the social movement in Kosovo was consolidated into the third stage of ‘bureaucratization’ or, as Blumer defines it, of ‘formalization’, characterized by a high level of organization. The social movement in Kosovo at this stage is increasingly based on staff with specialized knowledge, with some even receiving a salary for their work.

At the end of June 1990, the Albanian deputies of the Kosovo Assembly, elected in December 1989, began preparations to announce the Constitutional Declaration of the Republic of Kosovo. Thus, on 2 July 1990, out of 125 Albanian deputies, 114 gathered in front of the Kosovo Assembly building and, as they were not allowed to enter, proclaimed Kosovo an independent and equal entity within the Yugoslav federation on the steps of the building.⁶ Three days after this

public declaration, the Serbian government dissolved the Assembly and the Government of Kosovo and other institutional bodies of Kosovo when deploying paramilitary police armed with machine guns (Djuric 1990). Two months later, on 7 September 1990, the now formally illegal Kosovo Assembly gathered secretly in the town of Kaçanik, where it proclaimed the Constitution of the Republic of Kosovo, which foresaw Kosovo as an independent and sovereign state within Yugoslavia (The Constitution of the Republic of Kosovo, 1990). This constitution defined Kosovo as a state of the majority Albanian people and its other ethnic groups, who were guaranteed reserved seats in the Assembly of Kosovo – fourteen seats were reserved for the Serbs and Montenegrins in Kosovo.⁷ Soon to be known as the ‘Kaçanik Constitution’, it stipulated that the laws of Yugoslavia should be valid only if they were in harmony with this constitution. Not surprisingly, the Serbian authorities immediately began to persecute those MPs who had promulgated this constitution (Ismajli et.al. 2005, 7-8).

Just over a year later, on 26-30 September 1991, the Kosovo Assembly, dismissed by Serbian authorities, organized a referendum on Kosovo as a sovereign and independent state with a right of association to Yugoslavia. Of the 1,051,357 citizens of all communities with the right to vote, 914,802 citizens or 87.01 percent (likely the vast majority of them being Albanians) participated in the referendum, out of which 913,705 or 99.87 percent voted for such recognition (Report of the Central Council of the Assembly of the Republic of Kosovo on Referendum, 1991). Three weeks after the referendum, on 19 October 1991, the Assembly of the Republic of Kosovo changed article 2 of the Constitution of the Republic of Kosovo (‘Kaçanik Constitution’) and disbanded any links with the state of Yugoslavia. Almost half a year later, on 24 May 1992, Albanians held parliamentary and presidential elections for the Republic of Kosovo, enrolling 24 parties and civic associations. The LDK, led by Ibrahim Rugova, became the undisputed winner with 76.44 percent of the vote or 574,755 votes. As for the presidential elections, the only candidate for President of Kosovo was Rugova, who won 99.5 percent of the vote (Report of the Central Commission for the Parliamentary and Presidential Elections in the Republic of Kosovo, 1992). Serbia viewed these initiatives as illegal, but let them proceed in any case.

In summary, when applying Gene Sharp's distinctions, it emerges that the Albanians of Kosovo experienced an escalation of state violence and oppression when applying the first type of nonviolent action methods. This type is characterized by nonviolent protests that rely on symbolic acts of peaceful opposition to show that those who resist are against something and are for something. Between November 1988 and March 1989, the Albanians showed that they were against the abolition of Kosovo's autonomy as granted in the SFRY Constitution of 1974, through the Serbian authorities led by Milošević. They protested through marches, strikes, appeals, petitions, and numerous other peaceful actions. However, despite these peaceful actions, the Serbian government responded brutally against the Albanians. They abolished Kosovo's autonomy regardless, while killing dozens of demonstrators, incarcerating and isolating hundreds of members of Kosovo's elite. In response to these forms of repression by the Serbian government, Albanians engaged in peaceful forms of opposition. They founded a host of political parties, thus defeating the monopoly of the Communist League; they organized a petition with about 400 thousand signatures 'For Democracy Against Violence', engaged in symbolic action through 'The Burial of Violence', attended by about 50,000 citizens, campaigned for the 'Reconciliation of Blood Feuds' and much more. Also, from the beginning of 1990, Albanians, through a series of non-violent acts, showed that they are for something, namely for the Republic of Kosovo, as evident in the Constitutional Declaration for the Republic of Kosovo (2 July 1990), in declaring the Constitution of the Republic of Kosovo (7 September 1990), in conducting a Referendum for Independence of Kosovo (26-30 September 1991), and in the Presidential and Parliamentary Elections (24 May 1992).

REFUSING SERBIA'S SYSTEM AND CREATING KOSOVO'S PARALLEL SYSTEM

From the second half of 1990, Kosovo Albanians increasingly started using methods akin to the second category of non-violent resistance suggested by Gene Sharp's methods of non-cooperation, here, with the Serbian system in politics, economy, health and education. They began creating their own parallel system in these sectors.

Non-participating in the Serbian political system and the establishing a parallel political system

American and European diplomats suggested to the representatives of Kosovo Albanians to compete in the Serbian elections held in 1990, 1993 and 1997. Their main argument was that disciplined minorities managed to paralyze parliaments, such as the Irish in Great Britain or Algerians in France (Zimmermann 1999, 80-81). Albanians also faced criticism from Serb opposition politicians who thought that if the Albanians were to enter the election with their 800,000 votes, they could topple Slobodan Milošević (Judah 2000, 77). One of the most prominent critics from among the opposition parties, dissident Mihajlo Mihajlovic, taking the Irish model as an example, suggested that the Kosovo Albanians change their methods, but not their goals, and that they should take the fight to the Serbian Parliament. According to him, Albanian deputies, apart from being crucial to the election of a new Serbian leadership, through hearings in the Parliament and media would have had the opportunity to defend their cause with the added benefit of acquiring respect and recognition in the world.⁸

However, the representatives of the Kosovo Albanians opposed any participation in the local, parliamentary and presidential elections of Yugoslavia,

later Serbia, between 1990 and 1997. Their reasoning was that - following the Referendum - Kosovo had declared independence and thus held its own, free and multiparty parliamentary and presidential elections. The transcripts of the round-table entitled 'Kosova and Serbian Elections', held in Prishtina, reveal a range of additional reasons for their objections. These included that Kosovo's status would not change at all and, worse, the colonial situation of oppression would be endorsed through such participation, that Serbia was not a parliamentary state, but a presidential one, where the parliament had no authority, that Albanians would not stand to benefit at all from these elections but be manipulated only, that the fall of Milošević and Serbia's democratization was a matter for the Serbian people and the Serbian opposition, that the Serbian opposition had a similar position in regard to Kosovo, as the the regime of Slobodan Milošević, and that hardly any Albanians would accept to be nominated, and even if someone would, no-one would vote them since Albanians would boycott the elections massively.⁹

Non-participating in the Serbian economy in Kosovo and the creating a parallel economic system

In July 1990, the Serbian Parliament adopted a special Law on Labor Relations in Kosovo, which made possible the expulsion of many Albanians from their work places. Apparently, this process contributed slightly to the alleviation of Serbian unemployment in Kosovo (Human Rights Watch 1993, 107). All socially-owned enterprises in Kosovo were transformed into Serbian enterprises and the production in many of them was reduced or interrupted. In response to these measures, Albanians took various actions to survive. There was massive social solidarity. Each family sent at least one member to an EU country - overall, their number ranged between three to four hundred thousand - to materially support their families in Kosovo. About 20,000 small family businesses opened, which were frequently and brutally targeted by police. Small businesses (65 percent) and diaspora incomes (35 percent) contributed to a 3 percent tax collection to maintain a parallel system of, especially, education

and healthcare (Hajrizi et.al. 2007, 25-39). At the beginning, the salaries for Kosovo Albanian teachers in this parallel system were extremely small, but soon they earned more than Serbian teachers in Serbia (Sylejmani 2016, 153). Simultaneously, Albanians registered their businesses formally, paying taxes and fees to the Serbian state. Moreover, Albanians did not engage in the productive industries, yet bought Serbian products worth an estimated \$ 1 million a day (Riinvest 1998, 79).

Non-participating in the Serbian education system and the creating a parallel education system

In September of 1989, Serbia initiated measures for the ethnic segregation of schools in Kosovo. At first, there was physical segregation only: Serb students attended classes on the first floor of the school and Albanians on the second; or Serbs attended in the morning and Albanians in the afternoon. However, one year later, in September 1990, Serbia imposed the use of a uniform curriculum in all of the territory of Serbia, including Kosovo and Vojvodina. Consequently, Albanian teachers refused to implement these curricula. In response, Serbia first cut their wages and then expelled all the teachers. However, in early 1992, the Albanians mobilized to re-open most primary schools, following curricula in Albanian language. Teachers taught in private homes, garages, basements, mosques and other buildings that were not provided by the state. The ethnic segregation consolidated. Contact possible between Albanian and Serb students incrementally decreased. In the fall of 1992, hundreds of thousands of Albanians protested for the release of their formal school buildings, but to no avail (Kostovicova 2005, 75-96).

During the entire 1990s, both elementary and secondary schooling of about four hundred thousand Albanian students relied on the initiative of about twenty thousand teachers alone, who ensured the continuation of the educational process in Kosovo under extremely difficult conditions. Meanwhile, the University of Prishtina, the sole university in Kosovo at the time, counting

about one thousand members of staff and twenty thousand students, experienced a fall of student numbers by the year, because of the migration of many young people to the EU countries. The parallel education system in Kosovo was funded by the Kosovo government in exile, which collected above-mentioned 3 percent tax from both the citizens of Kosovo and those living and working abroad. Teachers and organizers often-times were subjected to threats, arrests and beatings by the Serb police (Shatri 2010, 20; Clark 2000, 96-105).

Non-participating in the Serbian health system in Kosovo and the creating a parallel health system

In the second half of the 1990s, more than half of Kosovo's healthcare workers were dismissed from work with the justification that they had provided medical care to the demonstrators and provided assistance to the strikers. Albanian state employees also in this sector were sacked for writing medical reports in Albanian rather than Serbian and other similar reasons. The alleged mass poisoning of Albanian students in March 1990 had greatly increased the distrust of Albanians towards Serbian doctors. Furthermore, Albanians suspected a Serbian plot of 'sterilizing Albanians (men and women)', so the overwhelming majority of Albanians rejected calls by LDK representatives under Ibrahim Rugova, not to boycott the Serbian vaccination programs (Clark 2000, 106-108; Mertus 1999, 187-198). However, the main response of Albanians in the field of health-care was the establishment of the humanitarian organization 'Mother Theresa', with 96 clinics and about seven thousand volunteers across Kosovo. This organization provided free health services for all citizens regardless of ethnicity, language or religion. It distributed humanitarian aid, mainly food and medicines. The clinics were placed in private homes that were provided without compensation from citizens throughout Kosovo, and medical services were provided free of charge by doctors. Also, many international humanitarian organizations supplied essential drugs, but there were many cases when the Serbian police intervened and confiscated these (Demolli 2000, 3; 2010, 8-42).

In summary, when applying Gene Sharp's typology, it appears that his second category, that of non-cooperation, was evident already from the boycott of the Serbian elections, on the one hand, and the organization of parallel parliamentary and presidential elections, on the other. While these actions contributed to the denial of the legitimacy of Serbian rule in Kosovo, however, apart from the institution of the Presidency of Kosovo, the other parallel political institutions that emerged from these elections were not functional. Most significantly, the Assembly almost never assembled. Meanwhile, the government acted in exile, mainly by informing the international community of Serbian repression in Kosovo and organizing the diaspora to support Kosovo financially. Likewise, also in the field of economy, while Albanians opened their small businesses and collected a 3 percent tax to maintain the parallel system, the non-cooperation methods to be found in Gene Sharp's framework were not enacted in Kosovo. Albanians registered their businesses in state-run Serbian institutions, then paid taxes and fees to Serbian state bodies. Moreover, Albanians did not produce anything, yet consumed Serbian products on a massive scale. Meanwhile, the sectors of education and health best present Sharp's non-cooperation type of non-violent resistance. It is here that we find not just stories of self-organization and solidarity, but also of boycotting the Serbian educational and health institutions.

REJECTION OF NON-VIOLENT INTERFERENCE METHODS

The third type of Gene Sharp methods comprises non-violent methods of interference, which refers to actions aimed at pro-actively transforming undemocratic situations, for example, by blocking the streets, organizing hunger strikes, occupying public buildings, and other similar activities. Such form of resistance was rejected by the Albanian political representatives of Kosovo under Ibrahim Rugova's leadership. The Albanians of Kosovo called Rugova

their Mahatma Gandhi, because of his promotion of peaceful resistance and associated with the ambiguous actions described so far. Meanwhile, Rugova's opponents, led by Adem Demaçi aimed to use just methods associated with Sharp's third type of action. The Kosovo Albanians called Demaçi the Nelson Mandela of Kosovo, because he had spent 28 years in Yugoslav prisons.

Prior to officially entering politics, in the middle of 1989, Rugova rejected the idea of violent conflict in Yugoslavia on the grounds that this would play into the hands of Serb interest groups eager to see armed actions in Kosovo. Rugova claimed that these forces intended to justify the severity of their repression by portraying the Albanian resistance against Serb hegemony to the world as terrorism, thereby counteracting any international sympathy for the plight of the Albanians in Kosovo. However, he also warned that if Serbia crushed the Albanian national identity, there would be an insurrection, because "the Serbs are a small nation, and in the past, whenever a small nation strived to play as a powerful nation in the Balkans, it ended in its tragedy".¹⁰

Furthermore, in the beginning of 1990 and even after officially entering politics, Rugova rejected any suggestions for an armed uprising, reasoning that Serbia had seized the Kosovo Territorial Defense with all its armament and subsequently destroyed the Kosovo Police.¹¹ According to him, Serbia had brought in police and reserve forces and, at the same time, disarmed any Albanians who held licensed weapons, while massively arming the civilian Serb and Montenegrin population in Kosovo. He insisted that Serb control and surveillance was total, and the borders between Kosovo and Albania hermetically sealed, making it sheer impossible to organize an armed struggle.¹² Milazim Krasniqi, one of the co-founders of the LDK under Ibrahim Rugova, remembers that the former US ambassador in Belgrade, Warren Zimmermann, had explicitly proposed to them the idea of peaceful resistance: «the US would support a non-violent political movement, because now that Milošević is on the rise, you cannot overcome his violence with violence, and even the US cannot stop Milošević at this stage». ¹³ Krasniqi says that Rugova agreed to this formula and never abandoned it, partly because of his intellec-

tual and moral views, but also because of such adamant recommendations by the US.

Rugova, however, went even further. He appealed to the citizens of Kosovo to stop demonstrating in the streets in order to avoid incurring new victims and not to cause a civil war.¹⁴ According to him, “demonstrations and the manifestations of dissatisfaction of citizens are short-lived, and they only make sense where there is a functioning rule of law”.¹⁵ He suggested that even if such conduct appeared cowardly, the Serbian authorities were only looking for a pretext for a great massacre on the Albanians, as they had repeatedly done since 1912.¹⁶ Rugova also stated that what, at first glance, might seem as if giving up, in the long run would be beneficial. According to him, any resistance by means other than political would be fatal, risking the loss of many people’s lives.¹⁷ Furthermore, Rugova claimed that by articulating their determination via peaceful means alone, “Kosovo Albanians were adopting contemporary European values”, which could not be said of the other parties and governments in Yugoslavia.¹⁸ Rugova prepared the Kosovo Albanians for a long-term resolution process, regardless of the fact that the international community, with particular emphasis on the EU and the US, had recognized the Kosovo problem. He believed that “the support from abroad should be considered as a game of political, diplomatic and geo-strategic interests of different countries. The aid will be effective in as far as we are agile enough to understand and to get involved in the game with our interests. We shall prevail if we are patient and if we know what we want”.¹⁹

Yet, since 1993 Rugova also warned that, unless a solution was found, radicalism would grow. He therefore demanded pre-emptive measures, suggesting that Kosovo should be placed under UN protection.²⁰ He added that “so far we have managed to avert war in Kosovo, by not accepting provocations and by sacrificing a lot, so we ask the international community - the United States and EU - to reward this sacrifice of the people of Kosovo for stability in the region and in Europe’ (Kelmendi 1994). It can, thus, be claimed that Rugova’s first goal was to avoid violent conflict. Even his close associates suggest that his primary goal was “to save Kosovo citizens from police brutality”. He habitual-

ly and frequently stated that “we do not need a Kosovo without its people”.²¹ His second goal was to destroy existing prejudices of Albanians as routinely armed and vindictive people, who started feuds for the smallest offence. Rugova’s third goal was the internationalization of Kosovo’s plight through a communication strategy aimed at informing the world of Serbian repressions in Kosovo. In this way he hoped to achieve a UN protectorate for Kosovo, and then to declare it independent later.

In contrast, Adem Demaçi valued the symbolic acts of peaceful opposition against the abolition of Kosovo’s autonomy and for the Republic of Kosovo as well as non-cooperation with Serbia in politics, education, health, economics and other sectors. According to him, this peaceful passive resistance had united the people of Kosovo against Serbia, it had proven to the world that Kosovo Albanians do not respond to violence with violence, but it had also shattered the illusion that someone from the outside would do the work for the Kosovo Albanians. For him, the solution was active peaceful resistance to defend Kosovo’s democratic institutions in the fields of politics, law, economics, health, education, scholarship and the media (Demaçi 1990, 18-19). Demaçi was thus a protagonist advocating the third type of Gene Sharp’s methods - the methods of non-violent interference. Demaçi proposed that Kosovo Albanian citizens should vacate the buildings of political, judicial, economic, media, health, educational and scholarly institutions occupied by the Serbian regime, and to occupy the streets and main squares; staying there for days and nights, and not leaving as soon as the Serb forces would arrive. Opponents insisted that Serbia would probably kill ten-thousands of citizens engaged in such protests. Demaçi countered that “Serbia would probably kill even twenty thousand citizens because Serbia is serious about the whole thing, but we need to show Serbia and the international community that we were serious about it, too, because Serbia does not give up the occupation of our institutions without washing them with blood”.²²

Arguably the first attempt of using non-violent methods of interference, in practice, was on 3 September 1990, when the Union of Independent Trade

Unions of Kosovo (BSPK) organized a general strike of workers throughout Kosovo to oppose violent measures imposed by the Serbian regime. The strikers also demanded the return of thousands of Albanian employees dismissed from work earlier in violation of international conventions. However, the strike lasted only for a day and, furthermore, the Serbian regime used it as a pretext to dismiss the next day thousands of people more among those who had still been employed.²³ This drastic measure probably was the reason that a large part of the Kosovo Albanian society “became convinced that the strikes did not bring any results in the nonviolent struggle against Serbian repressive rule”.²⁴ Another, more serious, effort occurred in 1993, when Serbia aimed to close all print media publishing in the Albanian language. In response, on 24 May 1993, the editor of the weekly newspaper ‘Zëri’, Adem Demaçi, along with several journalists from other newspapers and magazines went on a hunger strike at the so-called Palace Press of ‘Rilindja’, another prominent daily newspaper and printing house. However, on 3 June 1993, day eleven of the strike and, both, in following medical advice and in reaction to LDK propaganda that “the purpose of Adem Demaçi is to oust Ibrahim Rugova from power”, Demaçi interrupted his hunger strike, although the Serbian authorities had not met the conditions set (Gashi 2010, 107-109). In the middle of the 1990s, Demaçi intensified his criticism of passive nonviolent resistance as embodied by Rugova, describing it as a décor that served the Serbian government to prove to the international community that a democratic system still worked in Kosovo. Moreover, he added that this policy was convenient for Serbia because Kosovars still paid taxes to Belgrade for nothing in return: neither for education nor health, nor in any other field.

In 1995, at the Dayton Conference, Kosovars acutely noticed that their situation was not mentioned at all and Slobodan Milošević was promoted as a man of peace by the international community. This fact, in conjunction with increasing repressions by the Serbian regime (Humanitarian Law Center 1998), led young people in Kosovo to gradually lose their patience. Some LDK members at the time felt that, what was needed now was the use of ‘nonviolent interference’, but “gradually, administered in doses, in order to avoid violent intervention by

Serbia".²⁵ In fact, during this period, the LDK held discussions in order to adopt an active form of resistance, but Rugova's refusal was again decisive, since "the US request to him to remain on a peaceful course was adamant".²⁶

On 1 September 1996, the leader of the Kosovo Albanians, Ibrahim Rugova, and Serbian President Slobodan Milošević, mediated by the Sant' Egidio Community, signed an agreement for the return of Albanian students into schools and the university buildings.²⁷ A year later, on 1 October 1997, at the beginning of the academic year and following the lack of any implementation of the Rugova-Milošević agreement, the Independent Student Union of the University of Pristina (UPSUP) organized a massive all-student protest requesting the unconditional release of all of UP's facilities, still occupied by the Serbian regime. In response to this protest, the Serbian police forces injured over 200 protesters. They also arrested and released the members of the Organizing Board of the protest on the same day (Koha Ditore 1997, 1). During 1996-97, the Kosovo Liberation Army (KLA) launched a series of guerrilla actions against the Serbian forces in Kosovo. On ²⁸ November 1997, it also appeared publicly for the first time at the funeral of a teacher killed by Serb forces in a village of Drenica (Koha Ditore 1997, 2). While the LDK pronounced that Serbia was behind these militant actions against Serbian police forces, Serbia pointed the finger at the KLA and described it as a terrorist organization. At the end of February 1998, the armed struggle commenced (Krieger 2001, 90-114).

To summarise, under Rugova, 'nonviolent interference' methods were not used because they could have accelerated and aggravated the repression of the Serbian regime in Kosovo. Rugova was categorically against the use of these methods, because his goal was to avoid the armed conflict, which Serbia wanted at any cost. During the 1990s, no-one had more impact on the citizens of Kosovo than Rugova. At that time, the majority of citizens was unwilling to use non-violent methods of interference;²⁸ and Kosovo's political representatives believed that Kosovo could have achieved its main political goal - the independence of Kosovo - through the intervention of the international community and by placing Kosovo under UN protection.²⁹

The last stage of a social movement is the ‘decline’, which does not necessarily mean failure. As another researcher of social movements, Frederick Miller suggests, there are four ways in which social movements experience decline: repression, co-optation, success or failure (Miller 1999, 303-324).³⁰ As discussed above, the first way, repression, used by the Serbian regime, and the second way, co-optation, through offers to participate in the Serbian elections, did not succeed to destroy the social movement discussed in Kosovo. Despite some undeniable successes of the social movement in Kosovo during the period from 1988 to 1998, above all a degree of internationalization of the Kosovo issue, it failed to achieve its main goal - independence - with non-violent methods.

CONCLUSIONS

In the period from 1988-1992, Kosovo Albanians applied actions to Gene Sharp’s first type of non-violent methods of action through organizing acts of peaceful opposition in order to demonstrate that they were opposed to the abolition of Kosovo’s autonomy and in favour of the Republic of Kosovo. They protested through marches, strikes, appeals, petitions, and numerous other peaceful actions. This is the first phase of a social movement in Kosovo, or as described by Blumer, the phase of ‘social ferment’. These actions, although collective, were not strategic, yet they contributed to strengthening a sense of general discontent.

However, despite these peaceful actions, the Serbian government responded brutally against the Albanians. They abolished Kosovo’s autonomy regardless, killed dozens of demonstrators, persecuted, incarcerated and ‘isolated’ hundreds of members of Kosovo’s elite, and, in general, annulled the Albanians’ rights as citizens. Also, during this period, Albanians showed through a series of acts that they were ‘for something’, namely for the Republic of Kosovo, through the Declaration for the Republic of Kosovo, Constitution of the Repub-

lic of Kosovo, Referendum for Independence of Kosovo and the Presidential and Parliamentary Elections.

It is here that the social movement in Kosovo passed into the second phase, that can be termed as 'coalescence' or 'popular stage'. The sense of discontent was more coordinated, since the leadership of the social movement emerged on the scene, and mass actions were organized to show the power of the social movement and to make the demands clearer. Through these actions the social movement in Kosovo was consolidated into the third stage of 'bureaucratization' or, as Blumer defined it, of 'formalization', characterized by a high level of organization. The social movement in Kosovo at that stage was increasingly based on staff with specialized knowledge, with some even receiving a salary for their work.

Applying Gene Sharp's typology further, it appears that the second category, that of non-cooperation methods, was evident already from the boycott of the Serbian elections (1990-1998), on the one hand, and the organization of parallel parliamentary and presidential elections, on the other hand. Also, in the field of economy, Albanians opened their small businesses and collected a 3 percent tax to maintain the parallel system, but they registered their businesses in state-run Serbian institutions, and paid taxes and fees to Serbian state bodies. Moreover, Albanians did not produce anything, yet consumed an estimated \$ 1 million a day of Serbian products. Meanwhile, the sectors of education and health best present Sharp's non-cooperation type of non-violent resistance. Albanians not only rejected the system of Serbia in education and health, but, furthermore, they created a parallel system in these areas.

The 'nonviolent interference' methods - referring to actions aimed at changing the situation through psychological, physical, social, economic and political interferences - were not used because they could have accelerated and aggravated the repression of the Serbian regime in Kosovo. Kosovo's political representatives thought that Kosovo could have achieved its main political goal - the independence of Kosovo - through the intervention of the international

community and placing Kosovo under UN protection. Kosovo, in fact, following NATO military intervention, later was placed under UN administration and became independent. However, this was not due to non-violent resistance but, rather, to an escalation of violence, including the violent victimization of civilians by Serb forces disseminated in the media, worldwide, and - according to local understanding - the armed struggle of the KLA. This was the last stage of the social movement in Kosovo - the 'decline', which does not necessarily mean failure. The repression, used by the Serbian regime, and the co-optation, through offers to participate in the Serbian elections, did not succeed to destroy the social movement discussed in Kosovo. Despite some undeniable successes of the social movement in Kosovo during the period from 1988 to 1998, it failed to achieve its main goal - independence - with non-violent methods.

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- 1 See, Appeal of 215 Albanian Intellectuals, 22 February 1989, Prishtina.
- 2 Interview with Bujar Bukoshi, Prishtina, 13 December 2018.
- 3 See, Programme of the Democratic League of Kosova (LDK), 23 December 1989.
- 4 See, Petition 'For Democracy, Against Violence', 27 January 1990.
- 5 Interview with Isuf Berisha, Prishtina, 17 January 2019.
- 6 See, Official Gazette of Socialist Autonomous Province of Kosovo, 3 July 1990.
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- 8 Koha, 13 August 1997, Interview with Mihajlo Mihajlov.
- 9 See, Transcript of the round-table 'Kosova në zgjedhjet sërbe', published in the magazine 'Forumi', 20 and 27 November 1993.
- 10 Der Spiegel, 26 June 1989, Interview with Ibrahim Rugova.
- 11 Zëri, 7 September 1991, Interview with Ibrahim Rugova.
- 12 Zëri, 26 September 1992, Interview with Ibrahim Rugova.
- 13 Interview with Milazim Krasniqi, Prishtina, 13 January 2019.
- 14 See, Appeal of the President of LDK, Ibrahim Rugova, Rilindja, 2 February 1990.
- 15 Koha, 21 November 1990, Interview with Ibrahim Rugova,.
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- 17 See, Transcript of the round-table 'Kosova sot dhe nesër', published in the magazine Zëri, 8 December 1990.
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- 19 Zëri i Rinisë, 11 August 1990, Interview with Ibrahim Rugova.
- 20 Zëri, 20 March 1993, Interview with Ibrahim Rugova.
- 21 Interview with Ibrahim Berisha, Prishtina, 21 December 2018.
- 22 Zëri, 30 September 1995, Interview with Adem Demaçi.
- 23 Interview with Hajrullah Gorani, Prishtina, 15 November 2018.
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- 25 Interview with Mehmet Hajrizi, Prishtina, 17 January 2018.
- 26 Interview with Milazim Krasniqi, Prishtina, 13 January 2019.
- 27 See, Agreement between Slobodan Milošević and Ibrahim Rugova, 1996.
- 28 Interview with Shkëlzen Maliqi, Prishtina, 18 December 2018.
- 29 Interview with Ibrahim Berisha, Prishtina, 21 December 2018.



**OTHERNESS
INSTITUTIONALIZED?
CHALLENGES, CHANGES
AND STAGNATION**

**'GOOD PERSONHOOD'
IN KOSOVO: A SERBIAN
PERSPECTIVE FROM
BELOW**

FRANCESCO TRUPIA

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T This research paper investigates the everyday experiences, perceptions and practices of ordinary Serb citizen of a village in central Kosovo, here anonymised as The Village, a settlement situated outside the cluster of majority Serb villages and cities in northern Kosovo. The study aims to shed light on local peoples' attempts to negotiate their national identity and readjust relations with the 'other' in the context of competing citizenship regimes which they are subjected to, by Belgrade and Pristina, respectively. Through employing an emic perspective, it explores their quotidian social reality in which Serbian identity are negotiated and made meaningful in everyday performances and understandings of 'good personhood'. By venturing underneath the parapet of the currently heightened ethno-nationalistic discourses, fears and claims, the main aim of this research paper is to disentangle local values and uses of good personhood from the externally imposed post-war discourse over majority-minority relations. The results reveal pragmatic identity constructions geared towards ordinary citizen rights which challenge any assumptions of a purportedly homogenous ethno-nationalist Serb identification preference. The research focus employed may open up the possibility for further comparison with other minority Serb settlements in Kosovo in order to explore how 'otherness' is situated in Kosovo's nation-building process on the ground, contingent on different situations, with implication for the future of the country.

INTRODUCTION

This research paper investigates the everyday experiences, perceptions and responses in quotidian practices of ordinary Serbs living in a central Kosovar village, in what follows, anonymised as ‘The Village’.¹ Although situated outside the cluster of majority Serb settlements in northern Kosovo, this entirely Serb inhabited village, which counted more than a thousand inhabitants before the 1999 Kosovo War and only a few hundreds today, continues to represent a significant cultural centre in the eyes of most Serbs. This is thanks to the geographical position in the region of Metohija/Dukagjini and its cultural heritage of medieval Orthodox churches. The villagers find themselves caught up in-between two competing ethno-nationalistic discourses and the associated, respective, fears and claims to which they have to respond to and which they may or may not share.

The main purpose of this paper is to shed light on the everyday attempts of these local people in the Village to negotiate and readjust their relations with the respective ethnic ‘other’, either Serbs or Albanians. In this, the paper’s main aim is to explore how a sense of ‘good personhood’ is lived and enacted under the parapet of the currently heightened ethno-nationalist tensions in the public sphere. In order to do so, the emphasis is on human agency and choice, rather than predetermined ethnic labels. It is hoped that through the focus on everyday life, approached through an emic perspective, the paper can contribute to disentangling the local perspectives from the externally imposed discourse about majority-minority relations in Kosovo since 1999. According to Randazzo (2015, 83), studying the realm of the everyday qualifies as a more authentic field of studying human agency than focussing on political rhetoric alone. However, while challenging stereotypical views and ethnically defined stigma of the Serbian community, the study does not ignore the possibility that local Kosovo Serbs might often draw, and subtly rein-

force, ethnic identity-related cultural claims and political actions themselves, regardless.

Almost every research respondent addressed as problematic the parallelism of the Serbian-sponsored citizenship regime and the hegemonic Kosovar citizenship regime, between which the Serb citizens of Kosovo find themselves situated at large. It is with some background information to this topic that the empirical section begins, as this sets the stage for exploring the context within which the local interviewees have to navigate their identity and sense of good personhood on a day-by-day basis. In this, the focus is not on the largely known legal aspects of the parallel jurisdiction of the Republic of Serbia and the Republic of Kosovo, such as meaning, genesis, boundaries, and materialisation of the Serb regime citizenship in Kosovo (Kumric 2015). Rather, the main concern is the interviewees' everyday experiences, understanding and performance of their Self (Goffman 1990). Inspired by Billig's (1995) concept of 'banal nationalism' and a wider 'local turn' in peace studies (MacGinty 2006), this approach seeks to identify those aspects of the respondents' 'citizenship dilemma' which they might spontaneously highlight or ignore in attempts to foster inclusion and resilience constructively as a matter of strategies for coexistence conceived in and of a given moment.

In other words, it is of particular interest to this study to understand better the scope and choice which ordinary, local Serb citizens have in constructing their identity vis-à-vis others, for example, whether they are free to ignore or not respond to situated 'otherness' or rather affirm it, in the wider, divisive context of contemporary Kosovo. At the same time, the research focus on the concept of personhood, or more specifically, what it means 'to be a good person', serves exactly to pre-empt any unnecessary ethnicisation from the outside and allows for non-ethnic identifications to emerge 'from below', if and where relevant. This is not to suggest that the concept of identity was not a relevant parameter of analysis in exploring the social role of civic identities. Overall, it is hoped that this study and its approach to everyday human agency in relation to the geographically remote, yet contained, Village and its majority ethnically homogenous Serbian community might even serve as a pilot case

study for potential future comparisons with other Serb situations across the country and outside the main settlement clusters in the north.

A main finding evident throughout this paper, is that interviewees refer to all issues of the competing citizenship regimes as problematic. For the interviewed Serb citizen of Kosovo, it is not only challenging to align with the *de facto* hegemonic Albanian definition of Kosovar citizenship. It emerged as equally challenging to align with symbols of the Serbian nation and a national identity in relation to an effectively ceased and, hence, non-existent state membership. Might such time-sensitive, socially differentiated and locally-nuanced findings regarding power dynamics and experiences at grassroots level, even reveal unharvested peace potentials?

The choice to look at the realm of everyday life ‘from below’ also evokes the issue of spatialisation. Given a shortage of information on both rural and urban Serb-majority milieux in South Kosovo, this contribution treats the Village, firstly, as a physical space: a marginalised rural milieu with a traditional lifestyle which was historically typical and common across the ethnic divide in Kosovo (Kostovicova 2005). Secondly, it is a space for everyday symbolic and social interactions (Goffman 1990) where people’s everyday struggles over the morality and definition of ‘otherness’ can be observed, often in opposition with the moral hierarchies and ideologies that have emanated from the war and post-war power structures in Kosovo. Thirdly, the latter are evident in the wider, symbolic and hegemonic ideological appropriation of space in Kosovo at political levels. Such symbolic territorialisation has long been documented for competing ethnic communities aiming to ascertain their group identity and ethno-national claims to space in Kosovo politically (e.g. Di Lellio and Schwandner-Sievers 2006). Yet this focus is different from depicting the Village as an enclave or, alternatively, a segregated region similar to northern Kosovo (until 2013, see Salihu 2019) which relatively unambiguously envisaged its future with Belgrade. Contrary to the Serb majority dominated towns and villages of northern Kosovo, in the Village the constitutive tropes of constructing national identities and claiming space appear much less manifest.

One of this study's relevant findings is that, where such reminders and signifiers of identity exist, they also might be criticised and contested by some community members. It is on the basis of these considerations and findings that the use of the term 'enclave', which coincides with the post-war period, is considered problematic. It provides prejudicial information about the significance attached to ethno-national belonging, civic identity and social background of the local inhabitants of their place of residence. In fact, freedom of movement to and from the Village has always been restricted for, both, Serbs and Albanians, but only for its geographically isolated position and underdevelopment typical for any rural area in Kosovo.

It is generally held that, while in northern Kosovo ethnic Serbs have always been the vassals of Belgrade's political agendas evident in the existence of parallel structures (e.g. police, border control, transportation, and telecommunication) since the end of the 1999 war,² Kosovo Serbs living in the villages and cities across the central, southern and eastern parts of the country have been much more positively accepting of Kosovo's constitutional framework. Although formally beneficiaries of the same rights, for Kosovar Serbs of the ethnically fairly homogenous towns and villages of the north compared to the villages of the south, such as thet, everyday life might offer quite different options for identity negotiations. However, there is a risk of generalising or suggesting monolithic responses to the respective context and settings. To counteract such risk, yet without losing sight of the institutional restrictions which Kosovo Serbs continue to deal with at large, this study pays specific attention to any dissonant voices when tracing potential patterns of responses. In general, this paper maintains that listening to a plurality of voices among Kosovo Serbs is paramount to counter the idea that deprivation automatically fuels hatred and exclusion resulting from the frustration of being excluded (Rancièrè 1995). The focus on the realm of everyday life and human agency in the Village challenges any assumptions that Kosovo Serbs may have ever represented a monolithic group of ethnic hard-liners doomed by isolationism, victimisation and marginalisation.

At the very end, this paper will address two caveats. Firstly, the political debate over the territorial swap suggests that the observed local readjustments in everyday inter-subjective relations may remain unnoticed as a result of wider media coverage which, at respective national levels, tend to replicate only the post-war hegemonic ideologies described above or, at international level, omitting ordinary processes that don't fall within the paradigm of interethnic conflict. Secondly, not all concepts taken from the study of everyday life at grassroots level may lend themselves to useful insights and, in fact, there is a risk that they could potentially add to culturalist stereotyping.

This research paper advocates a rethinking of the role of Serbian communities in central Kosovo and beyond. It questions standard etic (external) representations and constructions at both national and international levels, and the ways in which these ascribe particular views and societal roles to this group by juxtaposing the respondents' subject position (emic perspective) to such assumptions. The case study of the Village suggests that only better knowledge of, and a greater sensibility to, distinct local factors allow addressing the specific needs and sensibilities of the local subjects appropriately (Begby and Burgess 2009). It is hoped that the study of local people's everyday perspectives of 'good personhood' in their place of residence can thus serve, in the context of Kosovo's contested statehood, as an indicative case study of the human potential for Kosovo to succeed in its long-term state-building without dismissing the central role of people and their identities.

METHODOLOGY

As part of limited in time, but intensive fieldwork, the author participated in most of the local practices of community life, such as the diploma awarding ceremony at Saint Anna School, the manifestations for the Vidovdan anniversary, and other outdoor activities among young locals. Interviews in the Village were conducted in June 2018, while in August 2018 additional interviews were

conducted in the Serb-majority area of Mitrovicë/Kosovska Mitrovica, mainly with NGO practitioners of NGO Aktiv, and in Pristina with researchers at the European Centre for Minority Issues (ECMI). Filed work was complemented with interviews conducted via Skype with academic experts on the relevant topics such as citizenship and interethnic relations, including Gezim Krasniqi (University of Edinburg) and Vjosa Musliu (Ghent University).

The research employed a mix-method approach based on a qualitative, ethnographic strategy, including semi-structured interviews along a theme-guide designed to let potential interviewees consider their personal take on what constitutes 'good personhood'. This method mix was chosen in order to let interviewees speak freely about factors and topics they considered relevant, yet remaining within the broad themes of the research interest (Longhurst 2016). The study's normative and moral-philosophical concept of 'good personhood', as used in the English language, in translation, at first, caused some consternation as to its meaning. Yet, the diversity of points raised by the respondents in response led to analysing a much wider range of subtopics, revealing how local people relate and interact on a daily basis across the ethnic divide, than originally anticipated when posing the specific question.

In following the research ethics guideline of Sofia University 'St. Kliment Ohridski', respondents were given a Participant Information Sheet and an Interview Consent Form to assure their voluntary participation, their right to remain anonymous, their right to withdraw at any time, and their informed consent. This research paper is based on interviews only of those who formally agreed to participate anonymously. Led by a male researcher, this resulted in a male bias as it was difficult to approach women in the village. It is hoped that future research can rectify this limitation.

EVERYDAY LIFE IN THE VILLAGE: A CRITICAL ANALYSIS FROM BELOW

The parallel citizenship regime along with Serbia's interferences within Kosovo's domestic politics play a critical role among Kosovo Serbs in the Village. While travel visa restrictions remains the most prominent issue voiced, locals expressed more concern about a potential double discrimination they may continue to face if they would be left behind any agreement based on ethnic-majoritarian lines.³ The majority of ethnic Serbs living in the Village and holding a Serbian passport does not have the identical status of those Serbian passport holders residing in the Republic of Serbia. Although both categories of citizens are considered Serbian citizens, those residing in Kosovo are subject to specific and more complicated procedures for obtaining travel visas or updating their expired Serbian documents (e.g. Passport, ID, Driving license) to the new Kosovar ones. In particular, the caption 'Kosovo' on the front page of their Serbian passports obliges Kosovo Serbs to interact with the authorities and embassies in Pristina even though the same passports have been issued by the Coordinate Directorate within the Ministry of Interior in Belgrade (Kumric 2015, 86).

In the Village, many locals expressed a deep sense of double discrimination. They mention both the stigma ascribed to them by Kosovo Albanians in the aftermaths of the 1999 Kosovo war and the paradoxical difference of treatment they face in comparison with other Serbian passport-holders by the Republic of Serbia. This citizenship dilemma was one of the most discussed controversial topics of controversy for the Kosovo Serb respondents, evidently caught in a situation of having to navigate the mutually contradictory Serbia-aligned parallel system and Kosovo's constitutional framework. Although officially having the same rights and benefits as anyone else regardless of ethnic belonging in Kosovo, Kosovo Serbs remain trapped in-between. A few locals from the Village have begun to apply for the new Kosovar documents in the attempt to escape

such limbo situation and improve their life accordingly. Previously, during the period from 2009 to 2011, those applying for naturalisation were mostly Kosovo Albanians without documentation, e.g. returnees from abroad after five years of residence in Kosovo (Kumric 2015, 16). As two respondents explain:

I have Kosovo documents, such as my driving license. Without it, my Serbian one was not valid, and they [Albanians] were ready to charge me I do not even know how much. I went to apply for a Kosovo driving license, and I refused to keep my Serbian one.

Respondent no. 10, female, adult

I do not have a Serbian passport, only the Kosovar one. I do not care to be honest with you.

Respondent no. 6, male, adult

The increasing willingness among Serbs to obtain Kosovar documents has previously been suggested to oppose external assumptions that ethnicity favours societal and spatial divisions among the population (Kumric 2015, 75). Rather than emphasising interethnic dispute, locals in the Village expressed fear for the ongoing economic stagnation and threatening political instability. By looking beyond the hegemonic discourse, it becomes clear that spatial separation between the Village and the Albanian-majority towns, which has worsened economic conditions within the Village after the 1999 Kosovo war and the 2004 turmoil, does not entirely depend on ethnic factors. In fact, both a policy vacuum in key economic sectors, such as agriculture and the waste industry, which remain yet underdeveloped all over the country, and the incapacity of local politics to tackle poverty-related issues are currently impeding locals to perform positively in the public sphere. Frustration over the economic situation prevailed in all interviews:

For me [not mentioning that his background is Serb] it is only a matter of opportunities for the future... I do not wish my kids to stay [in the Village] only 500 people live within the village, approximately. Young people cannot live without jobs

Respondent no. 8, male, adult

Where can I go without money? Of course, if I have money I would like to travel, perhaps twice a year with my family, and coming back to [The Village] afterwards. I cannot afford it right now. Although I work hard, I would have nothing if my wife would lose her job ... the situation here is tough: neither job nor opportunity...

Respondent no. 6, male, adult

Given the economic insecurities, people displayed a vivid criticism against the political state of affairs at large and voiced an increased dissatisfaction with Srpska Lista (Serbian List), the main Serb minority political party in Kosovo. Throughout the fieldwork, the majority of the interviewees highlighted their personal disappointment and disagreement with most of Serbia's interferences in Kosovo, which have been permanent in the northern areas and also overwhelming in the central, southern and eastern regions of Kosovo. This political dissatisfaction with Serbian political representatives and their attempts to interfere through manipulating ethnic Serbs stands in direct contrast to ethnically stereotyped assumptions, which Kosovo Albanians and international commentators in the region typically have ascribed to Kosovo Serbs, usually depicting them as a potential security threat or group at risk.

The question arises whether related assumptions, such as that Kosovo Serbs tend to self-isolate and marginalise themselves from the majority ethnic Albanian population in the public sphere, also cannot be upheld. Previously, ethnographers and researchers have employed such assumptions to analyse the multiculturalism of the urban areas of North and South Mitrovica in northern Kosovo as exceptional, while overlooking local attempts of adjusting to interethnic coexistence and dialogue in Southern Kosovo. In contrast to urban spaces of northern Kosovo where political disaffection is far from being openly expressed, the case of the demonstrates how particularly in rural milieux of South Kosovo, although left behind in policy plans and academic investigations, locals negotiate their collective identities in support of interethnic coexistence and well-living. This is evident from critical, and sometimes even sarcastic, reflections such as these:

We have the same status as the Kurds in Turkey. If you have a Serbian passport, maybe it is good for you, otherwise you are like a Kurd in Turkey. Politics does nothing at the end of the day ...

Respondent no. 1, male, adult

I have been forced to quit my position in another local town dominated by Albanians. Perhaps, I was too good at working there [ironic tone of voice]. After the war no one used to go [to this previous town], now each of us [Serbs of the Village] can go without any issue. Look at this here for example [showing the daily copy of the Serb newspaper 'Jedinstvo' (Unity)] "Politika je Matematika, a ne narodna poezija" [Politics is Math, not popular poetry]... when we have an enemy to blame, you can always find an excuse.

Respondent no. 6, male, adult

On the wall there is [a graffiti of] Šešelj, a Serb, but I do not like him as a person. I know also the people who sprayed his face on the wall ... but he is like a Nazi, and we have got many troubles with Croatia because of him ...

Respondent no. 2, male, teenager

As evident from the last citation, in the Village 'banal' (Billig 1995) Serbian symbols of national identity, can be ubiquitous in the everyday physical environment. However, this nationalism neither unfolds in a vernacular discourse directed against the ethnic 'other' nor in disloyal attitudes towards Kosovar formal institutions. This wide range of banal signifiers (e.g. a Serbian flag hanging at the entrance of the village, graffiti dedicated to Šešelj, and religion-related reminders and symbols) do not impinge on those few and rare social encounters across the ethnic divisions inside as well as outside the village. More likely, they reproduce a standard set of traditional symbols, customs and beliefs typical for the traditional culture of all Serbs in Kosovo and beyond (Čolović 1997). Following Billig's argumentation (1995, 200), such everyday performativity related to national identity might serve Kosovo Serbs to fill policy gaps and tackle frictions in present time of uncertainty, remaining 'banal' in the way it is unfolded on a day-by-day basis and, often, simply ignored.

Contrary to what the symbolic display of ethno-national Serbian identity in the physical environment might seem to suggest, Serbs from the Village explicitly expressed readiness to engage increasingly with people from outside the village regardless of their ethnicity. However, the visible presence of such ethno-nationalist signifiers lent itself to a continuation of distrust towards Kosovo Serbs in the eyes of Kosovo Albanians' and, thereby, to their positional weakness.

However, the following statements suggest that ordinary locals of both sides of the ethnic division are, in fact, little likely to become potentially involved in ethnic turbulences and security-related events.

*I do not like the term community because it divides us [Serbs and Albanians].
There are good and bad people, and I do not draw lines along blood or ethnic
belonging.*

(Respondent no. 6, male, adult)

*Although I am the only one Albanian and Muslim working in [the Village], I am
fine. I do not have issues with the locals. We watch football matches together for
example ... and this is what we do together in the place I work at, on a daily basis*

(Respondent no. 4, adult, Albanian, self-described as Muslim)

The interviews revealed also less promising statements. However, these need to be put in context of the specific location, situation and generation. Some adolescents and young adults, whose families had decided to move out of the village and settle in Mitrovica in northern Kosovo or in Serbia and who were interviewed during their holidays back in their home village, suggest a consolidation of ethnic divisions and perpetuation of stereotypes which were likely to originate from their places of normal residence. This stood in contrast to most attitudes found during interviews in both the ethnically divided urban area of Mitrovica and among the stationary villagers of the Village .

I do not have any contact with them [Albanians]. I speak a bit of Albanian but I do not have Albanian friends, only Serbs. They [Albanian adults] pass by [the Village], whereas they [young Albanians] do not come to play here.

Respondent no. 2, male, teenager

I do not interact with Albanians outside [the Village]. I tried once to speak with them, but I do not want to do it again. I think only about bad things. Sometimes they come here, doing something that in my opinion is connected with the local Mafia [i.e. corruption], not something positive.

Respondent no. 11, female, university student living in Mitrovica

These young people, unlike as for those post-conflict societies where youth resilience is regarded as future hope compared to attitudes among the older generations and their living memory of violence (Cheskin 2016, 140; Glavanakova 2016; Savinas 2015), continued to impose an ethnically stereotyped view of 'the other' - namely, Kosovo Albanians, fuelled by distrust and fear. Tragically, few have had much more chance to ever meet 'the other'. Contrary to the older generation, who learnt the other's language in school, during Yugoslav time, they also have lost a common language (Radonjic 2018). In contrast to the attitudes of these young people (respondents no. 11 and no. 2 above), members of the older generation, in particular, were eager to readjust everyday relations and promote an idea of well-living together with the 'others', as the following response exemplifies:

[...] one of my two daughters hopes to move out and start studying in Mitrovica. I am afraid that something may happen to her over there. In [the Village] the situation is very peaceful, even during the last turmoil [in March 2004] they [Albanians] did not touch us. In Mitrovica instead...

Respondent no. 8, male, adult

This variety of attitudes and opinions in the Village sheds some light on the role that Serbia plays among Kosovo Serbs within the country. While cultural affinity with Serbia is vividly reflected in the physical environment through various sig-

nifiers of banal nationalism, there are also everyday performances of Serbian socio-cultural heritage and traditions which are not, per se, nationalist (e.g. the use of the Serbian language, respect for traditional holiday and rituals, Christian worshipping). At the same time, political dissatisfaction with Serbia-sponsored political institutions, such as the Srpska Lista (Serbian List) and the parallel citizenship regime, is increasing in the Village. Within this mosaic of Serb identification possibilities, only a few interviewees considered Serbia and its parallel institutions as the only 'guarantors' and 'protectors' of the Serbian communities and their rights. In contrast, many others considered the role of Serbia in Kosovo as highly problematic. Moreover, many Serb respondents considered the realm of everyday life a mutually accessible space in which positive encounters and interactions could be restored. These respondents played the role of 'extrovert insiders' (Naumović 2002, 21) by positioning themselves against their political representatives in terms of ethnic representation, and against the (parallel) institutions that are charged with providing the current conditions of Serbs in Kosovo.

Broadly, there seems to be a correlation between job security and attitudes towards the other. Respondents who are dependent on Serbia-sponsored institutions and organisations defined the Albanian claims over Kosovo as 'provocative' and the attitudes through which Kosovo Albanians interact with Kosovo Serbs as 'inaccurate'. This became evident when conducting interviews in connection with the Serbia-sponsored school, the only functioning public school in the Village. It guarantees the right to education in Serbian language and offers education according to the Serbian curriculum to several dozens of local pupils. In addition, the school provides employment for a couple of dozens Kosovo Serbs from the wider administrative area of the municipality. Exactly those respondents who complained about the state of affairs and everyday encounters with ethnic Albanians within their place of residence, were from among those respondents who neither reside in the Village nor spend their entire everyday life there. Undoubtedly, they also suffered less from economic deficits than their Village-based peers. Thus, expressing their positioning as subaltern to the hegemonic Albanians at large, their statements reveal the prevalence of a prejudicial 'us versus them' dichotomy which informs their

practices and attitudes in the realm of everyday life. Among them, ideas such as a rampant criminality among ethnic Albanians as well as conspiracies of Kosovo-government-sponsored policies aimed at keeping Serbs underdeveloped, are salient. The differences and frictions between Serbs from within and outside the Village is evident in the following statement, a typical example reflecting also the situatedness of these Serb attitudes towards the Albanian 'other'.

The school functions in accordance with the educational system of the Republic of Serbia. They [Kosovo Albanians] do not even know their system. This is neither good for us nor for them. They want to play their tough role for defending something they are not aware of ... They [Kosovo Albanians] came here on 22 May in order to put barcodes on everything inside this school, which survives through donations and belongs to the soil of the Church. For me, this was done on purpose, to show us [Serbs in the Village] that everything belongs to them [Kosovo Albanians] and that in the future they will come to rule over here
Respondent no. 9, male, adult, living inside the village

I agree with him [Respondent no. 9], they [Kosovo Albanians] came inside the school acting like 'bosses'. They wanted to prove that everything around here belongs to them, because we are in Kosovo. But [...] those who came here work for the municipality [of Municipal Town]. I know that there are good Albanians, but they cannot speak up because of the corruption they face within their own community. [...] I have this golden cross, but I hide it inside my clothes anytime because it seems to be a provocation in their eyes [Kosovo Albanians]. There are no problems, but the reality is that we continue to live in Kosovo under a system that suffocates us.
Respondent 10, Female, Adult, living elsewhere in the municipality

The 'us versus them' dichotomy evident in such statements assigns problems such as corruption to one side only, even where attempts are made to see the 'other' in more benevolent ways. However, the experience of a local Serb from the village documents both the experience of corruption and a critical view of corruption also for the side of local Serb politicians:

[Serbian politicians in the Municipal Town] *don't like me anymore. I applied for the permission to build up a wall in my backyard. Ironically, they said to me that I was not supporting the party anymore. In order to get votes, they used to give you something, such as building materials. Because of that, I will not probably get any positive result. But I need them. When people are hungry, they become easy to manipulate. Hunger drives politics.*

Respondent 6, Male, Adult

Those respondents, who stated some critical opinions towards the Serbian authorities, tended to be neither politically involved in nor economically depended on Serbia's parallel system in Kosovo. They seemed aware that there is 'no-way back' with regard to Kosovo's independence and sovereignty and eager to move on and improve their lives.⁴ The above interview quote, however, also demonstrates that they were acutely aware of being situated in-between the externally Serbian parallel system and the internal Kosovar institutions. Although they spoke up against the Serbia-sponsored institutions and initiatives organised in the Village, a clear link is made between destitute living conditions and dependencies on local Serb politicians and Serbian institutions and organisations. The latter send donations and humanitarian aid to support the reconstruction of houses and guarantee schooling in the Village, while reinforcing the villagers' isolation and spatial division (Randazzo 2015). Such economic and political dependencies have to be weighted up against security risks emanating from village outsiders who are not aware of the final balance that needs to be maintained.

Once, they [a couple of ethnic Serbs from Serbia and Montenegro] came to [the Village] and tried to set an Albanian-Kosovo flag on fire. I stopped them. They will leave afterward. I will stay here with my family instead. I told them: "if for you guys 'Kosovo is Serbia', you are welcome here! Why don't you settle down here, live here with us and stay here?" [bitter smile and ironic tone of voice]

Respondent no. 8, male, adult

However, not all local attitudes were as proactively conciliatory. There were some respondents who displayed passive conciliatory attitudes which, argu-

ably not representative for the majority of respondents, positioned themselves into a subaltern role of 'We, the Serbs' - the 'good' but 'inferior' - against 'them, the Albanians' - 'the evil' but 'superior', in Kosovo today. In the attempt to simplify the post-1999 realm of the everyday and counteract any Kosovo Serbs 'collective escapism' (Spickard 2010, 129), these interviewees displayed resigned, defiant and ethnocentrically informed ideas of the Serbian-Albanian division which, however, still highlighted prospects of peaceful coexistence regardless.

We are planning to live here anyway, because I am sure half of Kosovo's population will leave the country and maybe we can improve our situation with them [Kosovo Albanians] and, finally, we can come back to live traditionally in the same way our ancestors did here without problems, and keeping our tradition alive

Respondent no. 7, male, adult

At school I repeat to the kids that the condition under which we live is 'peace'. Let's call it peace, but this peace has come only from one side [implying the Serbian side]

Respondent no. 9, female, adult

Considering that the Village is geographically located within a Kosovar area with one of the higher numbers of Kosovo Serbs who had been kidnapped and murdered during the Kosovo war and immediately after,⁵ the capacity of some respondents to criticise a 'ghetto mentality' of local Serbs could come as a surprise. Even when recollecting events and autobiographical memories from the problematic recent past (e.g. 1999 Kosovo war or the 2004 turmoil) or when touching upon more recent political issues (e.g. former KLA combatants in charge of post-conflict transition, Municipality Agreement) conciliatory attitudes of reaching out beyond the ethnic divisions can be found, where based on concrete social interactions both in real life and in the virtual space on facebook.

Look here [scrolling his Facebook page] I have UÇK guys who are my friends. I was serving the Serbian Army those days [1999 Kosovo war], we were shooting at each other and, luckily, we missed each other... now we are friends ... I know what means 'going to war'. I can tell you without any doubt: war is the paradox of everything ... Now, look [showing me one of his pictures on the phone] I am with [the President of Kosovo and former KLA leader] Hashim Thaçi and I posted it even on my Facebook profile.

Respondent no. 6, male, adult

Such attitudes tend to go along with criticism of both externally imposed ascription from the Albanian side and a political dissatisfaction with the Serbian side including with the exaggerated display of Serbian paraphernalia of banal nationalism. In this, again, frictions between insiders and outsiders (here of both the village and the country) are apparent:

I did not go today to celebrate Vidovdan. I went last year to Gračanica to celebrate, but I refused to go this year. I am sick and tired of those Serbs that come from abroad once a year with their Serbian flags and banners: "Kosovo je Srbija" [Kosovo is Serbia].

Respondent no. 8, male, adult

The refusal to celebrate the 'Vidovdan'⁶ along with the denial to continue to support Srsпка Lista (Respondent 6) did not only demonstrate individual agency directed against the political situation, but these actions also reveal a willingness to compromise an exclusively ethno-national defined Serbian identity. Similar to the above-mentioned decision of respondent no. 8 to stop a few 'foreign Serbs' to set an Albania-Kosovo flag on fire, such acts and utterances signify the rejection of a simple 'Serbs-against-Albanians' dichotomy. However, this dichotomy is still transmitted in the history books currently in use for primary and high school students in Kosovo through the archetype of two opposite ethno-nationalist myths, Albanian and Serbian (Semić 2018). These position the two communities against each other as 'occupants-against-survival' or 'oppressor-against-oppressed' (Bogomilova 2016, 129), and there are subtle

indications that such opposition is still being perpetuated by some, even if insisting to be cross-ethnically tolerant (on shaky grounds):

[...] I do not say to the kids to hate them [the Albanians], but only to be alert, because we can't forget. If we forget, something could be repeated over again [...]. At school, for example, we do not have Albanians but we have a Roma student. She belongs to a Roma family that has always lived in [the Village] since the Kingdom of Yugoslavia. Her ancestors and family used to work for many decades for a very rich Serbian family of [the Village]. She is completely fine with us, and we with her too

Respondent no. 10, male, adult

For various historical reasons, including segregated schooling during Milosevic's years (Kostovicova 2005, 170), the chances for actual interethnic contact with Albanians in The Village have been limited. Its Serb inhabitants usually had to venture beyond the village boundaries in order to meet the ominous 'other'. However, nowadays such traditional lack of contact seems not to impinge on local readiness for reconciliation with 'otherness'. Apart from the situation of, and attitudes described around, the school, something is currently moving towards more interethnic relations between Albanians and Serbs in the Village. Within this historically homogenous place, these are not taboo anymore, as also this perspective of an Albanian, interviewed in the Village, suggests:

I have two Serbian colleagues from [the Village] with whom I work well together, we have different daily shifts, so we cooperate very well at work.

Respondent no. 4, male, adult, Albanian and self-described as Muslim

WHAT RESTORES 'GOOD PERSONHOOD'

During the interviews, at first respondents misunderstood the question of “how do you define good personhood in Kosovo?”. Nonetheless, in the attempt to give a more precise opinion, respondents treated the question itself on two levels: firstly, as explained above, they began to address the complexities of their everyday life with regard to a wide range of overlapping circumstances affecting them, including not only Kosovar politics and authorities, but also economic stagnation, social disadvantages and exclusion. Secondly, respondents linked ‘good personhood’ with ideas of ‘good practices’ for living *with* and *nearby* people with respect for their dignity. Thus, respondents associated ‘good personhood’ with a ‘good life’ in general, considering the latter to define an integrated ethical attitude in interaction with others. Here, respondents excluded ethnically-defined as well as any externally imposed societal ascriptions of identity, subjugating thereby politics and the ethnicization of contemporary Kosovo’s socio-political landscape to a person’s moral choices. In other words, respondents replied to the question of “*how could a good person perform?*”, or “*what can a good person do for being such?*”, rather than asking “*are Kosovo Albanians good people?*”; or “*are their claims over Kosovo good for us?*”.

A good person is honest, social and helpful. When you need something, she is always eager to help you out

Respondent no. 11, female, university student

... [smiling] *I want to tell you even in Serbian [language]: “we’re all different, but under God’s eyes, we are all “of the same meat”*

Respondent no. 4, male, adult, Albanian and self-described Muslim

We [Serbs], as Christians, can try to look like Him [God] in order to be good people. I think that even a good person possesses “a hidden wolf within himself, and

he needs to tie it all times”, otherwise temptations will overcome his goodness, making him sinful. [...] In general, I can say that a good person has to obey the following command: do not harm the other.

Respondent no. 10, female, adult

I absolutely agree. You cannot do harm unto others. Also, be honest, correct and respectful with the person next to you ... he will do the same with you, I hope.

Respondent no. 9, male, adult

This general reference to ethical values and moral principles of social interaction as restoring 'good personhood' for the respondents not only included a care for the Self - namely, for their one's community, but also a care to establish 'good relations' with 'the other'. Rather than considering 'good personhood', respondents considered 'performing in a good way' as remedy to counteract the bitterness of everyday life, including feelings of being ostracised by the majority of the Kosovar population. As described above, while everyday performativity of Serbian identity in the Village was based on nationalism, including the ubiquitous use of Orthodox Christian symbols and paraphernalia, it might come as a surprise that the majority of respondents employed some religious rhetoric in their moral deliberations of good personhood and associated practices. However, not all respondents expressed ethno-nationalist sympathies while exploring commonalities across the dividing lines based on religious rhetoric (with an exception of one respondent). Many seemed very well aware of how religious institutions have carried some responsibility in projecting ethno-national divisions across the post-Yugoslav communities (Bogomilova 2015, 128).

[...] I know the people who came to spray the face of Šešelj on the wall [...] I disagree with them and I do not like Šešelj. He is not a good person, and we have had a lot of troubles because of him...

Respondent no. 2, male, teenager

[...] I stopped supporting Srpska Lista [Serbian List]. The problems I have with Albanians very closed to Islam and 'very Muslims are the same I have with Orthodox Serbs. After all, religious institutions are like politics in Kosovo, no matter if for Christians or Muslims in Kosovo [...] I am not interested in political issues such as 'de facto' or 'de jure' situation of Kosovo, the role of Albania, 'Kosovo-versus-Serbia'. Here and now, there is a country and it's my country, and there are people to live together with ...

Respondent no. 6, male, adult

A good person cares about his family. I do not care about Serbian-ness or Albanian-ness. If someone will attack my family or my house, I will defend it.

Respondent no. 7, male, adult

In this situation [high level of exclusion of Kosovo Serbs] 'good personhood' does not really matter. You depend on other's behaviour anyway. I cannot fully trust them [Albanians], because they can be in a bad mood, and this might be a problem for us [Serbs]. I am trying to do my best here and not play that dirty game [Serbs vs. Albanians].

Respondent no. 8, male, adult

Similar to other fieldwork conducted in the Western Balkans, such as in post-war Bosnia or Croatia (Kostandinova 2018; Leutloff-Grandits 2002), respondents in their place of residence were primarily concerned with the potential 'bad performance', in moral terms, of a person within their own community. It emerged that a sense of responsibility and self-criticism was not only towards 'the other' but also, and specifically, towards those belonging to the same community. Within a context dominated by poverty, economic underdevelopment - including abysmally high unemployment rates, and the fear of double exclusion, respondents depoliticised the realm of the everyday they live in. In fact, they showed willingness to consider 'the other' - no matter whether Serb or Albanian and whether situated inside or outside of the Village - as holding great responsibility for improving everyday life and building a common future in Kosovo.

CONCLUSIONS

Within the limits of this study, on the basis of the in-depth interviews and field observations collected, the findings of this research paper are twofold. Firstly, many local Serbs of the Village were found to navigate their in-between situation, between the Serbia-sponsored system and the Kosovar institutions, pragmatically. In fact, most respondents refused to employ an 'us-versus-them' dichotomy and even criticised the community they belong to, its members and its representative organisations, where these replicated such simplistic world view. They thereby demonstrated a reconsideration of political trajectories and outdated paradigms aimed at perpetuating interethnic separation and ethno-nationalist loyalty claims. In line with critiques of ideas such as that war-affected communities suffering from mass-trauma are in need of 'therapeutic intervention' (Hughes and Pupavac 2005) and that their pathologies are the root cause for all the failures of the country (Krasniqi 2010, 534), this study thus suggests that there might be potential in trusting and empowering Kosovo's local actors for future decision-making processes rather than blaming them.

Secondly, in an attempt to elicit what in local people's perceptions of everyday encounters restores 'good personhood', this study documented many respondents' willingness to abandon the rigid constraints of any ethno-nationalist ideology and leave room for those 'good practices' that, on a daily basis, may allow for increased social interaction and the sharing of common ethical values and political institutions accordingly. However, beyond any misplaced idealism, the findings also point to the role of economic and security stress and dependencies on Serbian organisations and institutions as potential spoilers of 'good practices' and open-mindedness towards 'the other'. However, both, chances and obstacles cannot be understood without acknowledging the realities on the ground first (Randazzo 2015, 79). Here it seems particularly rel-

evant to consider the de facto low degree of social interactions and exchanges of ideas and services between members of different ethnic background in the Village, including young people's lack of a common language. However, there was not a single respondent from the Village who did not know what it means to perform as a good person in social encounters, including in the rare inter-ethnic encounters reported on. Such knowledge seems a societal precondition on which all intra- and inter-ethnic encounters should be based. This research suggests that the question regarding "what restores good personhood in Kosovo" provides a central, moral domain to think about and respond to in practice. Beyond being just a research tool, it anticipates ethno-political implications by valuing everyday responsibilities toward 'the other' in practice, especially in times of uncertainty.

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ENDNOTES

- 1 In the following sections of this paper, the place where the research was conducted has been anonymised and replaced with “The Village” for the sensitive information given during the interviews and for potential political implications that respondents might be exposed to.
- 2 Gëzim Krasniqi (University of Edinburg), 10 August 2018, Skype interview, 38 min.
- 3 Since summer 2018, the EU-facilitated Kosovo-Serbia ‘normalisation talks’ have generated the contentious idea of a ‘land swap’ between the two countries. While many politicians, policy experts and scholars of the wider region have debated whether its implementation would be a recipe for renewed ethnicisation and war, some others have presented this option as a ‘win-win solution’ effectively addressing the long stalemate in bilateral relations. Meanwhile, under the parapet of nationalistic rhetoric and a predominant, international focus on stability, the everyday experiences, concerns and aspirations of those ‘to be swapped’ or otherwise directly affected by the swap, have barely been taken into account.
- 4 Vjosa Musliu (Ghent University), 16 August 2018, Skype interview, 50 min.
- 5 At the entrance of the Village, a monument is dedicated to the memory of those local Serbs who were kidnapped and murdered in the period between 1998 and 2000. Among others, the murder of a man who gained popularity because his body was released by the KLA forces operating in the municipality in March 1999, thanks to the involvement of the Organisation of Security and Cooperation in Europe.
- 6 For all Serbs, the celebration of Vidovdan refers, among a chain of legends reiterating the significance of this holiday, to the ‘Battle of Kosovo’, which occurred in 1389 on today’s territory of Kosovo and plays a central role in ethno-nationalist Serbian identity construction based on the territory of Kosovo.

**LIBERAL PEACEBUILDING
AND THE CHALLENGE
OF ETHNIC DIVISIONS IN
KOSOVO: 'NOBODY TOLD
US FROM BELGRADE THAT
THEY ARE NO LONGER OUR
MINISTRY OF EDUCATION'**

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Liberal-peacebuilding is faced with the mammoth task of providing viable inter-ethnic educational systems in post-conflict ethnically/religiously divided societies. The analysis and the impact of its actions in this specific sector remain, however, largely uninvestigated. This article explores the main challenges of the liberal paradigm of inclusion in the context of an integrated educational system in the aftermath of war in Kosovo. Far from being able to set the basis for a unified education, the international community provided the legal space for an institutionalized segregated education between Albanians and Serbs. Also, it enabled significant room for a business-led and corrupt education, reflecting the segregation model, to step up. This move, which proved to be a pragmatic one considering the circumstances on the ground, has been shortsighted in the end. Notwithstanding this, a relatively young Europeanization process and its related activities may represent the way ahead for a 'successful' integrated education in the country. By relying on the existing literature on the subject and field work in Kosovo, this chapter provides new insights on the understanding of the rational choice for a segregated education in post-conflict settings and ethnically/religiously divided societies.

INTRODUCTION

Liberal-peacebuilding is significantly challenged by ethno-religious bonds hindering its main purpose of inclusion and integration. The case of post-war reconstruction of Kosovo's educational system is emblematic in this regard. Notwithstanding an impressive and long-standing international commitment, including enormous assistance, funding and support, this sector still remains separated along ethnic lines, while registering considerable corruption cases around ethnic affiliations and networks of loyalty. The central question of this paper is: *Why the international community's substantial commitment has given way to a separate, segregated and increasingly corrupt educational system?*

Alex Bellamy's critical approach helps figuring out why the international community deviated from its original paradigm of inclusion, while also leading to unexpected side-effects to the overall peacebuilding process. This paper is organized into five sections. The first section outlines the main presumptions of liberal peacebuilding, its rationale and shortcomings. It clearly pinpoints that liberal peacebuilding is a political and relational process, while being compromise- and conflict-based between the local and the international actors. The second section elaborates on the stages and roots of ethno-religious narratives and discourses that inform the organization of education in post-war Kosovo. In this context, the starting point of the international efforts to build a new narrative and system of education was far from being an easy one. The third section explores how the United Nations Interim Administration Mission in Kosovo (UNMIK) took over the building of a new system of education and the challenges it encountered along the way. Certainly, the original purpose of UNMIK proved to be problematic and unrealistic in the end. *De facto* the first and most challenging experiment ever in the field of post-war reconstruction ended up to institutionalize separation between Albanians and Serbs, as a pragmatic way for 'safeguarding' pluralism. Moreover, much of the reconstruction of post-war education remained a top-down process lacking local partnership

and accountability. The fourth section focuses on the local context in which UNMIK's operation took place, the complexity of its engagement as well as the illusive character of the original project. Specifically, deep-rooted and even nurtured ethno-religious bonds and affiliations represented a hostile environment for the international community's purpose of inclusion. The final section, then, traces the side-effects that followed the international community's approach, that is privatization and corruption. To this date, Kosovo hosts among the highest number of private colleges in the whole Western Balkans. Most of those private higher education providers are organized on ethnic grounds and are mainly business-oriented. Those developments overlap with ongoing Europeanization processes, that is EU-led reforms aimed at providing the basis for 'reconciliation' between Kosovo-Albanians and Kosovo-Serbs that UNMIK failed to realize.

The analysis relies on a qualitative methodology and a range of primary data. Seventeen semi-structured interviews were conducted with local and international representatives involved in post-war education-building in Kosovo as well as with students and lecturers. The interviewees were asked to comment on 3 open-ended questions regarding 1) the understanding and *rationale* of the international community's approach to education, 2) the local authorities' bargaining power in making their voice being 'heard', and 3) the role of the European Union in enforcing a new alternative of education.

LIBERAL PEACE-BUILDING, LOCAL ETHNO-RELIGIOUS BONDS AND INSTITUTION BUILDING ON THE GROUND

Peace-building is a complex process relying on a joint effort between the local population (Handrick 2005, 30) and the consistent involvement of international agencies with the ultimate goal of achieving peace (An Agenda for Peace 1992, 4). Yet, those efforts do not take place in a vacuum. Rather any form of international activity, especially when it comes to the implementation, evolves at the intersection between the international agency and its takeover from the local population (Last 2000, 87, 93; Elbasani 2018). As such, liberal peace building is a political and relational process built upon various forms of negotiation, compromise and conflict between the local and foreign actors (Légaré 2018, 106-107). Often, compromise seeks to guarantee the participation of the warring parties to the peace agreement as opposed to continuing violence (Cheng and Zaum 2012, 5). The outcome of such interaction is almost invariably hybrid institution building on the ground. Foreign actors are unlikely to generate local demand for change, besides limited political alliances (Légaré 2018, 108) that forge a *new post-conflict order* with unknown risks. Some of the risks follow from the interventionary, top-down and elite-led kind of external state-building (Richmond 2005, 96, 104; Comfort 2014). Others are due to state-building being a long-term process of reform (Ramsbotham 2000, 174), which is aimed at transforming local institutions into an orderly, predictable, disciplinary and disciplined administration (Zanotti 2006, 152) as well as local attitudes and behaviors that bring about conflict in the first place.

Whether quick top-down or long-term institution-building, the external actors have to work with and eventually empower local actors to take over the task of state-building. At a minimum, sovereignty prerequisites that peace- and state-builders aim to export should rely on and transfer governing tasks to

the local actors. At the same time, *liberal approach* is meant to constrain local population's room for nourishing *tribal solidarity bonds* or claims to special links with one segment of humanity (Parenti 2006, 92). But this is exactly the biggest challenge international actors are faced with in post-conflict contexts, including Kosovo and the Western Balkans. Here, to use Anderson (2006) terms, two juxtaposed imagined communities have been forged and well exploited by nationalist ideologies over time, especially in critical moments of change and crisis. The international community is left with the arduous task of bridging these two diverse and competing imaginaries.

Moreover, the *special bonds* that nourish and maintain such imaginaries are entrenched into hard to change world views juxtaposing the division between 'us' versus 'the other'. Quite often in the Balkans, those bonds, imaginaries and deep-rooted divisions go back to the system of diversity management in the Ottoman Empire, when the millet system of organization highlighted religion as the key unit of administering a vast range of ethno-religious diversity. The weakening of the empire in the 19th century and the emergence of the European modern state model across the Balkans enabled the creation of new overlapping identities, but institutional legacies and local daily practices hollowed out the creation of multi-ethnic national entities (Elbasani and Roy 2015). During the state-building era, these separate communal identities were effectively promoted, manipulated and usurped by political elites with the purpose of demarcating unitary nations, consolidating central authority and re-configuring borders, often along the line of us versus them approach (Elbasani 2015, 4-5). The collapse of Yugoslavia amid the rise of exclusive nationalism in the early 1990s unleashed those competing world views and exclusive ideals of nation- and state-building. Not surprisingly, all international attempts to aid and sponsor an inclusive and pluralist model of state-building in the Balkans have faced the local problem of *ethno-religious understanding of state*, a tendency conflicting with the developments across Europe in the same time-frame, where borders became less important and states multicultural (Hehir 2010, 4). Post-communist national entrepreneurs across the Balkans played a crucial role in sweeping the Yugoslav experience of cohabita-

tion among all ethnic communities with clear-cut ideals of ethnically defined political entities and the creation of homogeneous national states at all costs.

Those same national entrepreneurs were active in devising and sometimes capturing post-conflict institutions along their vision of ethnically-divided pure communities. While the role of the international community grew, the Balkan national entrepreneurs had few means to directly oppose the internationally-promoted ideal of multi-ethnic state or the backing of international aid, assistance and support. Yet, they have often resorted to resist and trump international models of state-building, given rise to a dominant mode of hybrid institution-building that resemble Western templates in words, but operate differently in practice. This is even more so as local structures - co-opted or not into the international structures - gradually expanded their power and took over crucial tasks of state-building (Elbasani 2018, 150, 156).

What is often ignored in the analysis of internationally promoted reforms, is that the internationals often embrace the institutional seeds that have grown into hybrid institutions. Bellamy's critical approach theory (2004, 24) provides helpful indices to explain how the international community may give way to unexpected side effects. To be more concrete, Bellamy tells us that internationals, because of and during their *in-theatre* commitment, create additional causal relations to those they meet on the ground. This said they are not simply supposed to solve 'preexisting' problems. Rather they set the basis for additional ones. And, this coupled with deep-rooted local ideals may lead to 'unexpected' side-effects, which reflect the clashes between the local paradigm of exclusion and the international paradigm of inclusion. Moreover, this normative critical approach is well suited to explain the phenomenon of post-war education-building in Kosovo, because it does not take 'the world as it is'. Rather, it questions the underlying inter-linked factors shaping the post-war order itself. Also, it well guides the understanding of why the international community (e.g. UNMIK) preferred a separate, rather than an inclusive, educational model in the aftermath of the conflict, as well as the consequent technical and palliative measures undertaken by the European Union afterwards.

By providing poor central leadership, issuing contradictory laws, creating overlapping institutional structures and failing to enforce its own vision, the international community created an institutional window for the local interests and ideals of state building to survive and thrive. This is particularly the case in the field of education. Despite mounting assistance, a relatively well-established paradigm on the goals of liberal state-building and actual authority to revise the area of education, the international intervention has given way to what it sought to replace - a segregated, particularistic and increasingly corrupt education sector that conforms more to primordial ethnology-religious bonds and practices than to the ideal of an inclusive and pluralist education for all. The internationals' over-emphasis on equal collective rights, extensive autonomy for the different communities and ethnicity-based decentralized governance (Selenica 2018, 239-259), has fostered an ethnically defined and corrupt system of education at all levels.

THE REVIVAL OF ETHNIC IDENTITIES IN THE FIELD OF EDUCATION

Albanian Kosovars often stage their battle for statehood in terms of upgrading the influence of Albanian identity and language at higher education. As former Minister for Dialogue¹, Edita Tahiri, stressed “Albanians were discriminated in the former Yugoslavia. They were considered as second-ranked citizens, so Serbs wouldn’t like to talk in Albanian”.² The creation of the University of Pristina reflected Serbian ‘superiority’: the first four-year university degree established in 1961 operated as a branch of the University of Belgrade (KIPRED 2007, 10). Given Serbian control over what Albanians were to learn, the latter demanded increase of their own ‘ethnic’ grip over the university policies and teaching. In 1968 demonstrations across Pristina demanded a local University, which ended with the creation, a year later, of a multi-ethnic University providing classes in Serbo-Croat and Albanian. Although evolving in the context

of liberalization of centralized Yugoslavia (KIPRED 2007, 10), the demands for a University were closely bound to the Albanian nationalist movement. “We started the basis for a University as a basis for a nation. We have all been an education-loving nation”³, says Edita Tahiri.

Similarly, Milošević’s battle for Kosovo started in the field of education (Somers and Buckland 2004, 43). Even if educational policy was subject of the 1974 Constitution, which recognized large autonomy of local authorities in terms of policy content and delivery, Milošević *de facto* re-transferred various powers over education to the Belgrade center. In August-September 1990, one year after Milošević dissolved Kosovo’s autonomy, a new Serbian curriculum was imposed over the University of Pristina. The Albanian staff and students were also soon expelled from the University, making it a vehicle of Serbian domination. In response, the emerging Sorbonne educated leader of Kosovo, Ibrahim Rugova, envisioned an all-Albanian parallel system of education along the political vision of an independent republic, as proclaimed in 1990. The parallel education, financed by the Albanian diaspora and conducted in private homes became a centerpiece of Kosovar resistance, but also a vehicle of infusing Albanian ideals on the political community. Certainly, this type of informal system had the effect of reinforcing pure communal bonds among Kosovar Albanian students, teachers and school administrators, along empowering cultural resistance and ethno-religious identification. In this framework, any commonalities between Albanians and Serbs were swept out at least until the end of the conflict, when the parallel system ceased to exist (Malcom cited in Bache and Taylor 2003, 285-288).

UNMIK'S UNFINISHED PEACE: INCLUSIVE EDUCATION IN FUNCTION OF A MULTI-ETHNIC POLITY

When UNMIK stepped in to take full responsibilities for the administration of the territory of Kosovo after the cessation of the conflict in 1999, the rebuilding of the educational system was one of its central tasks. Its aim of establishing a unified education system, able to bring the conflicting parties together, however, proved difficult. As Dukagjin Pupovci, executive director of the Kosovo Education Centre, reports “at that time I was vice-dean in the Faculty of Sciences and I was the coordinator for the reconstruction of the University of Pristina. In that framework we, locals and internationals, were going through buildings to see if there could be a solution for Serbs to come back, and we worked under the same roof”.⁴ Yet, “UNMIK’s intention to establish one single, unified educational system was much easier to say than to do”⁵, says Pupovci.

As soon as UNMIK stepped in, Serbian academic staff and students were relocated in the north part of Mitrovica where they continued to operate under Serbian laws rather than UNMIK’s jurisdiction. They were involved into the international efforts of pluralist state-building only much later in the context of the Brussels Dialogue (2011). As a lecturer at the Mitrovica north-based International Business College Mitrovica (IBCM) reports “before that we didn’t think that any kind of law which is brought before the Kosovo’s parliament is relevant for Serbs. We are paid from Belgrade, Kosovo ignores us and we ignore Kosovo. If Serbia stops paying someone must continue. But, nobody told us from Belgrade that they are no longer our Ministry of Education”.⁶ Conversely, their Albanian counterparts continued to operate under the laws of the Republic of Kosovo decreed in the 90s, which recognized two universities in Pristina: the *Serbian University of Pristina*, temporarily moved to the north of Mitrovica, whose Rector was Jagoš Zelenović⁷ appointed from

Belgrade; and the *Albanian University of Pristina* whose Rector was Zejnel Kelmendi.

The University of Pristina reopened in 1999. The University of Mitrovica North (UMN), which Kosovo Serbs keep referring to as University of Pristina temporarily re-located in Mitrovica (UPKM) was established and immediately recognized by UNMIK the following year. Both structures claimed ownership over the same buildings and properties and continued to operate effectively undisturbed during the UNMIK's administration, laying down the basis for institutional and legal separation. As an employee at the Austrian embassy in Pristina critically asserts "internationals were lying a lot to people. People didn't know what was going on, they believed that the University in the north of Mitrovica would have been re-integrated into the UP. This is what we all knew".⁸ Similarly, Arsim Bajrami, former UP's vice-rector and director of Ministry of Education and Technology (MEST)'s in 2004-2005, acknowledges that the "UP was prepared to receive back Serbian students to study together with their Albanian colleagues. But, Belgrade with the support of the international community obstructed this plan. Also, UPKM is totally and fully on an ethnic base and it is absolutely a political institution".⁹ In fact, UMN/UPKM operates under the direct responsibility of the Ministry of Education in Belgrade and implements Serbia's dictated curriculum, replicating a particularistic reading of a Serbian political community, what its features are and who belongs to it (Baliqi 2010, 48).

UNMIK's certification of political ethnic alternatives to education, moreover, reflected a top down *modus operandi* that failed to bring in and empower alternative local actors and solutions. As Xhavit Rexhaj, vice-rector for international cooperation at the AAB College puts it, "I don't think anybody ever asked us Kosovars what we think, if we should be integrated or not. UP was a kind of imposed reality in Kosovo".¹⁰ The German-Austrian social scientist, Michael Daxner, who was appointed Principal International Officer (PIO)¹¹ maintained key prerogatives of rebuilding Kosovo's education system. Although Daxner shared responsibility with a local rector, he served as *de facto* administrator of UP while his counterpart was more of a figurehead. As international co-head

Daxner appeared little interested in cooperating with the administrative or teaching staff of UP (Kosovo Initiative for Democratic Society 2002, 6, 14). For some, he even “ran the system in a very authoritarian way. He did not consult the local community“ (Xhavit Rexhaj).¹² Still, Daxner didn’t really have much local ‘capital’ to build on too. Rexhaj recognizes that he operated and had to make choices in a highly divisive and hostile context: ‘patriotism was crazy at that time’. Daxner also apparently believed in the potential virtues of a parallel system to safeguard pluralism. “His idea was having a special status for the North, including the education system. He was trying to satisfy the Serbian minority, by allowing them to have double structures. But, he didn’t have a good vision for Kosovo”.¹³ (Bajrami). Altogether, the activities of UNMIK not only exacerbated the deep-rooted problem of ethnic animosities but also created new obstacles to the realization of Kosovo statehood: “[...] instead of working to remove obstacles related to the sovereignty problem and preserve its neutrality as officially authorized, UNMIK tolerated changes on the ground. In fact, sovereignty was exercised by the former ruler, leading to a *de facto* partitioned territory, in the northern part of Kosovo”. (Edita Tahiri 2010, 46).

The toleration of problems on the ground was not entirely a personal choice of UNMIK officials. Much of the problem derives from the contradictions of UNMIK’s status as informed by UN resolution 1244 (UNSC Res. 1999). Specifically, the resolution recognized the sovereignty and territorial integrity of Serbia, while making clear that from that moment onward UNMIK was officially responsible for the provision of education in Kosovo. UNMIK Regulation 1999/1, which confirmed that all laws governing the territory prior to 24 March 1999 will continue to apply, as long as they didn’t conflict with the fulfillment of UNMIK’s mandate didn’t really remove the legal conundrum (UNMIK Regulation No. 1999/1, 25 July 1999), even if the mission made it clear that it would be the only official authority operating in Kosovo (UN Report S/1999/779, 12 July 1999).

The mission’s engagement of Kosovars to co-head the Department of Education and Science (DES) by December 1999 was neither a real partnership nor

one that empowered Pristina in the running of the education system. Moreover, the revisions of Regulation 1999/1, a requirement for Albanians to accept DES's co-leadership exacerbated the complexity of the Kosovo's legislative landscape by recognizing that the law in force on 22 March 1989, prior to the revocation of Kosovo's autonomy, would be the 'second applicable law' (Sommers and Buckland, *op. cit.*, 68-69).

The Constitutional Framework for Provisional Self-Government as promulgated by the Special Representative of the Secretary-General (SRSG) in May 2001 paved the way for the empowerment of local actors in the education sector (UNMIK Regulation No. 2001/9, 15 May 2001). In March 2002 the first Ministry of Education Science and Technology (MEST)'s Minister, Rexhep Osmani, drafted the MEST's work program 2002-2004, as a continuation of the DES. Accordingly, the ministry endorsed a pragmatic approach to providing better education for all Kosovars, regardless of their ethnic, religious, social and gender background¹⁴. Although the role of internationals was reduced to an 'advisory' one (Sommers and Buckland 2004, 70), they still had 'reserved' powers, including the power to veto crucial laws and ensure supervision at least until Kosovo's declaration of independence in 2008. To be more concrete, UNMIK had the final 'say' in terms of legislation in the educational sector as well as in the drafting of the curriculum. By doing so, direct governance by UNMIK enabled the space for an exogenous and what locals increasingly saw as an illegitimate educational project. The unlimited powers of the Special Representative of the Secretary General (SRSG) were evident in the field of education, considering that it was the SRSG that dictated the rules to the former DES. Also, the SRSG's decisions could not be challenged by the local institutions, considering that he was the highest international civilian officer endowed with 'exclusive' decisional and executive power. Moreover, the UNMIK's head was not solely unaccountable towards the local population, but he even enjoyed a certain degree of autonomy within UNMIK itself (Lemay-Hébert 2009, 67).

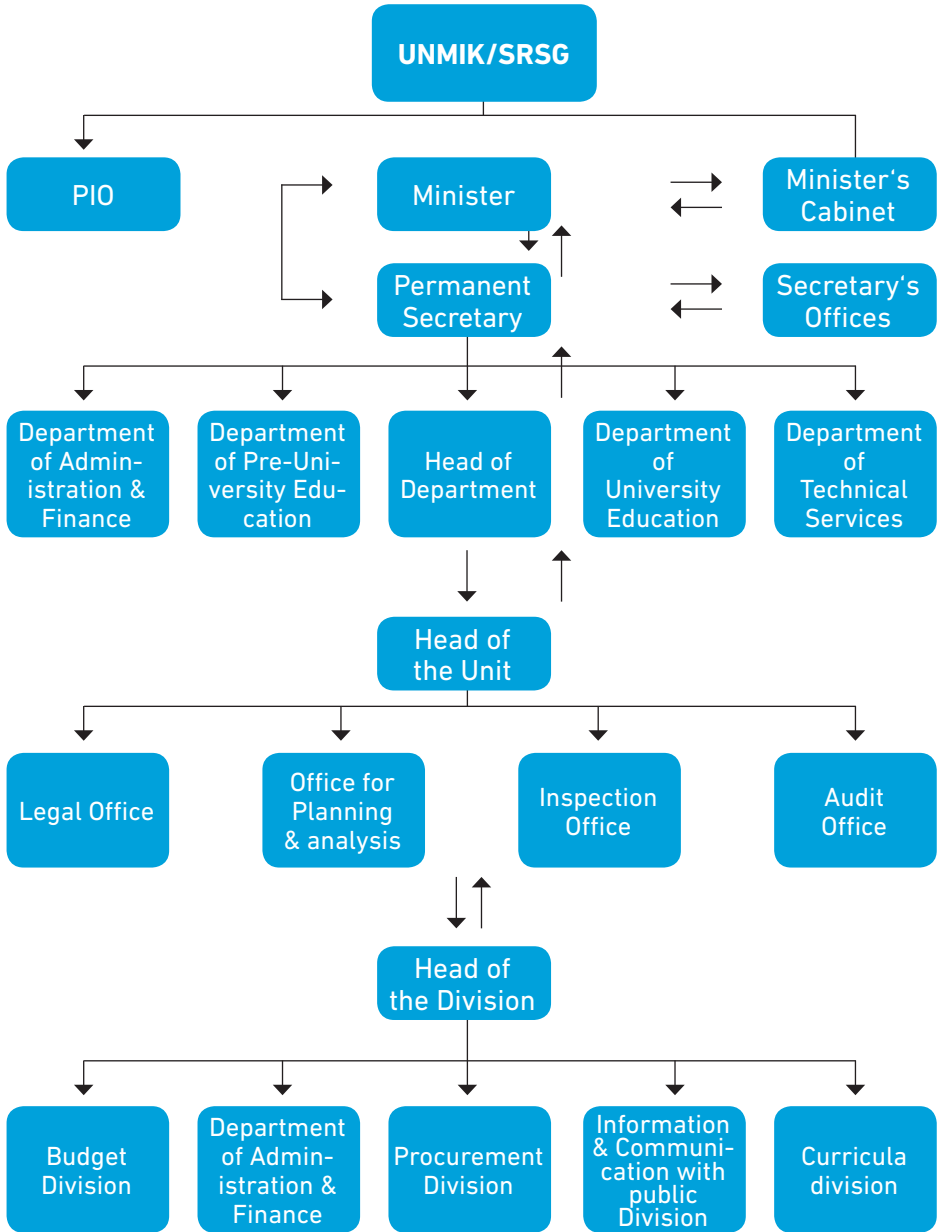


Figure 1 – UNMIK’s post-war education system structure for Kosovo¹⁵

The 2003 Law on Higher Education (UNMIK/REG No. 2003/14) first formalized the right of all communities to higher education without direct or indirect discrimination. The law was also the first to incorporate the requirements of the Bologna Process (Kosovo Initiative for Democratic Society 2002,10). Still, the creation of two separate universities, claiming same properties and operating under different legal frameworks became an issue of fierce contestation between international and local actors. UNMIK and Daxner, the fiercest supporters of the creation of a separate university for Serbs in the northern part of Mitrovica, even interfered with the work of the experts of the Council of Europe (CoE) in their efforts to ensure the creation of a Serb public university, separate from the University of Pristina in the new legal framework. The Kosovo Assembly discussed the law and adopted it only after the articles enshrining the existence of a Serb university in the north were removed. Interestingly, the Albanian version of the draft law did not contain the article legally regulating the existence of this university, while the English and Serbian versions did. The international officials interpreted the mistake as a printing error.

Even if the Kosovo Assembly adopted the law without reference to the articles mentioned above, the then SRSG, Michael Steiner, refused to sign it until it did not contain the legal base for the establishment of a Serbian University in the northern part of Mitrovica. Steiner's decision finally failed to take into account the views of UP officials who were consulted about the law (Kosovo Initiative for Democratic Society 2002, 10-12). As Xhavit Rexhaj recalls, "I remember that Michael Steiner, the then SRSG, went to Belgrade and reached an agreement about special rights of Serbia to interfere with Kosovar affairs, in particular in the north of Kosovo, and that included of course also education. UPKM was an UNMIK deal and Kosovars couldn't do anything about it".¹⁶ Daxner, himself, hardly worked to engage Serbs into possible cooperation if not integration with their Pristina-based counterparts. As a lecturer at the ICBM suggests "I remember Daxner came here. He brought us papers, I actually translated those papers for my Dean. But he never talked about how to integrate with Albanians".¹⁷ Former Minister of Dialogue, Edita Tahiri too believes that UNMIK performed very poorly its mandate of neutrality: "it somehow,

maybe not alone and behind the scene of politics we did not see, allowed Serbia to interfere in Kosovo and create parallel systems in many areas, including in education. Also, UNMIK - since 2003 - did not even accept that Serbian parallel structures are up and functioning. When OSCE came up, in 2003, with an official report about parallel structures, it was the first time when UNMIK admitted the existence of that parallel world".¹⁸ By that time, the ethnically segregated parallel system had become a fact of life mostly thanks to UNMIK's activity.

THE HOLLOWING ROLE OF ETHNIC HOSTILITIES

UNMIK role and decisions, however, are intricately bound with deep seated and prevalent ethno-religious divisions they found on the ground. According to Pupovci, "neither Albanians nor Serbs were interested to find any common language in continuing to have one single university, and I fully understand that. In the 1990s, we were deprived of anything related to normality. I don't think that Daxner should be blamed for our own shortcomings here".¹⁹ A first meeting between the Serbian and the Albanian delegation on 15 July 1999, held within the framework of the Joint Civil Commission on Education (JCCE), failed to suggest solutions, making it clear that there were two contrasting positions and visions about education in post-war Kosovo (Sommers and Buckland 2004, 63-64). Indeed, there is little evidence that internationals could bet on any local counterpart able to take over the implementation of the ideal of an integrated pluralist system of education. As Gazmend Qorrai, Jean Monnet Chair at UP, explains "at that time there was a local rector for UP, but he had been recruited politically, and he didn't have any management skills".²⁰ Anyway, the experience of co-governance between internationals and locals lasted until the first elections in 2001 (KIPRED 2007, 11).

The challenge of the local context, deep-rooted divisions and lack of local partners to carry out their vision of education reforms became more relevant once

the local actors took over decision-making tasks. Undoubtedly, UNMIK had to rebuild the educational system in a complex legal and political context defined by ethnic animosities and institutional segmentation. As Pupovci recognizes, “we may be multi-ethnic in terms of composition of the population, but not multi-ethnic in terms of communication between different ethnic groups, because first of all we haven’t learned the language of each other since the beginning of the 90s. And, I am aware that the gap between the two communities is widening, instead of being bridged”.²¹ Similarly, a rectorate assistant at UMN/UPKM reports that “one has to keep in mind that, in fact, Northern Mitrovica is the only multi-ethnic city of Kosovo, and it is here where we have problems. Also, I believe we have lost time and energy to achieve multi-ethnicity standards and we spent all money on that. If we would have spent more on the economy, we would be much more peaceful here”.²²

Because of the divisions that define the Kosovo society or the international licensing of such divisions, the international community failed in organizing an integrated system of education. As Alastair James Butchart Livingston, a Senior Advisor at the Office of the Prime Minister, put it, “We came here in 1999 to ensure that a multi-ethnic democracy was established, to replace what was here before. The reality is that twenty years after, we are having a predominant mono-ethnic democracy”.²³ Indeed, given the plagues of conflict, many Albanians share a ‘bottom up’ belief that “it is too early for a truly multi-ethnic educational system in Kosovo”.²⁴ Serbs tend to share similar beliefs. As a lecturer at UMN/UPKM suggests, “as you can see there is no Kosovo flag around here and there are no Albanians...I can’t see myself living and working in Pristina, no I am completely focused on Belgrade”.²⁵ A Rectorate Assistant at UMN/UPKM explains the *fiasco* of the multi-ethnic paradigm as a baggage of the 1990s, “after the war, 40,000 Serbs left and/or were expelled from Pristina. Today, you can count them on your fingers there. Also, if you want multi-ethnicity, you need educated persons and how to have them if you don’t have the quality of education and the necessary investments which are very important?” He also notes that “there are Albanians studying at UPKM, but the majority of them is from southern Serbia, not from Kosovo”.²⁶

CORRUPTION AS A SIDE EFFECT OF AN ETHNICALLY SEGREGATED SYSTEM

Internationals' approach and failure to rebuild the higher education system has spilled over the private educational sector, which mostly blossomed between 2002 and 2005. The 2003 Law on Higher Education itself foresaw the establishment of private higher education (Kosovo Initiative for Democratic Society 2002, 29). In 2002 DES, then still under the guidance of UNMIK, licensed 12 private institutions of higher education (KIPRED 2007, 12). Today, Kosovo officially hosts 22 private colleges²⁷, but unofficially the number is much higher.²⁸ The private system, much as the public one, reflects ethnic segregation. But, perhaps the most important 'unintended' consequence of the internationals' integrative and liberal approach to education reforms is the propelling of business-oriented educational institutions (GAP 2008, 13). Such institutions are typically focused on profit rather than quality or diversification of the education (Baliqi 2010, 45-46). The high number of private colleges in such a small country with youth unemployment at 55 percent²⁹ and poor economic prospects is a clear indicator that these institutions are an easy way of making money more than reflecting education needs and increasing its quality. Gerxahliu, senior Officer for evaluation and monitoring of the Kosovo Accreditation Agency (KAA), makes it clear that "all private colleges are teaching and not research-oriented institutions."³⁰ Still, "the KAA faces a huge challenge in monitoring private colleges' compliance with the necessary academic standards. The Agency [he says], is understaffed we are only six people. Therefore, we are carrying out programs' monitoring not on-site, but on paper by looking into contracts and programs. Only external evaluators do site-visits and libraries' checks. But these of course are pre-planned visits".

The private institutions themselves see the KAA as a problem. As an employee at the Pristina-based (private) Iliria College pinpoints "on the one hand the KAA asks for qualified academic staff. On the other hand, there is not the pos-

sibility of accrediting PhD programs in Kosovo, while there is a huge demand for academic staff. But, if you want to do research, you need to have PhDs”.³¹ The problem of many universities with little capacities is exacerbated by the politicization and political hierarchies that dominate the Ministry of Education and the University of Pristina (KIPRED 2007, 54). In the broader framework of political patronage and abuse of power, irregularities such as students paying professors to pass exams, colleges communicating falsified numbers of academic staff to the MEST in order to get programme accreditation, and even selling of diplomas without students attending the program are a daily concern in the university sector, particularly in the private one.³² The poor quality in the education sector is extended to the widespread phenomenon of plagiarism, copyright infringement and breaches of intellectual property as a shortcut to getting academic titles and promotions (Baliqi 2010, 52).

INTEGRATION THROUGH EUROPEANIZATION?

The EU had started to develop a strategy to step in the country and take over the liberal peace building project, while enabling UNMIK to step out at least since 2006. To this end, a European Union Planning Team (EUPT) was sent to Kosovo to plan the deployment of the European Union Rule of Law Mission (EULEX), which was to assist, monitor and mentor Kosovar authorities in the judicial, customs and police sectors (Picciano 2016). But the EU has also been involved in the field of higher education through various activities (e.g. Tempus and Erasmus programmes, a verification commission for the recognition of diplomas, a pilot project like the International Business College Mitrovica [IBCM]). Specifically, Brussels has supported “several Erasmus programmes in both universities. It appointed one Tempus Coordinator for Kosovo and one in the north of Serbia. It also helped to negotiate a diploma agreement between Kosovo and Serbia, which has been implemented for several years and went through the European University Association”³³, says Pupovci.

The other EU's major achievement in terms of education is the agreement on diplomas' recognition negotiated as part of the EU-led facilitated Dialogue launched in 2011. Former Minister for Dialogue, Edita Tahiri, reports as such: "I regularly met Serbs in the north, and I always told them that their qualification won't be disputed, but that their legal diplomas' situation had to change. One cannot dispute education. But we don't accept that they bear the stamp of the Republic of Serbia".³⁴ For this purpose, a procedure for the recognition of diplomas for students of the University of Mitrovica North (UMN) has been established. To this end, the government of Kosovo has adopted a regulation (Regulation No. 21/2015) on the procedures and the criteria for issuance of certificates to the citizens of Kosovo who have received their diplomas from the UMN/UPKM, for the purpose of applying for jobs, obtaining licenses and professional exams in the public institutions. In that framework, Alastair James Butchart Livingston had been mandated, in 2015, as Senior Adviser to the Office of the Kosovo Prime Minister, Office of Community Affairs, by the UK government, with the task of trying to ensure that the government of Kosovo would establish a process to stop the discrimination against Serbian community members who have graduated from that University, for the purpose of either further studying in, or working for Kosovo institutions. Under the diplomas' recognition procedure, all citizens of the Republic of Kosovo who have graduated from UMN/UPKM, since 2001, are eligible to apply to the MEST and submit their necessary documents. From the time it started working until 31 October 2017, the Commission has verified and issued certificates for a large number of citizens of the Republic of Kosovo who have graduated from UMN/UPKM, as the table below shows.

Applications received	1,133
Verified positive applications	633
Verified negative applications	32
Incomplete applications	3
Applications currently under review	465

Table 1 – Status of diplomas' recognition requests at October 2018³⁵

Data from the table above indicate that having studied at the UMN/UPKM does not present the graduate with any kind of obstacle when it comes to having diplomas accepted and validated by the organs of the Republic of Kosovo. “This system works well and is a good achievement for Kosovo” says Dukagjin Pupovci.³⁶ The procedure works as follows. Students who want to work for Kosovo’s institutions need to go to the competent municipality (e.g. Ranillug, Gracanica, North Mitrovica) to submit their application/request. And, there is a number of drop-off points in the municipal departments of education, where the students, who want their diplomas certified, drop off their documentation. For this purpose, the Verification Commission within the MEST (Ministry of Education Science and Technology) has signed a Memorandum of Understanding (MoU) with the municipalities authorized to receive/accept the application (Article 20, Regulation GRK - No. 21/2015). Afterwards, their copy of diplomas goes to the Commission, in the MEST, and the Secretary of the Commission checks that all documents are there. Soon thereafter, the European Centre for Minorities Issues (ECMI)³⁷, which is a kind of mediator between the UMN and the Commission, brings the copy of diplomas back to UMN, which either confirms or rejects the recognition request. “Then the Commission sits, we have a panel for it, and evaluates the case and issues the certification”, says Butchart Livingston.³⁸

However, the diplomas’ recognition procedure is often overlooked by Serbs as falling short of European accreditation standards. A rectorate assistant at UMN/UPKM explains: “we have an Accreditation Agency and our University is accredited by the Serbian Accreditation Agency, which is part of the European Accreditation Agency (EAA). But Kosovo is not part of the EAA, because the KAA has been expelled from the EAA. So, we are at a level above them, but our diplomas need to be checked by them”.³⁹ Moreover, he says, “the Verification Commission is nothing of academic, it is a pure political commission. Also, it didn’t recognize diplomas from 1999 to 2000, because the then Rector was expelled from Pristina and moved to central Serbia. For me this is double discrimination for students”.⁴⁰ Over the problems of recognizing diplomas issued between 1999 and 2000, by the then temporarily re-located University of

Pristina in Kruševac, “the Kosovar government is trying to do something. The issue is that the recognition of diplomas has to take place within the boundaries of Kosovo, and the fact is that those diplomas were issued in Serbia proper. So, we have a window of two years, but we are working on it, the Commission is working on it”, says Livingston.⁴¹

A further EU’s achievement in the educational sector is represented by the pilot project of the International Business College Mitrovica (IBCM). The college, which was originally an NGO funded by Denmark and UK, was taken over by the European Union last year. It issues two diplomas: one Danish and one Serbian, both validated in Kosovo. And, it is an institute accredited in Baden-Württemberg (Germany). At the beginning it worked with separate classes for Serbs and Albanians. But after a couple of years, the institution managed to enroll “2/3 Albanian students, 1/3 Serbs and other minorities sitting in the same classroom and attending programmes in English”.⁴² The College is also attracting internationals. Dukagjin Pupovci, who serves as IBCM’s Board member, explains that the institution is in the process of recruiting “an international director, so that he/she could be acceptable to both parties. In this way, no side feels that is being dominated by the other”.⁴³ But, the Senior Adviser to the Office of Kosovo Prime Minister, Livingston pinpoints that “this project is very limited. Why would you as a student, or Serb student in particular, pay a lot of money to get the degree from there, when three hundred meters away you have the University of Mitrovica, where you can go for free?”.⁴⁴ A Rectorate assistant at UPKM, previously working for the project idea of IBCM, also looks at the “college project as being too idealistic”.⁴⁵

In the meantime the education system, especially that outside of the two contested universities (University of Pristina and UMN/UPKM) synthesizing ethnic battles, has expanded its options. The private AAB college in Fushë Kosovo and the public University of Peja offer courses in Bosnian; the University of Prizren (public) also teaches in both Bosnian and Turkish besides Albanian. These are, thus, signs that some degree of integration is taking place in the educational sector in Kosovo.

CONCLUSIONS

Post-war education-building in ethnically and/or religiously divided societies is a relatively unexplored area. In fact, educational reform in post-war settings has been marginal so far, with external support confined to advice and training, but not radical reform. The latter is never a straightforward choice. Rather it lays at the intersection between the local and the international agency. Furthermore, the results of this interaction manifest in hybrid institutions. In Kosovo, liberal peace-building failed to provide the basis for an inclusive education system. In the end, separation has been pursued as a pragmatic way for guaranteeing a peaceful and functioning post-war educational scenario. The case of the international commitment in post-war Kosovo is exemplary of this choice.

Certainly, the complexity of the local context, and to be more concrete opposite ethno-religious bonds and nationalistic views, refurbished and reflected by corruption-led and business-oriented educational activities, can help explain the hybrid outcome. In fact, internationals (UNMIK and EU) have continuously been confronted with the ethno-religious affiliations informing the reconstruction of the educational system after the end of the conflict in Kosovo. The starting point of their commitment was thus objectively compromised. Even if willing to implement a multi-ethnic educational model, foreign actors soon realized that this approach was bound to fail. Aware of this, they intentionally established the legal framework for helping an already and *de facto* existing segregated education to be institutionalized. Empirically, I went through an analysis of the historical circumstances which provided room for two opposite educational visions to step up. This starting point represented a tangible and concrete obstacle to the international community's paradigm of inclusion and integration.

Alone this, however, does neither explain nor justify its final choice over two separate (Albanian and Serbian) educational systems. If the rationale of its commitment was of bridging the two ‘visions’, by also acknowledging that it wouldn’t have been an easy task from the very start, why did it end up doing completely the opposite? The answer is neither easy nor straightforward considering that various actors, international and local, shared conflicting views over the way educational reform in post-war Kosovo should have looked like. Under those circumstances, separation may have been the most pragmatic choice to follow. However, the findings of this chapter show that it proved to be shortsighted in the end. In fact, education has been further ghettoized in post-war Kosovo and the chances of integration are minimal, if not non-existent to date. There have been attempts at the European Union level to do something in this regard. But its measures (e.g. verification commission, IBCM pilot project, etc.) are merely palliative and the chances for a genuine inclusion are a far-distant reality. Also, the case of post-war education-building in Kosovo has shown that the international community has not yet found the ‘recipe’ for how to reconcile opposite nationalist visions and aspirations. The only way it has explored so far is to divide them and recognize upon them exclusive rights. Shall we assume that multi-ethnicity will stay a loose concept in post-conflict ethnically-divided societies? Certainly, the liberal paradigm of inclusion proved to be a *fasco* so far.

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Gazmend Qorrai, Jean Monnet Chair, University of Pristina, Pristina, 24 September 2018

Xhavit Rexhaj, Vice-rector for International Cooperation, AAB College, Fushë Kosovë, 24 September 2018

Arsim Bajrami, Correspondent Member of the Academy of Arts and Sciences, Member of the Kosovo Parliament and Professor of Constitutional Law and Parliamentary Government at the University of Pristina, Academy of Arts and Science, Pristina, 26 September 2018

Rexhep Osmani, former and first Minister for Education, Pristina, 26 September 2018

Lecturer IBCM, Mitrovica North, 28 September 2018

Employee Austrian embassy, Pristina, 29 September 2018

Avdi Lanka, Head of Kosovo Libraries, Kosovo National Library, Pristina, 2 October 2018

Employee at Iliria College, Pristina, 2 October 2018

Shkelzen Gerxhaliu, senior Officer for evaluation and monitoring of the Kosovo Accreditation Agency (KAA), Pristina, 2 October 2018

Edita Tahiri, former Minister for Dialogue, Pristina , 3 October 2018

Dukagjin Pupovci, executive director at the Kosovo Education Centre (KEC), Pristina, 4 October 2018

Rectorate Assistant, UMN/UPKM, Mitrovica north, 5 October 2018

Teaching assistant, Technical Faculty, UMN/UPKM, Mitrovica north, 5 October 2018

Alastair James Butchart Livingston, Senior Adviser to the Office of the Kosovo Prime Minister, Office of Community Affairs, Pristina, 6 October 2018

ENDNOTES

- 1 The European Union launched a so-called Facilitated Dialogue in 2011. This is aimed at a normalization of relations between Kosovo and Serbia. To be more concrete, it envisages the integration of the northern Serbian municipalities (e.g. police, customs, healthcare and education) into the Kosovo's institutions. For the time being, education, together with healthcare, is still under Belgrade's control.
- 2 Interview with Edita Tahiri, former Minister for Dialogue, Pristina, 3 October 2018.
- 3 Ibid.
- 4 Interview with Dukagjin Pupovici, executive director at the Kosovo Education Centre (KEC), KEC, Pristina, 4 October 2018.
- 5 Ibid.
- 6 Interview with lecturer, Metallurgy Faculty, International Business College Mitrovica (IBCM), Mitrovica north, 28 September 2018.
- 7 He was former Dean of the Faculty of Economics and federal minister for science in the government of Milošević.
- 8 Interview with employee at the Austrian embassy, Pristina, 29 September 2018.
- 9 Interview with Arsim Bajrami, Correspondent Member of the Academy of Arts and Sciences, Member of the Kosovo Parliament and Professor of Constitutional Law and Parliamentary Government at the University of Pristina, Academy of Arts and Science, Pristina, 26 September 2018.
- 10 Interview with Prof. Xhavit Rexhaj, Vice-rector for International Cooperation, AAB College, Fushë Kosovë, Pristina, 24 September 2018. He previously worked as head of education (all education) until 2002. And, from 2004 to 2006, he served as head of higher education only.
- 11 In fact, as he moved to Kosovo for the first time in summer 1999, he was the representative of the German Rectors' Conference.
- 12 Interview with Prof. Xhavit Rexhaj, *op. cit.*
- 13 Interview with Arsim Bajrami, *op. cit.*
- 14 The author personally received the document by Rexhep Osmani on the occasion of her interview with him on the 26 September 2018, p.5-7.
- 15 The figure is adapted from Ministry of Education, Science and Technology Work Overview 2002-2004, Pristina, November 2004. The author received this unpublished document by the former Minister of Education, Rexhep Osmani, she had the pleasure to interview.
- 16 Interview with Prof. Xhavit Rexhaj, *op. cit.*
- 17 Interview with lecturer, Metallurgy Faculty, *op.cit.*

- 18 Interview with Edita Tahiri, op.cit.
- 19 Interview with Dukagjin Pupovici, op.cit.
- 20 Interview with Gazmend Qorrai, Jean Monnet Chair, University of Pristina, Pristina, 24 September 2018.
- 21 Interview with Dukagjin Pupovici, op.cit.
- 22 Interview with assistant at the Rectorate of the UPKM, Mitrovica north, 5 October 2018.
- 23 Interview with Alastair James Butchart Livingston, Senior Adviser to the Office of the Kosovo Prime Minister, Office of Community Affairs, Pristina, 6 October 2018.
- 24 Interview with Avdi Lanka, Head of Kosovo Libraries, Kosovo National Library, Pristina, 2 October 2018.
- 25 Interview with Teaching Assistant, Technical Faculty, UMN/UPKM, Mitrovica north, 5 October 2018.
- 26 Interview with assistant at the Rectorate of the UMN/UPKM, op.cit.
- 27 See list of accredited programmes in private institutions of higher education in Kosovo, Kosovo Accreditation Agency. Retrieved from http://akreditimi-ks.org/docs/Downloads/Accreditation/Accreditation_Private%28082018%29.pdf
- 28 Interview with employee at the Austrian Embassy, op. cit.
- 29 Trading Economics. Kosovo Youth Unemployment Rate, Retrieved from <https://trading-economics.com/kosovo/youth-unemployment>.
- 30 Interview with Shkelzen Gerxhaliu, Pristina, 2 October 2018.
- 31 Interview with employee at the Iliria College, Pristina, 2 October 2018.
- 32 Interview with a Kosovar (BA) student, Juridica College, Pristina, 3 March 2018.
- 33 Interview with Dukagjin Pupovici, op. cit.
- 34 Interview with Edita Tahiri, op.cit.
- 35 The table is by the author and data have been given to her by Dukagjin Pupovici, Executive Director Kosovo Education Centre (KEC).
- 36 Interview with Dukagjin Pupovici, op.cit.
- 37 ECMI is a non-governmental organization engaged in the protection and promotion of the rights and interests of all minority communities in Kosovo. Its overarching goal is to contribute to developing an inclusive, democratic and stable multi-ethnic society in Kosovo.
- 38 Interview with Alastair James Butchart Livingston, op.cit.
- 39 Interview with assistant at the Rectorate of the UPKM, op.cit.
- 40 Ibid.
- 41 Interview with Alastair James Butchart Livingston, op.cit.
- 42 Interview with lecturer, Metallurgy Faculty, op.cit.
- 43 Interview with Dukagjin Pupovici, op.cit.
- 44 Interview with Alastair James Butchart Livingston, op.cit.
- 45 Interview with assistant at the Rectorate of the UMN/UPKM, op.cit.

KOSOVAR STUDENTS IN GREECE: CHALLENGING AND CHANGING STEREOTYPES

MARY DROSOPULOS

MARY DROSOPULOS

Mary Drosopulos is a multilingual researcher and trainer in the field of youth studies, intercultural dialogue, human rights education, conflict transformation, the prevention of radicalization and the social integration of refugees and migrants. She has been a member of the Trainers' pool of the Council of Europe since 2012 and an external partner (facilitator, consultant and rapporteur) for international organizations, such as the Youth Partnership between the European Commission and the Council of Europe, SALTO South Eastern Europe as well as local authorities and regional NGOs. She has multifaceted experience in various projects in Europe, Asia and Africa run by the Council of Europe, the United Nations and other bodies. Mary Drosopulos holds a PhD Intercultural and Translation studies and an MA in Conference Interpreting.

K Kosovar students in Greece provide an interesting societal link between the two countries and a potentially vibrant source of information about issues relating to culture, identity and attitudes. Investigating their lived experience within contemporary Greek society promises to provide insight into the discursive field of mutual perceptions with a view on starting a conversation about whether and how existing stereotypes could be challenged and transformed. Along this line, the aim of this chapter is to explore what the chances and avenues of overcoming prejudicial perceptions on each side, and to investigate the potential of young Kosovars to serve as arbitrators of positive change for their country inside and outside of Kosovo. The first part of the chapter focuses on examining the identity negotiations of the Kosovar young people studying in Greece in their interaction with Greek people, as represented in their own words and also based on observation during social interactions. By understanding reciprocal stereotypes, respective ideologies as well as potential cultural constraints and values, the analysis sheds light on the ways in which an image of Self and identity is constructed by the actors involved and projected by them onto the 'other'. The second part of the chapter investigates the impact of Kosovar alumni from Greek universities in their home country. The paper focuses on the image of Greece taken back home and discusses whether and how the learning experience of living in a different society, one that is already part of the EU and regarded as comparatively more 'open', can challenge rigid ideologies and facilitate Kosovo's EU path.

INTRODUCTION

The relationship between Kosovo and Greece has been characterized as ‘a core paradox’ (Armakolas 2014, 5); despite their geographic proximity, shared cultural values and common visions towards their European and EuroAtlantic orientation, these two countries remain a stranger to each other, maintaining minimal relations at all levels (Kursani et al. 2014, 43-44; Armakolas 2014, 5). The two nations, which have never been in direct conflict with each other and whose mutual misconceptions stem mainly from their different interpretations of the Yugoslav tragedy during the ‘90s (Armakolas and Karabairis 2012, 111-112), feed and preserve obsolete stereotypes about each other, which have discouraged the creation of solid bridges and sustainable synergies between people (Maliqi 2014, 50; Konstantinidis and Armakolas 2014, 33).

Little academic research has been conducted on the bilateral relations of Greece and Kosovo. From the few sources available in the international bibliography, findings suggest that a closer and more meaningful relationship would result in positive long-term effects for both partners in the field of economy and would foster stability and cooperation in the region (Armakolas 2014, 5; Stamelos 2016, 89-90; Kalay 2017, 1035; Ukshini 2017). The sources are even more limited (if not non-existent) when it comes to exploring the dynamics of this relationship in the realm of youth, academia and youth policy. Despite the weak relations of the two countries, young Kosovars study in international educational institutions based in Greek cities; this has been made possible thanks to scholarships granted by private colleges operating in Greece, in cooperation with state or private universities based in Kosovo.¹ In recent years, the number of Kosovar students studying in Greece, particularly in Thessaloniki, has been growing.² The presence of Kosovar alumni from higher educational institutions in Greece are currently holding key positions in Kosovar society and, more specifically, in the sectors of politics, education and banking.

Kosovar students in Greece provide an interesting diplomatic link between the two countries and a potentially vibrant source of information about bilateral issues relating to culture, identity and attitudes. Investigating their lived experience within contemporary Greek society promises to provide insight into the discursive field of mutual perceptions with a view on starting a conversation about whether and how existing stereotypes could be challenged and transformed. Along this line of thought, the aim of this paper is (1) to explore what the chances and avenues of overcoming prejudicial perceptions on each side are; and (2) to investigate the potential of young Kosovars to serve as arbitrators of positive change for their country inside and outside of Kosovo.

The first part of the paper is devoted to examining the identity negotiations of the Kosovar young people studying in Greece in their interaction with Greek people, as represented in their own words and also as based on observation during research interactions. By understanding reciprocal stereotypes, respective ideology as well as potential cultural constraints and values the paper aspires to shed light on the ways in which an image of Self and identity is constructed by the involved actors and projected by these, arguably representative for their wider societies, onto the other. The second part of the paper investigates the impact of Kosovar alumni from Greek universities in their home country. The paper focuses on the image of Greece taken back home and discusses whether and how the learning experience of living in a different society, one that is already part of the EU and regarded as comparatively more 'open' can challenge rigid ideologies and facilitate Kosovo's EU path.

THEORETICAL FRAMEWORK: NEGOTIATING IDENTITIES

Presenting different aspects of oneself to fit different occasions is a universal social practice that members of a community acquire and develop in their in-

teraction with others (Goffman 1955/1972). Adjusting to the 'norms' of each social occasion means putting on different 'fronts' that, project selected (and often idealized) aspects of oneself (Thompson 2015, 93). In social interactionist framework, human social interaction can be understood through comparison with a theatrical play performed in front of an audience (Goffman 1955/1972, 19). People put on different 'faces' in order to adjust to the social setting, just like actors on a stage (Goffman 1955/1972, 5). Erving Goffman defines 'face' as an image of the Self which depends, on the one hand, on the norms and values of a society and on the other, on the situation in which a social interaction is taking place. Through 'face work', people adjust their image situationally; just like acting on a big social stage, they manipulate the space, their appearance, their words and their 'co-actors' in order to make a performance in response to the expectations of the audience (Goffman 1955, 5-14).

Albanian migrants at large have previously been documented to adjust their facework to the host conditions at social micro-level (Schwandner-Siever 2008, 48). The status or the 'reputation' that their country of origin has within the host country defines the scope for individual choices on how to present oneself and one's ethnic background. As true not just for Albanian migrants and their experiences and practices in different host countries (Mai 2003; Kretsi 2002a; Schwandner-Siever 2008; Kokkali 2015), when faced with negative ethnic stereotypes in a new environment, hiding, negotiating or shifting one's identity can be some of the strategies employed in order to avoid social exclusion and discrimination, or to obtain certain privileges or a more favorable treatment.

The strategic negotiation of one's identity is a phenomenon which is also evident among the community of Kosovar students in Greece. It should be emphasized that Kosovar students in Greece constitute a special category. First of all, they cannot be labeled as 'migrants' in the conventional sense; Kosovars' migration to Greece has a transitory character (Vullnetari 2008). Consequently, the way they project or negotiate their identity cannot be analyzed under the same conditions that apply to Balkan populations migrating to the more

prosperous West for the long term. Students from Kosovo come to Greece for a specific period of time with the plan of either returning home after the completion of their studies or continuing their career somewhere else abroad. Unlike migrants who enter Greece in quest of employment as unskilled working force with an average or low educational profile, Kosovar students are usually well-educated, with a strong command of English and also knowledge of other foreign languages. Sometimes they come from affluent and socially elite Kosovar families which have the economic capacity to send their children to study abroad. Some of them even left jobs at home, in order to gain what they hope will be a better education. Furthermore, given the geographic proximity of Greece with Kosovo, many Kosovar students tend to travel back home on weekends and on holidays, meaning that their time spent in Greece might be focused nearly exclusively on studying.

Secondly, Kosovar students in Greece do not form a homogeneous group with regards to language, culture, religion, individual identifications or attitudes. Even if we attempted to categorize them into Albanian-speaking and Serbian-speaking groups in a questionable attempt to differentiate them according to ethnic origins, we would soon come to realize that there are cross-cutting as well as intersecting similarities and differences throughout. Thirdly, and independent of my personal inhibition to impose ethnic labels, what is very interesting and original in the way young Kosovars strategically negotiate their identity is that, in order to be socially accepted, they tend to project their wider ethnic identity first, presenting themselves as 'Albanian' or 'Serbian' before anything else. After some months of living in Greece, however, most seem to realize that introducing themselves as 'Kosovars' can be more useful and respectable in Greek society, given existing stereotypes, positive or negative, with which Greeks associate these ethnic identities. As a result, students from Kosovo eventually adapt their presentation of self accordingly.³ However, Greeks still tend to entertain a very incomplete, distorted and obsolete image of Kosovo and Kosovars (Konstantinidis and Armakolas 2014, 13-15). Hence, Kosovar students still also always face the challenge to explain what today's Kosovo *is* to the local population. Consequently, young Kosovars

employ a plethora of narratives to present themselves. Nevertheless, they do not just present themselves to the Greeks as the host population, but also to the ‘world’, given that both Athens and Thessaloniki are multicultural cities.

RESEARCH METHODOLOGY

From a research methodology point of view, Goffman’s social interactionist approach suggests methodological tools involving personal interaction with participants, such as ethnographic (participant) observation and in-depth conversations.⁴ This article presents findings from the analysis of sixty-two theme-guided, semi-structured and open in-depth interviews conducted over a period of seven months, from June to December 2018. In detail, I interviewed: i) eight students from Kosovo currently studying in Thessaloniki and Athens, aged 18-24; ii) fourteen alumni, currently living in Kosovo and/or abroad, aged 25-38; iii) fifteen youth-leaders/representatives of civil society organizations who have been participants or organizers of projects involving Greece, aged 18-26; iv) fifteen experts from the wider fields of politics, academia, law, journalism, literature and arts, representing different age groups; and v) ten young Greeks who visited Kosovo and/or conducted shared projects between November 2017 and December 2018, aged 18-28. Furthermore, ever since I joined the regional civil society as a youth leader⁵ and started representing a Kosovo-based NGO in fora, meetings and seminars, I had the opportunity to deepen my research by organizing five focus groups, overall involving approximately 40 young people, among them Kosovar youth, experts, as well as, family and friends of Kosovar students studying in Greece.

I conducted interviews in Prishtina, Vushtrria/Vučitrn and Thessaloniki between June and December 2018. Alumni living in other cities or abroad were interviewed via Skype between August and October 2018. I conducted my interviews in relatively relaxed environments. This enabled both me and my interviewees to engage in quite personal and detailed conversations. It also

provided the space for us to ask each other questions and clarify ambiguous points. The fact that the interviews sometimes took place at homes meant also sometimes unanticipated, yet interesting, turns in the discussion, such as family members getting involved in the conversation, providing new perspectives. Of course, I am fully aware of the fact that research has its limitations and that people sometimes tend to provide ‘politically correct’ or ‘socially acceptable’ answers, especially when asked about issues connected with social values or taboos (a phenomenon described by Timur Kuran [1995] as ‘preference falsification’). I should mention that, in most cases, my contact with the interviewees has not been limited only to the amount of time required for an interview. Portelli (2006, 157-158) stresses the importance of the interviewer and interviewee spending some time to get to know each other before the first recorded interview, so that at least they can understand each other’s ‘talk style’. I feel that investing time and energy on building a stronger interpersonal relationship,⁶ based on trust and honesty, allowed me to conduct more profound, yet ethically informed interviews. My research adhered to the Code of Ethics⁷ of the Aristotle University of Thessaloniki.⁸

As I chose random and snowball sampling, the profile of the people interviewed emerged as broadly gender balanced as well as fairly balanced in terms of geographic and ethnic distribution. Interviews were conducted in English, Albanian, Serbian and Turkish. For the analysis of my empirical data, I combined a Foucauldian discourse analytical approach and the grounded theory approach. According to Michel Foucault (2003; 1968 [2002]), there is a strong relationship between power and discourse, where the one feeds and preserves the other: power defines discourse and at the same time, discourse reinforces and consolidates power. Foucault’s (1991) approach is based on the idea that the way people perceive the reality around them -and therefore, they way they think, act and talk- is based on social norms and standards that they accept as ‘true’. These ‘truths’, which indirectly dictate one’s language and behavior, are actually ‘imposed’ by the dominant system of power or by societal elites. The fact that the ideas which we consider as true are molded and constructed through a system of power means that they can also be contested and challenged.

Grounded theory is a powerful tool for the investigation and documentation of phenomena and trajectories portending a potential change in societies (Morse 2006, 1-2). I followed an abbreviated version of the grounded theory procedure (Bryant and Charmaz 2007; Charmaz 2006; Willig 2008).⁹ Methodologically speaking, I initially identified and grouped data by thematic categories, based on *descriptive labels* or *concepts* (Strauss and Corbin 1990: 61). My initial categories, which at a later stage were divided into subcategories, emerged *from* the data and referred to a characteristic attribute that defined certain groups and differentiated them from others (Dey 1999, 63). My category labels have been at a large extent ‘in vivo’ (Strauss and Corbin 1998, 70), as they answer to phrases or words used by the interviewees themselves.¹⁰

Interpreting the data from a social constructivist point of view, I aimed to investigate how certain ideas about oneself and the ‘other’ are constructed vis-à-vis the expectations of the respective audience and to what effect they may operate as discourse which is shared beyond individual agency (including choice and strategy). In particular, I focused on the narratives employed by young Kosovars to introduce (or *re-introduce*) their country to Greeks and how a pattern might be discerned which reveals this discourse as a reaction to feedback given by the local society and from lessons learnt and typically shared by my respondents during their lived experience in Greece. Lastly, by examining the discourse employed by both Kosovar and Greek young people upon return to their home country, when presenting each other’s country to people at home after having had a first-hand experience of the other’s culture and society, I am asking whether and how narratives of a new generation can challenge and eventually change the hegemonic, stereotypical discourses about each other which have prevailed in both societies for years.

KOSOVO AND GREECE: SO CLOSE AND YET SO FAR

Compared with those other EU member-states which have also yet to formally recognize Kosovo,¹¹ Greece has been relatively open to bilateral relations with the new state that declared itself independent in 2008. It established a Liaison Office in Pristina¹² which facilitated the movement of citizens, goods and services in lieu of a consulate or embassy (Kursani et. al. 2014, 43-44). A good will to facilitate movement, however, is often counterbalanced by long, timely and costly bureaucratic processes, which at times discourage individuals from traveling to Greece or inaugurate any kind of partnerships.

Greece has supported Kosovo's access to some international organizations and the creation of links with the European Union, yet without committing itself to a formal recognition of state independence. The Greek foreign policy stance might be explained as characterized, internally, by a relative balance between recognizers and non-recognizers (Kursani et. al. 2014, 43). However, the fact of non-recognition and of occasional ambiguity¹³ in cultural or sociopolitical issues affecting Kosovo has not helped the improvement of bilateral relations. The two countries, which in the past had been driven apart by their different interpretations of major historic events, such as the Yugoslav tragedy, still refrain from approaching each other on international level.

At micro-social level, it is extremely hard to find updated, reliable research on how the Greek and Kosovar people view each other. Qualitative data available,¹⁴ talking about a cold and stagnant relationship between the two suggest a perpetuated 'frozen image' and obsolete, distorted ideas projected by one nation onto the other, thereby preserving and replicating misinformation and misconceptions. Can young people's experience, in practice, contribute to a revision of this 'frozen image' between two peoples, add novel elements and start a new discussion?

KOSOVAR IDENTITY AFTER THE INDEPENDENCE

The Declaration of Independence in 2008 marked a new era for Kosovo; the newborn state found itself at the heart of international attention, overwhelmed by divergent opinions over the formation of its new identity. The state building period was characterized by a plethora of international and national voices suggesting different ways to rebrand Kosovo (Demjaha 2016). On the one hand, there was the ambition of creating a secular state, under the umbrella of which different ethnic and religious communities could co-exist peacefully as foreseen by the new constitution; on the other hand, more conservative voices from both inside and outside Kosovo promoted, for example, the factor of religion, and in particular, a new form of political Islam or ethnic identities built either on religious affiliation or solely on ethnic identity, the latter in the realm of a reinvigorated, ethno-nationalist Albanianism (Krasniqi 2011, 191-207). The question of how young Kosovars conceive and present themselves and their country inside and outside Kosovo is situated within this wider field of ongoing Kosovar identity negotiations still today, just a little over one decade after Kosovo's independence declaration,

PRISHTINA, THESSALONIKI AND THE WORLD OF ACADEMIA

During the former Yugoslavia period, there existed vibrant trade and travelling relations between Thessaloniki and Prishtina. Thessaloniki used to be a commercial hub and tourist destination for many Kosovars, who would do business, buy goods and spend their holidays by the seaside (Patterson 2011, 4-5). Aca-

demic activity was also intense between the two countries, as some of the older alumni interviewed recall: there was a significant number of then-Yugoslav students in public Greek universities as well as many Greeks who would study at the university of Prishtina, making use of the slots available for foreign students.

The end of the war in Kosovo in 1999 found the two nations physically detached from each other. In the following years, collective Kosovar memory re-evoked a myth of Greece as the ‘enemy’ in cahoots with the equally Christian-Orthodox Serbs, while the Greek public opinion remained attached to an obsolete image of Kosovo as ‘ex-Yugoslavia’ and a place of ongoing war and conflict. News coming from both sides via the media have since been usually negative and fragmented, projecting a distorted view of one’s reality on the other based partly on nationalistic discourses (Maliqi 2014, 49).

As soon as Kosovo declared its independence in 2008, the Kosovar government signed an agreement with educational institutions based in Greece and started providing scholarships for young Kosovars to study in the neighboring country.¹⁵ Today, there are dozens of young Kosovars studying in Greece, the majority of them being in Thessaloniki,¹⁶ due to its geographic proximity to Kosovo. The distance between Thessaloniki and Prishtina is 330km approximately, meaning a 4-hour drive by car, or a 5-hour journey by coach via Skopje.¹⁷ The provision of scholarships has enabled people coming also from lower income families to study in Greece. Therefore, approximately 60 percent of my respondents came from such families. This has widened the profile of students, which, as many respondents said, used to be representative of a more affluent social elite, coming almost exclusively from the capital, Prishtina. Older alumni recall that in the years of Yugoslavia, studying in Thessaloniki was a privilege that mainly somebody coming from the capital - namely a ‘qytetar’ or ‘Prishtinali’ - could enjoy.¹⁸ As younger respondents also shared, during the first years that the scholarship program ran, it obtained the reputation of a project favoring only the ones who ‘knew somebody in the government’. From my interviews with both Greek and Kosovar partners directly involved in the participant selection process, I understood, however, that the organizers

made systematic efforts to be as transparent and inclusive as possible, in order to lift any suspicion of nepotism or favoritism in the system.

The widening of the profile of Kosovar students able to come to Greece is significant for one more reason: the interviews suggest that, studying in Greece is not a topic of contestation within their families for students who come from relatively wealthy and more cosmopolitan or liberal families. It is usually the students living in rural areas who need to convince their social environment about their decision and also disperse the skepticism and fears expressed by relatives and friends. Consequently, it is particularly people from these more marginalized regions who are likely to have a greater impact on reversing negative stereotypes than their colleagues in the capital city: their positive experience serves as a counter-narrative to scaremongering, in settings where the eradication of prejudice can be made possible only through the personal rhetoric of a member of the community.

HOW DO KOSOVAR STUDENTS PRESENT THEIR COUNTRY IN GREECE?

During their first weeks in Greece, Kosovar students generally realize that Greeks have a very limited or distorted view of Kosovo. Most of them are surprised to see that a large part of the Greek population is quite ignorant about Kosovo and confused about the dominant language, religion and population. A very simple question, such as ‘where are you from?’, which in other countries could be answered in one word, in Greece provokes more questions and usually leads to a wider conversation. These questions, however, are not triggered by suspicion or malevolence, as students say; quite the opposite: the overwhelming majority of my respondents reported that Greeks are usually thrilled to meet someone from a country they know so little about albeit so near, and which had been stigmatized in history by a tragedy:

Most Greeks are quite sympathetic and want to know whether things have been improved after the war. They ask us if we are safe now.

Blerta, 22, Albanian speaking student of rural background

Greeks know nothing about Kosovo. And when they know something, then this is negative. They associate Kosovo either with war or with crime. I guess this is the information they get from the media.

Arta, 19-year old self-defined Bosniak student of rural background

When asked about how they introduce themselves to Greeks, interestingly enough, answers among Kosovars from the same ethnic group are clearly differentiated according to gender. A significant number of Albanian speaking female interviewees - although not representative for Albanian students at large - mentioned that they present themselves as ‘Kosovars’ and then, usually move on to clarifying that they are ‘Kosovar Albanians’. This clarification, they said, is essential due to the fact that many Greeks still identify Kosovo with either Serbia or Yugoslavia. Putting Albanianess forward is a way of presenting modern Kosovo by introducing to the world the now dominant language and ethnicity:

In the beginning, when people asked me where I am from, I used to say: ‘I’m from Kosovo’. Greeks, however, know nothing about us; some of them remember having crossed Kosovo by car during the times of Yugoslavia on their way to Europe and that’s the only image they have. They know nothing about our ethnicity or the language that we speak. So, I started introducing myself as ‘Albanian’.

Besa, 25, alumna

In contrast, the majority of Albanian speaking male interviewees introduce themselves from the beginning as ‘Albanians’ and can then specify that they are ‘Albanians from Kosovo’.

Why do I introduce myself firstly as an Albanian and then as a Kosovar? I’ll tell you why. My father was imprisoned for being a political activist; he wanted to

be able to speak Albanian. He wanted his children to study in Albanian. I pay a tribute to him by introducing myself firstly as an Albanian.

Albert, 24, alumnus, now living outside Kosovo

Still, clarifying the country of origin can make a big difference for the local society, as an interviewee, representative for many respondents explained:

Greek society associates Albanians with migrant workers or with criminals. I very soon understood that I have better status as an Albanian from Kosovo than as an Albanian from Albania.

Artan, 24

The same opinion is shared by another interviewee:

I followed the advice of a Greek friend of mine who told me: “when you present yourself, please say that you are from Kosovo, because Albanians from Kosovo and Albanians from Albania are different.

Besim, 21

In contrast to the experience of Albanians from Albania, however, the stereotypes about Kosovar students in Greece rarely related to the trope of crime. Yet, claiming a better status within the host society than assigned at first, is one of the factors that seems to have driven also some Kosovar students to resort to identity mimicry as described for those earlier migrants (Schwandner-Sievers 2008). I found evidence that some Kosovars present themselves through other ethnic minority identities in reaction to local Greek perceptions. Dalia, for example, who revealed herself as a Muslim Bosniak student to me, shared that, by presenting herself as Serbian (and obviously, Christian), this made Greeks trusting her more easily and helped her find a flat to rent much sooner than her peers. On the other hand, when she wanted to participate in an educational program in the United States, she applied as a Kosovar. For Dalia, shifting identities pragmatically means projecting each time different aspects of herself towards the respective audience, in order to make best use of the opportunity on offer towards a better life.

My interview with Dalia started in English:

Mary: *How do you present yourself in Greece? When people ask you ‘where are you from’, what do you say?*

Dalia: *When I first came to Greece, I used to say that I am from Kosovo. One of the biggest challenges I had back then was finding an apartment. Then, a Greek friend of mine, who wanted to help me, told me that I would stand a better chance of finding a place to stay if I told landlords that I am Serbian. If I say that I am Kosovar, then people will think that I am Albanian. Greeks don’t like Albanians. My friend said that it is easier for Greeks to trust a Serbian. So, I did. I followed this advice and I found an apartment much faster than the rest of my peers.*

At hearing this statement, I switched my discourse into Serbian:

Mary (in Serbian): *So, you prefer to present yourself as Serbian.*

Dalia (in Serbian): *In Greece, yes. I mean, I have a Serbian passport, after all. When I got accepted to a training course in the United States, however, I represented Kosovo.*

While I was talking to Dalia, her mother, a lady in her middle 50s, was going in and out the room, carrying a large *tepsi*, a frying pan.

Dalia: *Please excuse my mum, she is preparing for Bayram, so she is cooking all these desserts.*

Mary: *Wait, you got me confused. You said that you are Serbian and I erroneously jumped into the stereotypical conclusion that you are an Orthodox, too.*

Dalia’s mom, who could not understand us when we were speaking in English, as soon as we switched to a familiar linguistic code, she spontaneously popped into the conversation and answered my inquiry by giving another twist to the story:

Mother (in Serbian): *We are not Serbian; we are Bosniak!*

For the next few minutes, Dalia's mother dominated the conversation. She explained the difference between Bosniaks¹⁹ and Bosnians and talks about the challenges that young people in her community face. Having interviewed quite a few people from the region, representing different ethnic communities, I should say that they all mentioned the same adversities, regardless of language or religion. They all spoke of 'a lack of opportunities', of poverty, corruption and unemployment. Dalia's mom said that although Dalia got a half scholarship, meaning that the rest of the expenses would have to be covered by the family, she was keen to support her daughter for studying in Greece, so that she could obtain a better education. *Ovde nema perspektive!* ('There is no perspective here!'), she sighed.

Dalia: *I don't want to live here, in the Balkans. I travel a lot. I don't feel Balkan. I feel a citizen of the world.*

In general, many interviewees noticed that it is quite challenging to present your country to an audience which has a very vague and fragmented image of who you are and where you come from. Just like actors performing on a social stage, Kosovar students have come up with original monologues to introduce themselves. Blerta, a 24-year-old alumna recalled: "I tell people that I come from the youngest country in Europe. They find this quite exciting". Ardian, a 25-year old student, uses a similar narrative to present his homeland and explains why he chooses to do so:

*I say that I come from the newest country in the world. Think about how positive and promising this sounds: the **newest** country in the **world!** When I tell people that I am from Kosovo, their first reaction is sadness. Kosovo is associated with war and trauma. But I don't want to be associated anymore with sad things. So, I use something positive to present my country.*

Those last two items are indicative of a formulaic discourse which was introduced during *The Young Europeans* branding campaign, an endeavor launched by the Government of Kosovo after the Declaration of Independence in 2008, aiming to putting Kosovo on the map by projecting a positive image of Europe-an orientation and youth potential (Meçaj 2018, 28).

KOSOVAR STEREOTYPES ABOUT GREECE

When transcribing my interviews, one word regularly caught my attention as it was present in almost all interviews. This was the word ‘home’ and it was often included in responses to the question ‘How did you feel when living in Greece?’. Spending time with Kosovar students and their families, I heard their personal stories and observed their social realities. I realized that for many of them, their decision to study in Greece brought them in disagreement with people from their direct social environment.

It is usually the elderly in a community who speak against Greeks. When I said that I got a scholarship to study in Greece, my grandfather told me: ‘They don’t like us over there, Greeks are like Serbians. Greece is our enemy’. I said: ‘I don’t think about Greece, all I think about is the College’. When I came to Thessaloniki, however, it was a different story. Everyone was helpful. I felt at home.

Naim, alumnus

This statement also reflects the fact that at least a part of Kosovar youth has been raised with a negative rhetoric about Greece, which is often depicted as ‘the enemy’ or as a ‘Mediterranean Serbia’, as some said. As evidence shows, however, the myth of a country which is ‘unfriendly’ and ‘unsafe’ for Kosovars is challenged once Kosovars start living in Greece and interacting with the local population. Kosovars discover that Greeks have a very similar culture when it comes to hospitality, gastronomy and attitude towards life. There is also sometimes some critical and sad self-reflection, which might partly be ex-

plained with the difficult situation in Kosovo as well as with a specific kindness extended to me, as a Greek interviewer.²⁰

Kosovo is like Greece some years ago. People were hospitable, welcoming. Then, we passed through a transition. The trauma changed us. It made us go back, turn in upon ourselves.

Burim, 24-year old alumnus of rural background

Kosovars and Greeks, we used to be the same thing, but we went through different experiences and this changed us. But, if we spend more time together, we will find again common ground.

Gresa, 26-year old alumna from Prishtina

Young people recognize strong cultural convergence in each other's discourses despite religious differences. Greek and Kosovar people typically express similar values with regards to cherishing family and friendship as well as a very similar understanding of what the concept of 'honor' or 'besa' entails.²¹ Both Kosovars and Greeks consider themselves as 'people of honor' and keeping one's word is regarded as an unwritten moral rule, meaning that someone can have 'face' and credibility in the community.

During the first years of my studies, I used to be friends only with Albanians in Thessaloniki. We spoke the same language, so it was easier for me. Then, some incidents happened and I felt that I should keep a distance. I ended up having more Greek friends. I understood that they have 'besa'.

Gentjan, 25-year old alumnus from a rural area

There were cases, however, where respondents expressed diverging feelings towards Greece and Greeks, respectively. Some respondents from different ethnic backgrounds claimed that although they cherish the country for its history, culture, climate and lifestyle, they have either 'unclear' or 'negative' feelings towards Greeks. This impression had been molded, as they said, mainly throughout their daily interactions with locals.

Furthermore, there are certain ideas which are rooted in historical, nationalist narratives and which, regardless of their young age, Kosovar students defend as ardently as the older generation. Before analyzing these, we should mention that previous research (Gallup Balkan Monitor 2010; 2011; Kosovo Center for Security Studies 2012) had shown that one of the main reasons why Kosovars face Greece with suspicion, if not hostility, is the fact that the latter is seen as the main opponent to Kosovo's ambition of EU accession. Kosovars are highly aware of the fact that Greece has not recognized Kosovo's independence (Maliqi 2014, 42), with all the implications that this can have on the relationship of the two countries. Another factor, of course, is Greece's diplomatic relationship and lasting bonds with Serbia.

Hence, quite surprisingly, my respondents when asked about the reasons of the ongoing polarization between Kosovo and Greece, spontaneously provided an answer which is neither connected with recognition nor with Serbia. It has little to do with this present situation but is rooted in ethno-national, historical grievances. The historical narrative literally provides the template of understanding the present situation. The ubiquitously first reaction was that Kosovo still sees Greece as an enemy because of various issues and disputes between Greece and Albania, starting from the Albanian complaints over Chameria.²² Almost all interviewees who identified themselves as ethnic Albanians, stated that any political disagreement of Greece as a nation with Albania as a nation-state, would affect its relations with Kosovo, too. In this, an ethno-nationalist construction of Kosovo as part of the greater ethnic Albanian community is evident: "We are *one* nation; the enemy of Albania is *our* enemy, too", said Andi, 26-year old youth-worker. Arben, aged 24, talked about 'solidarity': "whatever happens in Albania affects Kosovo, too, so we feel solidarity for Albania".

This nationalist sensitivity on the specific topic is, to a large extent, one-sided, considering that few Greeks (and even fewer among young population) have a clear understanding of the issue of Chameria even in the context of Greece's and Albania's history and relationship. Even if they did, it would not easily

occur to them to understand this as a matter of dispute between Greece and Kosovo. The fact that, for years, Greeks have associated Kosovo with Yugoslavia, naturally prevents them from directly identifying Kosovo with Albania. Last but not least, to Greeks, Kosovars represent a relatively unknown ethnic group compared to Albanians from Albania, who migrated into Greece in large numbers during recent decades and are now broadly considered integrated in Greek society.²³

It is important to mention that for the majority of the Kosovar respondents, Greeks are considered nationalists; this is seen by Kosovar youth as problematic and as an obstacle in the improvement of the relations of the two countries. When asked about how they would describe Greeks, the majority of respondents used the word ‘patriot’ or ‘patriotic’, but not necessarily in a positive context:

Greeks are very proud of their history. They are more nationalistic than we are. It's good to be a patriot, but something they could learn is how to have better relations with their neighbors.

Linda, 25-year old student from Prishtina

What is interesting is that Greeks who have visited Kosovo or who have interactions with Kosovar students in Thessaloniki consider Kosovars as quite nationalistic, too, as the following two interview excerpts exemplify.

When I first visited Prishtina, I was overwhelmed by the huge Albanian flags waving in the entrance of the city. It made me feel strange. I asked if it was a national celebration, but I was told that it was an ordinary day. In Greece, you never see such huge flags waving in the city, unless it is a national holiday.

Kostas, 27-year old participant in a youth exchange in Kosovo

To celebrate the end of the school year, we organized a party. You could see people from all over the Balkans. After consuming some alcohol, students

started asking the DJ to play certain songs and he did so. While the Serbs and the Romanians played mainly folklore or popular songs, the Kosovars joined the Albanians and asked for nationalistic songs. I could see them forming the ‘Eagle’²⁴ with their hands while singing. I could not understand what the songs were about, but one of my friends explained that the lyrics told something about ‘Greater Albania’ and the reunification of Kosovo with Albania. I don’t understand why we had to listen to this kind of songs. It was a students’ party after all.

Maria, 22-year old college student

My research findings suggest, furthermore, that Kosovar students, at least during the first years of studies, tend to socialize almost exclusively with people from their own ethnicity. Although this tendency might be driven by their need to identify themselves with a group they can ‘belong’ to, more than half of the alumni respondents said that they regretted not exploring the full potential of living in another cultural environment. Representative for these, an alumnus who had received a special award for his academic achievements some years ago, responded to my question: ‘Based on your experience, what would you advise the students who come to Greece to study?’ as follows:

Most Kosovars who study in Greece make the same mistake that I did in my first year: during their stay in Greece, they hang out with Albanians only and don’t make friends with Greeks. Many of them spend their whole week at the School library and then, on weekends, they go back home to Kosovo. I would advise them to spend more time with the local population. That it is the only way to learn a culture. They will also understand that we have more similarities than differences with the Greeks.

The findings of the research show that few Kosovars seem to consider spending their life in Greece once they have completed their study course at university. For those who are on a quest towards more promising professional or academic opportunities, Greece might just serve as a transitory country on the way to Western Europe or America;²⁵ a country which according to one inter-

viewee's words, teaches them skills such as 'tolerance, respect to difference and also, the love for life':

It's been a month that I am living in the United States, doing a master's degree. I now realize the valuable skills that I got in Greece, living in a multicultural and multiregional environment.

Feim, 24, alumnus

However, many others are obliged to return home after the completion of their studies due to visa restrictions, while yet others consciously choose to go back to Kosovo and enter the local job market. Very few have found Greek partners and started a new life in Greece. Although flirting and having occasional relationships is an aspect of everyday social interaction with locals in Greece, most Kosovar students say that they would choose one of their own kind for a 'safer' or a 'serious' relationship. The few Kosovars I interviewed who chose to marry their Greek partners usually originate from liberal and cosmopolitan families of Kosovo's capital and seemingly feel free from traditional social obligations dictating their lifestyle and selection of spouse. For yet others, finding a Greek Orthodox life partner is an outright taboo, which can bring them in direct conflict with their families.²⁶ As 25-year old Vera explained:

Family in Kosovo comes with lots of conditions. Being a good daughter or a good son in our culture is about putting family first, even if this means putting some of your own desires aside. This defines our morality.

In Kosovo, the family is considered the most important social institution (Krasniqi 2012 10). Choosing a spouse of the same ethnic background is presented as an Albanian tradition aimed at keeping Albanians homogeneous and of 'pure blood'²⁷ (Beka 2018; Dani 2016, 428). Beyond widely internalized ethno-nationalist considerations, however, also the traumas experienced by Kosovar society might explain an emphasis placed on preserving collective memory, unity and tradition through ethnically endogamous marriage preferences. It also explains the acceptance by many young Kosovars, still, to adhere to their

families' wishes of choosing a partner of the same background (Kostovicova and Prestreshi 2003). Evidently, and as true for many transnational cases (Anthias 2010), most Kosovar students in Thessaloniki have to negotiate their individual identity, aspirations and presentations of Self not just vis-à-vis external assumptions about their collective identity, but also in relation to expectations and assumptions emanating from home.

CONCLUSIONS

Young Kosovars' 'face work', as explored for students in Thessaloniki, reveals how they manage their identities in relation to different audiences and their expectations, torn between individual aspirations and opportunities in the host country and often conservative family expectations and standardized ethnonational affirmations affecting them from home. Overall, they seem eager to introduce their country to the world by promoting a more optimistic narrative to substitute the one associated with war and trauma. Compared with their European and Balkan peers, who can travel easily, young Kosovars remain quite isolated. The opportunity to study in Greece is seen as an opportunity to live in a European country, which they perceive as more resilient, open and multicultural compared to Kosovo.

The relation between Greece and Kosovo is characterized by mutual misinformation and misunderstandings. As soon as they start living in Greece, Kosovars come to realize that Greeks are either ignorant about Kosovo or they have an obsolete image of the country. In their attempt to make their living conditions easier, Kosovars in Greece tend to draw on different identity narratives available in response to the specific occasion and audience, to present themselves and their country in the best way possible. Young Kosovars do not seem eager to be associated with the Yugoslav tragedy; rather, they tend to introduce their country to the world as a young, promising state, with European orientation. Projecting the Albanian language and ethnicity emerged as a priority for the ethnically Alba-

nian Kosovars. One of the lessons they learnt, however, was that in Greece being a 'Kosovar' or being 'an Albanian from Kosovo' has different connotations than being an 'Albanian from Albania', meaning, thus, a more favourable treatment.

Young Kosovars see Greeks to a large extent as nationalist. Greece's problematic relations with Albania are seen by Kosovars as a reason to feel skeptical or even hostile towards Greeks. On the other hand, Greek youth, which have a cloudy image not only of Kosovo's history but also of its present stance in the regional geopolitics and future orientation, reserves similar skepticism. The majority of the Greek respondents pictured Kosovo as an 'unsafe place' and, hence, abstain from visiting it. Those who do visit the country, however, usually come back with mostly positive impressions about the people. Respondents from both countries agree that visiting each other's setting and having a personal experience of the other culture is the only way for Greeks and Kosovars to understand each other and change existing stereotypes.²⁸

Despite different understandings and divergent opinions about certain social and geopolitical issues, returning Kosovars use a mostly positive narrative to present Greece back home, perhaps mainly in order to justify their personal choice to study in a Greek city and quell family worries and any type of concerns or negative reactions voiced by their wider social circle. Given often conservative attitudes towards difference at home, many Kosovar students expressed that life in Greece has offered them valuable lessons on how to be more culturally aware and respect diversity, values that they considered indispensable given that Kosovo aspires to join the European Union and other international institutions.

An improved image of Greece carried back home by Kosovar students might help reverse the hegemonic rhetoric about Greece being 'the enemy'. Likewise, the presence of Kosovar students in Greece and their interaction with the local community can provide Greeks a clearer image of who Kosovars are and where they aspire to go. My findings substantiate this assumption for the case of Kosovar students in Greece and upon return to their home country, albeit they also highlight where obstacles still lie.

As a conclusive thought, it could be said that in a time of increasing radicalization among youth both in the EU and the Western Balkans,²⁹ my findings suggest that promoting intercultural dialogue and cooperation between the EU and Western Balkan countries, as foreseen in several EU exchange and mobility programmes,³⁰ indeed serve the promotion of interethnic coexistence, long-term peace and stability in the region (Pasic 2018; RYCO 2018a; 2018b; Slana 2015). In this context, legal and institutional provisions that would allow Kosovar students to have equal access to educational, training and networking opportunities that their peers in other Balkan and EU countries have been enjoying for years, would be paramount for combatting the perpetuation of radical nationalism and fostering peace consolidation in the region and beyond.

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ENDNOTES

- 1 The University of Sheffield International Faculty CITY College in cooperation with the Ministry of Education, Science and Technology of Kosovo has been offering scholarships for students from Kosovo to study in Thessaloniki since 2008. Interview with Dr. Enver Hoxhaj, Prishtina, 27.09.2018. On 24 November 2018, Dr.Hoxhaj visited Thessaloniki and attended the Graduation Ceremony, which coincided with the celebration of ten years of bilateral cooperation between the Kosovar government and the University of Sheffield.
- 2 The figures provided by the City College/ University of Sheffield in Thessaloniki are as follows: for the academic year 2018-2019, sixty-two (62) scholarships have been awarded to students from Kosovo for Bachelors, Masters and Executive MBA (<https://masht.rks-gov.net/uploads/2018/07/theuosinternationalfaculty-ministryofeducationscitech-kosovo-scholarships-2018-19.pdf>). In 2017-18 the number was the same: sixty-two (62) scholarships, while in 2015-16 fifty-five (55) scholarships were offered. The City College hosts the largest number of Kosovar students, followed by the American College of Thessaloniki (ACT).
- 3 Similar findings, although with a different sample group, have emerged from the research of Zana Vathi (2010) on Albanian-origin teenagers living in Thessaloniki. One of Vathi's key findings is that "the type and frequency of references and choices in relation to ethnicity can be rational even among members of the 'new second generations', with differences between self-identification and ethnic labelling conditioned by personal experience and by the centrality of ethnicity in the host society's political and social spheres" (2010, 2).
- 4 For the needs of the present research, I spent six months in Kosovo, where I volunteered in local NGOs through my capacity as a trainer, facilitated youth projects, traveled in the region and at the same time, conducted my research. As a result of this, I was offered the opportunity to become part of the local civil society and in June 2018, I accepted a position on the Board of a local NGO. The life experience in Kosovo offered a first-hand taste of the local culture and ideology, as well as challenges faced by local youth. I am also fluent in the Albanian, Serbian and Turkish languages.
- 5 In May 2018, I was elected as the President of the Greek-Albanian Youth Forum in Thessaloniki, a platform created by local students and teachers with the purpose of promoting intercultural dialogue, friendship and cooperation between Greek and Albanian Youth living in Thessaloniki. In June 2018, I was appointed as the International Coordinator of the "Access" NGO, which is based in Kosovo; therefore, we started conducting local projects involving also Greek youth. Between May and November 2018, I represent-

- ed my NGO at regional initiatives such as: the EU-Western Balkans Meeting in Podgorica, organized by SALTO (May 2018), the Regional Youth Forum in Novi Sad (June 2018), the “Balkan Tour” in Skopje, Tirana and Prishtina (July 2018) conducted in the context of the Austrian Presidency of the EU, the Experts’ Meeting in Slovenia (November 2018) organized by the Partnership between the EU and the Council of Europe and the Seminar for the Prevention of Radicalization in the Balkans (November 2018), organized by SALTO in Tirana.
- 6 One of the dilemmas I faced in the beginning of the research was whether to interview people with whom I had a personal relationship, like close friends, roommates or colleagues. I consciously decided against this possibility for reasons of potential personal bias and subjectivity. All the interviews conducted for this paper have been with people I met for the purposes of the research only, although some friendship developed from this collaboration afterwards.
 - 7 https://www.lib.auth.gr/sites/default/files/docs_files/research_deontology_principles.pdf
 - 8 All participants were fully informed about the research aims and their right to anonymity and withdrawal at any time before, during and after the conduct of interviews via i) an info-poster stating the background, the aim and the timeline of the research, ii) continuous communication and interaction with the author. All participation was voluntary. For in-depth interviews, involved parties signed a consent form, which was available in both English and Albanian. In all other cases, participants (and the organizations that they represented) were informed, both orally and written (via e-mails and texts). The research adhered to standard equality and diversity guidelines. Anonymity was guaranteed through the use of pseudonyms and obscuring of all identifiable locations and dates throughout.
 - 9 This enabled me to merge the processes of data collection and analysis (Charmaz and Henwood 2008, 241), to move from data to theory (Glaser and Strauss, 1967), to have greater autonomy over the sequence of steps taken during the conduct of my research (Pidgeon and Henwood 1997, 255), to continuously review my initial research questions, to add new elements and in a few cases, to even change direction (Strauss and Corbin 1990, 37-40; Glaser and Strauss 1967, 40).
 - 10 For instance: ‘Kosovar’, ‘Albanian’, ‘Serbian’, ‘home’, ‘Chameria’ etc.
 - 11 The EU countries which have yet to formally recognize Kosovo’s statehood are Greece, Spain, Slovakia, Cyprus and Romania.
 - 12 See Hellenic Republic Liaison Office in Pristina at <http://www.mfa.gr/missionsabroad/en/pristina-en/>
 - 13 As in the case of Kosovo’s bid for UNESCO, where Greece first endorsed, but finally abstained from a vote (Ker-Lindsay and Armakolas 2017, 29).
 - 14 See Konstantinidis, Armakolas, Maliqi and Maliqi (2014).
 - 15 Interview with Dr. Enver Hoxhaj, Prishtina, 27 September 2018. Dr Hoxhaj was one of the people who inaugurated this program, during his term as Minister of Education, Science and Technology (2008-2011).

- 16 Findings show that there are approximately 90 Kosovars currently in Thessaloniki. The vast majority of them (80% approximately) are students. The rest (20%) represents people who are either working in Greece or married to Greek citizens. These statistics are based on figures provided by the City College/University of Sheffield in Thessaloniki for 2018, the American College of Thessaloniki (ACT), the Balkan Youth Forum (non-formal platform based in Thessaloniki with Kosovar board members) and the informal group formed by Kosovar students in Thessaloniki.
- 17 Until recently, there was no direct bus line connecting Thessaloniki and Prishtina. In 2008, however, a Kosovar travel agency started organizing daily excursions from Prishtina to Thessaloniki, mainly for shopping and entertainment. This tour, which started as a pilot project, proved successful enough, as information provided by organizers suggest, that tours now take place every other Friday or Saturday at a relatively affordable price.
- 18 According to Dafina Paca, “it has been common to hear references to those from the city as ‘Qytetar’, implying that they were an elite class, and to the ‘Katundar’ or ‘Katunart’, meaning those from the villages, implying a backward, rough and uneducated person (or simply the equivalent of a ‘hick). This discriminatory discourse has existed despite considerable mixing of individuals and families, particularly amongst those settling in the capital, Prishtina. It is important to draw attention to these stereotypes because the diaspora of Kosovo is composed of populations from a mixture of both urban and rural areas, cities and villages” (2015:3).
- 19 The Bosniaks are a south Slavic nation, usually speakers of Bosnian, a Slavonic language, and of Muslim faith, living in various countries of the Balkans.
- 20 I am aware of the fact that interviews of past experiences are always shaped by the present, including the interview situation itself and that answers may vary according to respondents’ impression of the interviewer (Portelli 2006).
- 21 *Μπέσα* / *besa*. There is a saying in Albanian that goes like this: ‘*Besa e shqiptarit nuk shitet pazarit*’ (‘the honor of an Albanian cannot be sold or bought in a bazaar’). *Besa* is a pledge of honor, a cultural concept associated with Albanian cultural identity, according to which a man should always keep his word if to be called a man. If an Albanian tells you ‘*bese*’, then this intended to convey that he will keep his promise. The concept has long been formalized in the canon of Albanian ethno-national self-description as evident in school books and the wider national literature (Schwandner-Sievers 2008, 52-54). The same concept exists in the Greek language, where it is also believed that keeping one’s word is a sign of manhood and loyalty.
- 22 *Chameria* (Albanian: *Çamëria*; Greek: *Τσαμουριά*), refers to a geographical area in today’s North-Western Greece which used to be partly inhabited by Albanian Chams. According to Kretsi (2002b,173): “[t]he Chams are understood as members of the Albanian speaking Muslim minority which used to live predominantly in northwestern Greece (Ipeirus). The regional denomination ‘Chameria’ is primarily in use by Albanians with obvious irredentist undertones which refer to an ‘ethnic Albanian territory’ which today remains inside Greek territory”.

- 23 Haska 2017; Papageorgiou 2011. Researchers like Vathi (2010, 11) and Triandafyllidou and Veikou (2002, 191) argue that the Greek state focused predominantly on assimilation instead of integration during the periods of large immigration waves from Albania to Greece.
- 24 Forming an eagle with one's two hands communicates the desire to publicly show one's Albanian ethnicity. Albania (Shqipëria in Albanian) is referred to as 'the land of the eagles', therefore the symbol of the eagle represents for Albanians ethnic pride. For other nations, however, the specific gesture is often interpreted as a nationalistic gesture, alluding to the idea of 'Greater Albania'.
- 25 Survey conducted in 2013 (Maliqi 2014, 37) indicates that even in the case of visa liberalization, Greece would not be a major migration destination for Kosovars.
- 26 In the above-mentioned survey (Maliqi 2014, 38) when asked about whether they would accept a Greek as a member of the family, only about 1 percent of respondents have shown openness to doing so. Other pieces of research, too, point to the direction that, generally, inter-marriages in Kosovo are not popular (Kovaçi Sopa 2015; Rajković-Iveta and Geci 2017). Kosovars' commitment to maintaining their ethnic, religious and cultural homogeneity is even more evident in the case of the Kosovar diaspora. Dafina Paca, investigating the discursive identity of Kosovo Albanians in the UK, explains how marrying a foreigner, especially one of different religion, is a taboo, especially for Kosovar Albanian women, who due to religious and cultural constraints, would be reprimanded for finding a non-Albanian spouse (Paca 2016, 98). This, however, could be more easily acceptable for a Kosovar man, especially if it was justified to the family and social entourage as an act of obtaining an EU citizenship and having access to better living standards (Musliu 2010; Rajković-Iveta and Geci 2017).
- 27 To get a glimpse of the other side of the story, Tzanelli refers to the same notion, 'blood bonds', to describe the importance that Greeks place upon maintaining and promoting pure 'Greekness', especially when feeling 'threatened' by the effects of immigration or globalization (2006, 40, 46).
- 28 See also: Drosopoulos, M. 2018. 'Rethinking Regional Youth Work within the Context of the Berlin Process. Follow up thoughts and projects from Kosovo and Greece'. *Second Europe-Western Balkans Youth Meeting*. SALTO South East Europe. <https://www.salto-youth.net/downloads/4-17-3854/Article%20Mary%20D%20proofread.pdf>
- 29 See RAN (Radicalization Awareness Network) report on the prevention of radicalization through education and youth work: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/radicalisation_awareness_network/about-ran/ran-yf-and-c/docs/role_of_non-formal_education_in_pcve_112018_en.pdf
Interesting links, good practices and lessons learnt from grassroots youth work in the EU and the Balkans can be found also in the *Youthwork Against Radicalization* blog: <http://youthcommunityresilience.eu/>

30 SALTO SEE 2018b. See the European Commission communication *Engaging, Connecting and Empowering young people: a new EU Youth Strategy* (COM/2018/269 final). https://ec.europa.eu/youth/news/eu-youth-strategy-adopted_en

See also: Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the role of the youth sector in an integrated and cross-sectoral approach to preventing and combating violent radicalization of young people (OJ C 213, 14.6.2016). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016XG0614%2804%29>

UNDERSTANDING THE INTERNAL DIALOGUE ON KOSOVO IN SERBIA

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In an effort to build national consensus in Serbian divided society for a solution on Kosovo, President Aleksandar Vucic initiated public discussions, known as the 'internal dialogue', in July 2017. The chapter explores the nature of the internal dialogue, its inclusivity and presented proposals for Kosovo. The analysis reveals that the internal dialogue was an ad hoc process organised between October 2017 and May 2018 outside of the institutional framework in a form of a series of roundtables with a limited space for discussion. Also, even though it did include a wide range of participants, it cannot be characterised as inclusive since participants were intentionally targeted to take part in a controlled discussion. The framework of the EU integration was largely ignored or dismissed, and the two dominant proposals were ones that go against the Brussels agreement calling either for a suspension of talks or changes in borders. Instead of contributing to the process of normalisation of relations with Pristina, the internal dialogue in Serbia rather hindered the process neglecting what has been achieved so far.

INTRODUCTION

Thirty years after Milosevic's infamous Gazimestan speech, twenty years after the end of the war, more than ten years after Kosovo's declaration of independence, and eight years after the launch of the EU-facilitated dialogue, Serbia and Kosovo are still a long way from 'normalising' relations. At the same time, they have never been as dependent on each other as now, particularly in their EU integration processes. Kosovo has been recognised by some 113 countries and achieved membership in several international organisations (e.g. World Bank and International Monetary Fund), but without Serbia's (indirect) consent it cannot become a UN member, let alone be recognised by all EU member states. In parallel, in order to become a full EU member, Serbia's key condition is to normalise relations with Kosovo, if not recognise it.

Consequently, in an effort to build national consensus in a divided society for a solution on Kosovo, Serbian President Aleksandar Vucic in July 2017 initiated public discussions, known as the 'internal dialogue' (ID). He argued that, "In order for our progress to be steady and sustainable, we must, if nothing else, at least try to resolve the Kosovo (Gordian) knot, and not hide ourselves and leave the burden on our children" (Vucic 2017). The announcement provoked mixed reactions: while some praised it as an attempt to find 'creative solutions', others called it a 'farce', when considering constant attacks on opposition, lack of media freedom and controlling of institutions. The internal dialogue was coordinated by the Serbian Government's Working Group, which organised a number of roundtables from October 2017 through June 2018. Yet, nine months later and after about thirty events, it concluded without reaching its stated goal: finding a solution on Kosovo. Since June 2018, no activity within the ID has taken place and the announced final dialogue report has not been published yet.

In the meantime, the EU-facilitated negotiations between Belgrade and Pristina continued, gaining a new dynamic during 2018, though without tangible results. On one hand, the call for reaching a legally binding agreement, underlined in the new EU Enlargement Strategy, initially intensified domestic and international efforts to find a compromise. However, a controversial border correction proposal supported by Vucic and Thaci became a key point of the semi-secret negotiations. This option would most likely incorporate the four Serb-majority municipalities in Kosovo's north—with a population of about 50,000 and comprising about 10 percent of Kosovo's territory— and with the possibility of parts of Serbia's Albanian-majority municipalities of Bujanovac and Presevo given to Kosovo. The controversy about this proposal, coupled with other political developments, stalled the dialogue. As a result, Serbia and Kosovo in 2019 remain locked in a seemingly unsolvable dispute regarding Kosovo's statehood and its international status. It remains unclear what the legacy of the internal dialogue is and whether it had any impact on Serbia's negotiating position or on reaching a consensus within the Serbian society.

Specifically, this paper explores this insufficiently studied process by addressing the following questions: 1) What is the understanding of the internal dialogue by those who took part in it?, 2) How inclusive was the dialogue?, and 3) What were the proposals presented in the dialogue? First, the paper defines the structure of the ID, having in mind that it was placed outside institutional framework and apart from Vucic's op-ed no specific document defining the principles and structure of the process was published. Second, it investigates the ID's inclusiveness in the context of Serbia's shrinking space for democratic deliberations, and offers an analysis of the Kosovo Serb participation. And, third, it explores the proposals offered during the ID and draws conclusions about the ID's contribution to the normalisation process with Pristina.

METHODOLOGY

The research methodology includes a combination of various qualitative approaches. First, the paper reviews and assesses the large literature on the EU-facilitated dialogue, including NGO reports and academic articles and books. Then, it examines Serbia's politics of the last six years –i.e. since the rise of Aleksandar Vucic– by reviewing numerous international and local NGO reports and assessments focusing on different aspects of governance and human rights issues. The methodology also includes an analytical background of the ID in the context of other political and social processes in the country. Because of scarce available reports, the analysis of the ID primarily relies on the monitoring reports of the Forum for Ethnic Relations and in-depth interviews conducted during July-September 2018 in Belgrade with CSO representatives from Serbia and Kosovo who took part in the dialogue. Members of the Working Group did not respond to the repeated request to conduct an interview. Given the sensitivity of the issues, conducted interviews are anonymised. The interviews were based on semi-structured questionnaire that followed the structure of the research questions (Annex). This combined approach to data collection ensured intersecting and comparing information and data from different source types (interviews and secondary sources), which ensured a better reliability of the research findings.

However, the research has several methodological limitations. First, due to the ID's lack of transparency and absence of transcripts (they were posted and then removed from the Working Group website), the paper's findings rely mostly on FER's monitoring reports, thus limiting the scope of the research. Second, the Working Group members refused to be interviewed during the field research, resulting in a smaller number of conducted interviews than initially planned and in not having the government's perspective on the ID. These limitations are partly compensated by using media sources that reported on the ID.

The remainder of this chapter is organised as follows. The paper's next section offers a brief overview of the EU-facilitated dialogue between Belgrade and Pristina, underlining its current impasse. The subsequent section provides a background of the political situation in Serbia in the context of the ID, emphasising the position and role of the Serbian President Aleksandar Vucic as the ID's initiator. Then, the next three sections present the research results, following the order of the research questions. The findings suggest that the ID had more of a performative utterance, lacking substantive discussion on Kosovo that would take into account the reality of the situation and almost completely neglecting the EU negotiations framework.

COMPREHENSIVE NORMALISATION FOR CREDIBLE ENLARGEMENT

This section gives a summary of the EU-facilitated negotiations between Belgrade and Pristina, explaining its current status and providing a framework for the following sections on the ID. The negotiations began in 2011 and can be divided into two phases: a) technical negotiations conducted from 2011 to 2013, and b) political negotiations conducted from 2013 onwards. They were supposed to resolve disputes between Serbia and Kosovo using the framework of the EU integration as a mechanism of conditionality, having in mind that “mediation came ahead of the beginning of accession talks, with Serbia being offered the beginning of negotiations as the main reward, while Kosovo was offered a Stabilisation and Association Agreement” (Bieber 2015, 294).

During the first phase—the technical dialogue—a number of agreements were signed, regulating the so-called technical issues, such as ID cards, freedom of movement, and cadastre records. In 2013, after a dramatic shift in political leadership in Serbia and the rise of Aleksandar Vucic (Subotic 2017, 173), the dialogue entered into the second phase—the political dialogue—aiming to re-

solve the most challenging issue: the sovereignty over Kosovo's Serb dominated north and integration of the northern Kosovo Serbs into Kosovo's system. (Beysoylu 2018, 208). The milestone agreement, 'First Agreement of Principles Governing the Normalisation of Relations,' also known as the "Brussels agreement" was reached in July 2013. As Economides and Ker-Lindsay indicate, it was also a significant moment signalling that the dialogue and ensuing agreement was an implicit acceptance of the existence of an autonomous Kosovo for Serbia, the legitimisation of its government and the acceptance that Kosovo would pursue its own EU accession path (2015, 1035). However, quick to sign the agreements, both sides proved to be reluctant in implementing them.

Namely, the initial enthusiasm over the 'historical' Brussels agreement praised as a breakthrough in Serbia-Kosovo relations (Beha 2015, 109) was quickly replaced with a growing scepticism regarding the (lack of) implementation of what was agreed (Clark 2014, 541). Partly, it is due to the broad and ambiguous formulations of the agreements that left space for different interpretation and therefore created a need to renegotiate what was once agreed. As Burazer and Bojovic indicate, the principle of "constructive ambiguity" enabled reaching the agreements but prevented its successful implementation (2018, 9). The Association of Serb-majority Municipalities is a good example, with Serbian mediators seeing it as part of the formal governance structure of Kosovo, whereas Kosovan officials considering it as just an NGO (Bieber 2015, 306). Nevertheless, it is also due to the lack of political will, since "both sides are not fully committed to the process and are rather using it to gain political points" (BIRN 2014, 8). These divisions are further reflected in conflicting interpretations of the process of normalisation by the two sides. Consequently, for Serbia 'normalisation' is "everything but recognition," in other words Belgrade is willing to "recognise reality, but not independence" whereas for Kosovo, "independence is everything," normalisation without recognition is inconceivable (Gashi and Novakovic 2017, 4). Hence, even though Serbia engaged with the EU on Kosovo, the latter remained a central part of the Serbian national identity, which consequently poses a question what the boundaries of its policy on Kosovo are. In other words, Serbia has (formally) implemented the minimum

of what was agreed to ensure the continuation of the EU accession process, but its official stance on Kosovo has not been revisited, and neither has the public discourse around this issue.

In 2018, the breaking point was a document called ‘A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans’ (hereinafter EU Enlargement Strategy), which openly set the success of the dialogue as a prerequisite for bringing Kosovo and Serbia closer to the EU. More specifically, the strategy defined 2025 as a date for possible Serbia’s membership, giving a new dynamic to the Brussels dialogue, and pointed out to the need to find a compromise within a given timeframe. In the meantime, the idea of border correction (an euphemism for border changes) that would entail land swap or partition began to gain prominence, although no specific proposal has been made by any side, with negotiations currently being in uncharted territory. In parallel, with Serbia lobbying against Kosovo’s Interpol membership and Kosovo imposing customs tariffs as a measure of retaliation, the normalisation process has touched a new low point. At present, reaching a legally binding agreement in 2019 seems a hardly realistic goal. Thus, having described the current state of the Brussels negotiations between Belgrade and Pristina, it is now necessary to explain the political and social situation in Serbia characterised by the dominance of the President Aleksandar Vucic, setting the stage for understanding the internal dialogue.

PRO-EUROPEAN AUTOCRAT

Presently, Serbia finds itself in an almost impossible situation where, even though (still) does not want to recognise Kosovo, it has to find a magic formula for reconciling the need to solve this issue to continue with the EU integration process and still maintain the belief that Kosovo is an integral part of Serbia. This complication coupled with a political situation in the country with a com-

plete dominance of one party, puts pressure on President Vucic, a strongman who has been leading the negotiations process with Pristina since 2014, to find a solution that will satisfy international partners and keep him in power.

President Vucic assumed the presidential position in May 2017, after serving three years as prime minister in two mandates (2014-2017). He has been the leader of the Serbian Progressive Party (SPP) since the party came to power in 2012, replacing the party's founder Tomislav Nikolic who resigned after being elected president. A former ultra-nationalist and highly positioned member of the Serbian Radical Party (SRP), Vucic switched sides in 2008 and joined Nikolic in the newly formed Serbian Progressive Party that, unlike SRP, supported Serbia's bid for EU membership. Vucic gradually became one of the most prominent pro-EU politicians in Serbia, a transformation warmly welcomed by leaders of international community. During his leadership, Serbia started accession negotiations with the EU and, along with Montenegro, became a Balkan front-runner in the European integration process.

However, his critics and opponents point to the unprecedented control and soft censorship of media (Kisic 2015, cited in Subotic 2017, 174) that Vucic exercises along with a politicisation of all segments of society and widespread corruption. Since 2016, the Freedom House repeatedly indicates a "growing hostility toward independent and critical media" (Freedom House 2017) from the government, with many media outlets being under influence of the ruling political party. Similarly, the Reporters Without Borders World Press Freedom Index also signifies the deterioration of the media freedom (2018).

The work of a few investigative journalism agencies has revealed the extent of corruption, nepotism and illegal acts of the current ruling coalition members, which made them a target of intimidation campaigns (Civil Rights Defenders 2016). In 2017, his control over the country was further consolidated after he won a first-round victory in presidential election. It also indicated a further erosion of Serbia's nascent democratic institutions since the presidential position is envisaged as mostly symbolic, but with Vucic the presidency is where

the power lies. Also, his refusal to resign as the leader of his party while holding the presidency is specifically indicated in the House of Lords Committee report as an example of Western Balkans leaders who “has done much to undermine healthy democratic politics, good governance, and freedom of the media” (2018, 31).

As a result of this ‘strongman leadership’, the Serbian society remains deeply divided with very few channels to freely express opinions and criticise the government and its policies. The opposition is divided and almost non-existent and along with CSOs, they are subjects of dirty media campaigns, when dare to oppose and be critical of government’s policies. Thus, their role have also worsened in this polarising environment (Nations in Transit 2018). Therefore, it is not surprising that the initiative for the internal dialogue was received with scepticism and doubts about the sincerity of President’s intentions, as the next sections further elaborate.

THE INTERNAL DIALOGUE: A DIALOGUE OR PUBLIC HEARING

“Above all, the initiative was good, it is something that has been missing for decades.”¹

During the sworn-in ceremony in the Parliament on 31 May 2017, Aleksandar Vucic stated: “I want to open an internal dialogue on the issue of Kosovo and Metohija, with all our differences, without prejudices, while respecting the Constitution of our country. We must be open, free from the mythical approach, but also from the easily giving up on what we have every right. Our internal dialogue on this issue may be more important than the one that we should lead with the Albanians” (Vucic 2017). Then, shortly after, on 24 July 2017, in an op-ed in the Serbian daily Blic, Vucic revealed his intention to lunch

the internal dialogue on Kosovo and consult with a wider public about the potential end solution underlining a need to find a peaceful compromise, to deal with the past and to move away from the Serb nationalistic approach towards Kosovo whilst accepting the reality on the ground (Vucic 2017). This article is the only document that outlines some principles of the internal dialogue and sets the broad goals that the President wanted to achieve.

In October 2017, the Working Group was formed and the first roundtable was organised later that month. There have been around thirty roundtables with representatives of various associations and academics. Yet, today it is challenging to provide an exact definition of the ID or to specifically say what it entailed, since there was no official document that provides a methodology of the initiative, its specific aims and how its results will be used in the future negotiations between Belgrade and Pristina.

As a result, the ID lacked a clear goal and structure, which is evident from contradictory statements of participants. For some, the ID was “an attempt to launch a discussion on Kosovo that would facilitate achieving an agreement in Brussels on a comprehensive normalization of relations”², while some indicated that it was “looking for an alibi for something already agreed”.³ In parallel, there is no consensus about its structure. Some participants say it was a series of roundtables, while for others the ID was not only the roundtables, but “also everything that put the topic of Kosovo in the public domain, which led to a slightly different narrative about the issue”.⁴ The latter understanding is also expressed by Milidrag (2018), who provided one of the scarce analysis of the ID, recognising two segments: institutionalised (organised or co-organised by the Working Group) and non-institutionalised (discussions, analyses, contributions made by CSOs, political parties, experts).

Furthermore, more than one interviewee indicated that it was unclear whether events organised by CSOs and attended by some representatives of the Working Group were also considered to be part of the ID. According to the last report of the Forum for Ethnic Relations, there is a disagreement about the ba-

sic question “How many roundtables took place?” even among state officials. Though the website indicates that there were seventeen roundtables, state officials claimed there were twenty-six. The Forum monitored twenty-nine roundtables (FER 2018, 12). Milidrag (2018) underlines the same puzzlement in his paper. Nevertheless, at the very end of the process it was clarified by the Working Group that only roundtables organised by them are understood to be part of the ID yet, judging from the conducted interviews, this clarification went unnoticed.

Similarly, the key word in this process is a ‘dialogue’. For many it was a monologue or, alternatively, an organised public hearing. No roundtable allowed a debate among its participants and no specific answer was heard to any of the raised questions. To quote one of the interviewees, “Civil society did not have interlocutors, because the government came from the position of power, and this was reflected in the fact that the participants’ presentations were heard but they could not ask questions to the president or other representatives of the state and get answers”.⁵ Moreover, during the whole time of the internal dialogue, there was no attempt or visible intention from the organisers to place discussion in the institutional framework. Until the very end, it remained an *ad hoc* process organised around roundtables, supported or initiated by the Working group that has never published a report on the ID thus marking its end.

Hence, the ID started as an informal attempt to consult with a wider public about the potential end solution on Kosovo and it soon turned into a series of roundtables with limited space for discussion. While its meaning is largely a subject of different interpretation, as the findings reveal, the ID was rather a public hearing than a dialogue. Moreover, though it started as a personal call from President Vucic, there were no attempts to place it in the institutional framework. Without a clear goal and purpose, instead of being an organised platform that could have indeed provided much needed democratic debate on Kosovo, the ID simply died out without a conclusive result.

INCLUSIVITY OF THE INTERNAL DIALOGUE

“The internal dialogue took place in an atmosphere where everyone who thought differently from the current government had been being proclaimed as a traitor and enemy.”²⁶

The internal dialogue was organised as an open call for all interested stakeholders to take part in the discussion on Kosovo. As a result, whoever wanted could notify the Working Group stating their intention to participate in the ID, as confirmed by several interviewees. Thus, for instance, the students’ representative body (SKONUS) decided to take part informing the Working Group which organised the roundtable.⁷ Combining the information from the website of the Working Group and monitoring FER reports, nineteen roundtables are listed in a table below (Table 1). However, even though the list is incomplete, because the Working group claims that twenty-six roundtables were organised, it helps to get a picture about the profile of participants. Yet, the number of sessions and different profiles of their participants do not necessarily imply diversity of opinions or democratic and open atmosphere for a discussion.

Topic/institutions or associations that took part	Location	Date
1. Legal experts and law professors	Belgrade	31 October 2017
2. Representatives of social science institutes and scientists	Belgrade	13 November 2017
3. Matica Srpska in Novi Sad	Novi Sad	17 November 2017
4. Institute of International Politics and Economics	Belgrade	28 November 2017
5. Chamber of Commerce and Industry of Serbia	Belgrade	12 December 2017
6. Sport associations	Belgrade	14 December 2017
7. Economic faculties, institutes and experts	Belgrade	18 December 2017

8. Health institutions	Belgrade	1 February 2018
9. Representatives of security and military experts	Belgrade	7 February 2018
10. Standing Conference of Towns and Municipalities	Nis	12 February 2018
11. Faculty for Diplomacy and Security	Belgrade	19 February
12. Representatives of the Working Group and representatives of Kosovo Serbs	Laplje selo, Kosovo	7 March 2018
13. Representatives of students and professors of the Pristina University with a temporary seat in Mitrovica	Mitrovica	8 March 2018
14. Students' organisations	Belgrade	9 March 2018
15. CSOs representatives	Mitrovica	14 March 2018
16. Cultural heritage	Belgrade	27 March 2018
17. National Convention for the EU	Belgrade	21 March 2018
18. Serbian National Forum	Belgrade	11 May 2018
19. Association of Families Kidnapped and Killed in KiM	Belgrade	4 June 2018

Table 1: List of round tables, compiled based on data from the Working Group website and the FER monitoring reports

In other words, the ID, as an open call directed towards society as a whole, was inclusive in a technical sense, but it managed only to attract a narrow group of professionals from different fields, failing to animate citizens and wider public.⁸ At the same time, the general atmosphere in the society was characterised by intolerance towards critical voices, which certainly did not make the process being more participatory.⁹ Government-controlled media continued with labelling individuals who were critical of the government policy towards Kosovo as “traitors” or “enemies,” thus creating doubts about the sincerity of intentions to include all.¹⁰ This, coupled with the fact that discussion was placed outside

of the Parliament, led opposition parties to refuse to take part in the ID. Also, as Milidrag indicates, the used language does not reflect tolerance: the pejorative term “šiptari” was widely used by participants, without any reaction from the representatives of the Working Group (Milidrag 2018, 3-4).

The position of the Serbian Academy for Science and Art (SANU) and Serbian Orthodox Church is also interesting to note. Formally, the Academy decided in November 2017 to accept the invitation to participate in the ID, sending a letter to the Working Group and the Cabinet of the President of Serbia in which it listed several theories that can contribute to the dialogue, such as respect for different opinions and attitudes, avoidance of divisions and labelling; putting the problem of Kosovo “in a wider context” (FER 2018, 22). However, ultimately, SANU only issued a publication “Participation of the Serbian Academy of Sciences and Arts in the Internal Dialogue on Kosovo and Metohija” in May 2018, thus at the very end of the process, which can be understood as their perception that the ID did not meet abovementioned principles. Another historically significant actor in resolving Kosovo issue, the Serbian Orthodox Church did not take part in the ID, yet it used the context of the ID to express its stance on Kosovo through several statements, repeating a well-known position of the Church that Kosovo is Serbia.

At the very end, in March 2018, the ID arrived to Kosovo where three roundtables with Kosovo Serbs were organised. The first roundtable was organised by the Citizens’ Association for the Political Operation of Kosovo Serbs, the ‘Serb National Forum’, on the 7 March 2018 in Laplje Selo. There are several characteristics of this event that distinguishes it from other roundtables organised in Kosovo and Serbia. First, even though the organisers contradicted the claim that the event is part of the institutionalised dialogue, calling it instead “An assembly on Kosovo” (*Serbian: Skup o Kosovu*), the representatives of the Working Group were present, and the FER monitoring report included it in its analyses. Second, it is deemed to be the least controlled roundtable where ordinary citizens expressed their criticism not only about the ID, but more generally about the Serbian politics towards Kosovo. And third, it is indicative that

the most prominent opposition leaders from Kosovo were not invited (Rada Trajkovic) or refused to take part in this roundtable (Marko Jaksic) (KoSSev 2018) deciding not to be part of the ID.

The second roundtable “Perspectives of high education in Kosovo and Me-tohija” was organised in Mitrovica with students and representatives of the university in Mitrovica. However, this roundtable does not stand out from other roundtables organised in Belgrade in terms of having a controlled debate and narrative (FER 2018, 14). The similar situation is with the third roundtable with representatives of civil society organisations in Mitrovica. This roundtable was criticised as insufficiently inclusive, because not all CSOs from Kosovo, particularly those critical towards the ID, were invited.¹¹

Overall, the internal dialogue did include a wide range of participants, but it cannot be characterised as inclusive. Most of the participants were intentionally targeted to take part in a controlled discussion with no efforts were made to include opposition parties or to move the debate into the Parliament. Moreover, the general political situation negatively affected the ID, making the entire atmosphere around the dialogue hostile towards critical voices and opposing opinions. Furthermore, given that only two roundtables were organised in Kosovo by the Working Group, the participation of Kosovo Serbs was even less inclusive than in Serbia.

PROPOSALS FOR KOSOVO

“The value of the ID is that it will show to the future generations what were the limitations of the Serbian society.”¹²

This final section explores different narratives of the internal dialogue or, more specifically, proposals for solutions that could have been heard on roundtables organised within the ID. The Council for Inclusive Governance (CIG) (2018)

identifies eleven options of which three received the most support in the ID, as explained in CIG reports, and also identified by interviewees. In other words, three types of proposals were presented during the ID: 1) status quo, that is, not resolving the status of Kosovo at the moment; 2) partition of Kosovo or land swap, the most controversial proposal that has received a lot of international attention recently; and 3) continuation of negotiations until the normalisation of relations is achieved. Each of these proposals will be addressed separately in this section.

Yet, discussing the ID as a whole, all the interviewed participants agree about the perception of the ID in the context of the Brussels negotiations. The ID almost completely ignored the Brussels dialogue and what has been achieved so far, except from the roundtable with the National Convention for the EU. The impression was that the “Brussels dialogue does not exist”¹³ even though the negotiations between Belgrade and Pristina were resumed during the ID. Further, agreements reached so far were completely ignored, only the Association of Serb Municipalities was a part of the debates “as a condition for signing a legally binding agreement”.¹⁴ Nevertheless, the ID has not tried to offer answers to challenges of implementation of some of the agreements.

Status quo or a frozen conflict

The status quo was one of two most dominant options that was discussed during the ID. It was essentially a proposal not to resolve the status of Kosovo at this moment. One line of debate was “not to rush”¹⁵ but to keep a frozen conflict, while others advocated for waiting for a change of geopolitical circumstances.¹⁶ Perhaps the strongest advocate of the status quo solution is the Serbian Orthodox Church, but also the late Oliver Ivanovic. One of the interviewees who is against quick solutions further elaborated: “The ID has not defined what does it mean normalisation of relations, which essentially should help Kosovo Serbs to get their property back and improve their life quality. The position of Kosovo Serbs is weak, and the question is what will happen

to them if and when the international community leaves. We should not aim to offer quick solution”.¹⁷ Hence, the status quo is recognised as a need to get more time to ensure a proper protection of Kosovo Serbs and their interests in Kosovo. It entails “not recognising independence and not signing a legally binding agreement”.¹⁸

Some proponents of the status quo believe that a change in power relations between the US and Russia could lead to a stronger role of the latter in solving the Kosovo issue. That would give Serbia more leverage in future negotiations. At the same time, those who support this option believe that the EU is pressuring Serbia to accept independence of Kosovo, thus Serbia should withdraw from the Brussels dialogue and abandon the EU accession process. The change in geopolitics was very much present among academic representatives, but it was characterised as a “shallow approach”¹⁹ and as a “complete misunderstanding of everything that happened in the last ten years and a lack of knowledge on the Brussels dialogue and process of the EU integrations”.²⁰ Also, the status quo is contradictory to the key motive to launch the ID, in other words, opposite to the expressed conviction that a status quo is not sustainable and that a solution must be found now, so as not to postpone it for the next generations (Vucic 2017). Moreover, as one of the interlocutors emphasised, “What does status quo mean? Today’s status quo effectively has led to integration of Kosovo Serbs into Kosovo political and economic system”.²¹ It is unclear whether a status quo is a carefully deliberated proposal or indicates that Serbia does not have a solution for Kosovo.

Border correction

Partition (and land swap) is the most controversial idea that came out from the ID. It is interesting to follow development of this proposal, from being completely dismissed to slowly becoming the most dominant proposal that has started to gain international attention and support. The supporters and promoters of this idea were high government officials, most notably minister of foreign affairs Ivica Dacic and minister of defence Aleksandar Vulin. The

promotion of this idea can be traced through media reports and news from the Working Group website, and it became dominant in February/March 2018 and onwards, when the ID intensified and moved to Kosovo as well.

At the beginning of the ID, Ivica Dacic in an op-ed published just a few days after Vucic's initial article that launched the ID, advocated partition. He openly suggested that only partition with an association of municipalities for the south Kosovo is a possible solution (Dacic 2017). Then, when the ID started, he continued to stand behind this idea, and as we read in the first FER monitoring report, it provoked negative reactions in public—national, regional and international—who all described it as impossible. Yet, the minister of defence was the next one to support this solution in February during the roundtable on security and defence, rejecting the status quo, which led to a conclusion that the Serbian government wants to test the reaction of public on this idea (FER 2018, 38).

Most of the Serbian political opposition representatives, even though not part of the ID, reacted to the idea and stated that they are against partition, mostly for two reasons. One, more nationally oriented group, is against because it leaves cultural heritage and majority of Kosovo Serbs out of Serbia and in a country that will be de facto recognised as the Republic of Kosovo. The other, more pro-European group, is against this solution because they believe it will further destabilise the entire region and there is a fear of domino effect (Bosnia-Herzegovina, North Macedonia). Civil society organisations from both Serbia and Kosovo that took part in the National Convention for the EU roundtable also rejected the proposal, considering it as “the most dangerous solution.” It was also emphasised that it is not a new idea, but “an old solution, that was present during the 1980s and after 2000s,” thus it is a continuation of Milosevic's ethnic-based politics.²²

However, once rejected as obscure and impossible, the partition idea slowly became President Vucic's policy. However, it is still unclear what the partition proposal entails. No specific proposal has been presented to the public. Yet,

without an analytical report by the Working Group summarizing the proposals of the dialogue and views of the Working Group representatives, it is not clear whether this idea came out as a result from the ID and its participants or it is President's preferred option.

Normalisation of relations

The insistence of the normalisation of relations was the least present option in the ID, which is a paradox having in mind that the ID was lunched to help reaching a legally binding agreement with Pristina. The most vocal proponents of this option were twenty-nine organisations gathered in the Working Group of the National Convent on the EU for Chapter 35, that participated in the roundtable organised on March 31, thus being one of the last events organised within the framework of the ID. They defined guiding principles for resolving the Kosovo issue based on peace and security of citizens in the region, Serbia's European integrations, finding sustainable solution, continuation of the normalisation process and continuation of the internal dialogue (NCEU 2018).

Normalisation of relations was emphasised as a need to continue the Brussels dialogue and to find a peaceful solution acceptable for both sides that will first and foremost allow Serbia to become an EU member. Almost all the participants underlined the importance of improving the security situation, particularly in Kosovo's north, and ensuring the functioning of the institutions and the rule of law. Thus, some of the proposals are "creating functional autonomy for Serbs in Kosovo, fostering economic cooperation, building Kosovo society and state based on the rule of law, guaranteeing the freedom of movement, human and general security, achieving direct police and judicial cooperation, democratization of the political and intellectual elite in Kosovo, etc".²³ Also, the danger of the status quo and partition was emphasised multiple times, underlining the need to reach a compromise and peaceful solution that will satisfy both sides.

Yet, for some this roundtable was also an attempt to “try to give the entire ID a different dimension than it has until then, having in mind many issues that have been ignored and participants who did not show support to the Brussels dialogue.”²⁴ Further, as Milidrag notes (2019), during the ID it was not sufficiently explained to citizens that Serbia is bound by the negotiating framework for Chapter 35 of the accession negotiations and that in order to join the EU, it has to reach an agreement on normalisation. Even though this roundtable was the most critical towards the government, and participants tackled issues concerning the implementation of the Brussels agreements and the position of Kosovo Serbs, it did not offer a consensus on proposals to reach normalisation.

The findings indicate that even though the internal dialogue was initiated to try to reach a lasting and sustainable compromise on Kosovo, it further revealed divisions that exist in the Serbian society. The framework of the EU integration was largely either ignored or dismissed, while the ID was not seen as an integral, but rather parallel process to the Brussels negotiations. As a result, two most dominant proposals were the ones that go against the Brussels agreement calling either for a suspension of talks or changes in borders. Similarly, the idea of normalisations of relations was least present option and left to hang in the air with no tangible meaning or substance. If the goal of the ID was to accept the reality on the ground, after examining proposed solutions, it can be declared as a failure.

CONCLUSION

The internal dialogue initiative came after six years of negotiations with Pristina under the EU auspices. The negotiations, nevertheless, have not solved the disputed status of Kosovo nor have changed Serbia’s official policy of non-recognition. Resolving the dispute is a key requirement for the EU integration process. Serbia’s EU accession talks are particularly conditioned by making

progress in negotiations with Pristina and signing a legally binding agreement on the normalisation of relations, as explicitly stated in the latest EU Enlargement Strategy. Hence, the internal dialogue was described as an attempt to find a lasting and sustainable solution for Kosovo.

However, regardless of whether it was a farce or sincere intention to try to find a creative solution, it only further exposed divisions in the Serbian society and a lack of willingness to settle the dispute with Kosovo. The general political and social context characterised by the lack of media freedom, suppressing of opposition and decline of institutions, with an increased hostility towards critical voices, cannot be an environment that stimulates discussion and participation of citizens. As a result, the internal dialogue, as an ad hoc process led outside the institutional framework and in forms of roundtables, instead of promoting a broad and inclusive dialogue on Kosovo, turned out to be a state organised public hearing. A lack of clarity about its structure led to a lack of common understanding among participants about the basic question on what was the internal dialogue. Hence, as a significant initiative that dealt with one of the most complex and thorny question for the Serbian society, the ID ended inconclusively failing to bring more transparency into the process.

Next, even though the internal dialogue was a call to different societal groups to engage in a discussion on Kosovo, in reality its organisers targeted a small, limited group of public officials and professionals, so the process was predominantly controlled. The government, that is, the Working Group, also did not make an effort to include wider range of actors (traditionally) interested in Kosovo, such as the Serbian Orthodox Church and SANU. A lack of participation of the opposition parties and resistance to move discussion to the Parliament shows a lack of sincere intention to reach out to government opponents. Thus, the internal dialogue had a performative character with a fundamental lack of inclusivity and insufficient participation of different constituencies of the Serbian society. At the same time, as a process that primarily tackles the position of Serbs in Kosovo, their participation was inadequate with only two roundtables organised by the Working Group in Kosovo.

Also, if we look at the proposals that were dominant during the ID, they show several limitations of the Serbian society. First, the intellectual and academic elite is not informed about Kosovo, the Brussels dialogue and the EU integration process of Serbia. These aspects were completely neglected by most participants of the internal dialogue, as well as developments in Kosovo in the last ten years, resulting in proposals that were far from reality. Second, the EU integration process was not treated as a primary issue and strategic framework for resolving the issue of Kosovo. Only one roundtable emphasised the need to secure membership in the EU, while a large majority of participants simply disregarded the accession process, hoping for a change in geopolitics. This indicates deeply anti-European sentiments embedded in the Serbian society. And finally, if we look at the proposals that were dominant - status quo and border correction - it can be concluded that normalisation of relations was essentially rejected. In conclusion, the internal dialogue did not serve to explore different alternatives for normalisation; it rather demonstrated that normalisation of relations between present-day Serbia and Kosovo is not an option.

In summary, if we assess the internal dialogue in terms of whether it contributed to the process of normalisation of relations with Pristina, it can be said that it rather hindered the process. Instead of reaching a compromise or offering some proposals on how the future relations between Serbia and Kosovo might look like, the ID for the most part neglected what has been achieved so far. It served as a platform for anti-European voices who called for border changes and end of EU integration. A few who advocated for a continuation of the Brussels dialogue proved to be unable to provide a definition of what the normalisation of relations might entail. Yet, without a compromise and consensus within the Serbian society on Kosovo, it is difficult to reach any sustainable and peaceful solution. And the internal dialogue showed the unreadiness of Serbia to deal with the reality in Kosovo and indicated its willingness not to normalise relations, but instead to propose and advocate dangerous solutions.

LIST OF INTERVIEWS

Interviewee (IW) 1, representative of CSO from Serbia and Kosovo, Participant in the Internal Dialogue, 19 July 2018

Interviewee (IW) 2, representative of CSO from Serbia, Participant in the Internal Dialogue, 25 July 2018

Interviewee (IW) 3, representative of CSO from Serbia, Participant in the Internal Dialogue, 3 July 2018

Interviewee (IW) 4, representative of CSO from Serbia, Participant in the Internal Dialogue, 6 July 2018

Interviewee (IW) 5, representative of CSO from Serbia, Participant in the Internal Dialogue, 3 July 2018

Interviewee (IW) 6, representative of CSO from Kosovo, Participant in the Internal Dialogue, 21 July 2018

Interviewee (IW) 7, representative of CSO from Kosovo, Participant in the Internal Dialogue, 29 July 2018

Interviewee (IW) 8, representative of CSO from Serbia, Participant in the Internal Dialogue, 25 July 2018

Interviewee (IW) 9, representative of CSO from Serbia, Participant in the Internal Dialogue, 26 July 2018

Interviewee (IW) 10, representative of CSO from Serbia, Participant in the Internal Dialogue, 23 September 2018

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ANNEX: QUESTIONNAIRE

1. What is your perception, what was the internal dialogue? Is there a difference between the perception of the internal dialogue at the beginning, when the process was announced, and later when started to be implemented?
2. According to your opinion, what was the aim of the internal dialogue?
3. Do you think that the dialogue was an integral part of the Brussels negotiations or it was a separate process? In your opinion, what did president Vucic want to achieve by initiating the internal dialogue and did he succeed in it?
3. According to your opinion, was the dialogue inclusive? In other words, did the organisers make efforts to include all relevant segments of the society or the process was not inclusive and only targeted certain societal groups?
4. What do you think about the position of Kosovo Serbs in the dialogue?
5. What were the narratives in the dialogue? Did the dialogue try to solve challenges of the implementation of the Brussels agreement, or the position of Kosovo Serbs?
6. According to your opinion, did participants take as relevant the framework of the EU accession process?
7. What kind of conclusions we can draw from the internal dialogue in terms of dominant attitudes towards Kosovo?

ENDNOTES

- 1 Interview with IW7, 29 July 2018.
- 2 Interview with IW3, 3 July 2018.
- 3 Interview with IW7, 29 July 2018.
- 4 Interview with IW2, 25 July 2018.
- 5 Interview with IW10, 23 September 2018.
- 6 Interview with IW10, 23 September 2018.
- 7 Interview with IW8, 25 July 2018.
- 8 Interview with IW10, 23 September 2018.
- 9 Interview with IW10, 23 September 2018.
- 10 Interview with IW10, 23 September 2018.
- 11 Interview with IW6, 21 July 2018.
- 12 Interview with IW9, 26 July 2018.
- 13 Interview with IW3, 3 July 2018.
- 14 Interview with IW5, 3 July 2018.
- 15 Interview with IW7, 29 July 2018.
- 16 Interview with IW9, 26 July 2018.
- 17 Interview with IW7, 29 July 2018.
- 18 Interview with IW8, 25 July 2018.
- 19 Interview with IW9, 26 July 2018.
- 20 Interview with IW3, 3 July 2018.
- 21 Interview with IW5, 3 July 2018.
- 22 Interview with IW4, 6 July 2018.
- 23 Interview with IW10, 23 September 2018.
- 24 Interview with IW3, 3 July 2018.



**COMPLEX RELATIONS
WITH THE EU AND
THE ROLE OF
NON-RECOGNISERS**

**THE EU'S INSTITUTIONAL
SET-UP AND POLITICAL
CONCERNS INFLUENCING
THE VISA LIBERALISATION
PROCESS WITH KOSOVO: A
VIEW FROM BRUSSELS**

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Kosovo, one of the potential candidates for EU membership. It remains, however, the only country in the Western Balkans which has not yet concluded an agreement with the EU regarding visa-free travel in the Schengen area for its citizens. There was a momentum for this to happen in 2018, when the EU's Council of Ministers was chaired by two enlargement-friendly member states, Bulgaria and Austria. The same year, the EU institutions - Commission, Council and Parliament - showed strong support for the Western Balkans' EU perspective through the adoption of a new Enlargement Strategy. This chapter analyses the reasons behind the stalling of the visa liberalisation process with Kosovo during 2018, which convolute Kosovo domestic issues, but also the Council's insistence on two remaining conditions being met: the demarcation of the border with Montenegro and demonstrated track-record by Kosovo in fighting corruption and crime. The research shows that timing was also crucial. Kosovo ultimately fulfilled the two conditions, but after the Commission proposal and European Parliament approval to grant it visa liberalisation, the Council did not concur. The wide-range of EU and domestic-focused problems preoccupied the member states in the Council during the actual process of negotiating the proposal, and their concerns regarding the state of anti-corruption reforms and the large number of asylum applications from Kosovo affected the process.

INTRODUCTION

This chapter analyses how the inter-institutional architecture and division of competences between EU institutions influence the EU's decision making process on Kosovo. We focus on the role of the Council, the intergovernmental hallmark of the Union and a forum of negotiation among member states, to determine the course and progress of institutional relations with Kosovo. Specifically, we investigate how the EU's institutional set-up and member states' concerns that spill over and determine the Council's decisions influenced the processes of visa liberalisation for Kosovo, an issue pending on the EU's agenda since at least 2016.

Existing studies tend to approach the issue as a matter of pure conditionality, which is clearly outlined, meticulously monitored and reliably executed by the European Commission, the main actor and promoter of enlargement. Other issues that don't fit neatly into the Commission's outlined criteria are perceived as double standards, unfair and/or redundant. By contrast, we investigate the more complex institutional set-up and specific member states' concerns that inform the EU's decision making process, thus problematising the usually taken for granted role of the Commission, or the concept of pure technical conditionality. In our view, conditionality, even that related to the visa liberalisation process, consists of a set of technical measures specified by the Commission, which are randomly complemented and assessed in the context of broader requirements of rule of law and good neighbourly relations that have emerged as key priorities of EU relations with the Western Balkan countries. If the Commission insists on technical indicators, member states' representatives in the Council are keen to assess the evolution of specific requirements in the context of key required reforms, which further impacts EU citizens' attitude towards enlargement in general and relations with specific countries in particular.

The analysis is based on secondary and primary sources. Secondary sources include the academic research on the issue. Primary sources include EU documents and statements as well as 5 semi-structured interviews with EU officials, diplomats and Kosovo officials involved in the visa liberalisation and/or EU accession process. Finally, the analysis reflects author's insider observation of the EU inter-institutional workings and Council negotiations on the topic of Kosovo.

The analysis unfolds in four sections. The first section provides an overview of the range of EU institutions in charge of the decision-making in the area of enlargement, with an emphasis on the Council as the most prominent actor in directing and controlling the course of the process. It also highlights the 'constructive ambiguity' that marks Council discussions on Kosovo, given that five member countries don't recognise it as an independent state. Constructive ambiguity is defined here as the deliberate use of ambiguous language on a sensitive issue in order to advance some political purpose. The second section outlines the EU relations with Kosovo as a potential candidate country and the conflicting agendas that spill over those relations. In addition, it sets out the latest developments in EU's enlargement policy that encompasses Kosovo. The third section illustrates the process of granting visa liberalisation to Kosovo, that has not yet been completed although the Western Balkans featured high among the priorities of EU institutions in 2018. This section also elaborates on member states' concerns in the context of the broader set of reforms required from Kosovo and implications for asylum and migration. The conclusion summarises the main findings in terms of obstacles and expectations for Kosovo's EU perspective.

THE EU DECISION-MAKING PROCESS AND THE CONSTRUCTIVE AMBIGUITY ON KOSOVO

The institutional relations between the European Union and Kosovo started to develop when the EU launched the Stabilisation and Association Process¹ in the early 2000s, and notably after the 2003 Thessaloniki Summit that put Kosovo in the same category with the other Western Balkan countries (Elbasani 2013). Soon after, the EU's institutional set-up in charge of managing the relations with the Western Balkans shifted from the 'External Relations' to the 'Enlargement' policy segment (Sedelmaier 2015), setting the stage for an enlargement-focused strategy but also presenting a new division of competences and even divergences between the three main EU institutions - the Commission (the supranational level), the Council of Ministers (the intergovernmental level) and the Parliament (hybrid of supranational and intergovernmental levels). With this move, the Commission gained a crucial role in the day-to-day running of the enlargement process and the administration of relations with the Western Balkans (HGM 2014, 5). Yet, the Council, as the political heartbeat of member states' interests, maintained key prerogatives in leading and controlling the direction of the process.

According to the Treaty on European Union (Article 49), enlargement "shall be the subject of an agreement between the Member States and the applicant state", therefore not an area where competences are shared among Member States and the EU. The studies conducted so far on the topic of shared competences in the policy area of enlargement show that national governments represented in the Council of Ministers and in the European Council clearly direct and ultimately control the pace of enlargement process: "Member States have final control over the large number of decisions required throughout the process, almost exclusively by unanimity. There is thus, in practice, a unanimity lock at each stage of the process" (HMG 2014, 5).

The activities of the European Commission and the normative power it exercises over the accession hopefuls via a range of instruments, such as the management of the pre-accession funds, monitoring through annual 'progress reports', setting priorities and informing the Council about countries' progress, are well studied in the literature (Grabbe 2006; Elbasani 2013). So is the dynamic role of the European External Action Service to provide foreign policy guidelines, conduct political monitoring or facilitate dialogue in ongoing conflicts (Beysoylu 2018). However, the role of the Council and the Council Presidency, and how and when they gain dominance in the process of enlargement, is understudied in comparison.

The position of the Council of Ministers on Kosovo is at best precautionary to the extent it represents EU member states' governments, of which five - Cyprus, Greece, Romania, Slovakia and Spain - do not recognise Kosovo's independence and its right to statehood to this date. As explained by Bieber (2015), although these non-recognisers have framed their position in the context of international law, their domestic political considerations often carry greater weight. Four of these countries that do not recognise Kosovo face real or imagined secessionist conflicts internally. The non-recognisers are thus reluctant to open the question of who and when is entitled to independence and how that reflects on other cases.

Procedurally, the Council meetings at the highest level request the participation of foreign ministers from all EU member states when the Western Balkans is on the agenda. The lower bodies of the Council - the Committee of Permanent Representatives (COREPER) and the working groups - are composed of member states' ambassadors to the EU and lower ranking diplomats, respectively. The Council working group responsible for the Western Balkan countries (COWEB) covers those countries that have not yet started accession negotiations with the EU.

COWEB reunites two times every week and is chaired by a representative of the European External Action Service. Its meetings enable the first instance of

negotiation and are most likely to compromise substantially on decisions or common EU positions, since its members do not bear great political responsibility. Sandrino Smeets (2015) rightly emphasizes the culture of compromise during COWEB meetings, when the negotiations tend to settle on a common agreement between the participant member states, usually reflecting the lowest common denominator where policy goals are defined so broadly that it would be difficult to oppose them. Given the contested nature of Kosovo's status, the Council of Ministers is in a very peculiar situation when the relations with Kosovo are discussed and decided. Smeets (2015, 19) gives a telling account of a day in the Council building, where behind closed doors there are countless hours of debate in the COWEB on how to refer to Kosovo. The "EU membership of Kosovo" can not even be mentioned in any working documents, or conclusions of the Council, and therefore of the EU (Smeets 2015, 19). Hence, the different EU structures have to find innovative solutions that satisfy the non-recognisers, but still keep Kosovo embedded and entrenched in the process of enlargement.

EUROPEAN COMMISSION, DG NEAR
 Directorate General for Neighbourhood and Enlargement Policy

COUNCIL OF MINISTERS

COUNCIL PRESIDENCY

COREPER
 Committee of Permanent Representatives

COWEB
 Council Working Group on the Western Balkans

EEAS
 European External Action Service

Initiation and Drafting of a legislative proposal

Drafts in practice with mandate from the Council;
 Presents the draft proposal;
 Incorporates Council amendments in the proposal

Negotiations of a legislative proposal

Approves issues upon which no agreement was reached in Coreper or at working party level;
 Negotiates matters that are too politically sensitive to be settled at a lower level.

With the assistance of the General Secretariat, identifies and convenes the appropriate working party to handle a proposal;
 Chairs Coreper and the Council meetings.

Tries to negotiate a settlement itself;
 Refers the proposal back to the working party, perhaps with suggestions for a compromise;
 Passes the matter up to the Council.

There is no formal time limit for a working party to complete its work;
 The time taken depends on the nature of the proposal.
 There is also no obligation for the working party to present an agreement, but the outcome of their discussions is presented to Coreper.

Chairs COWEB meetings

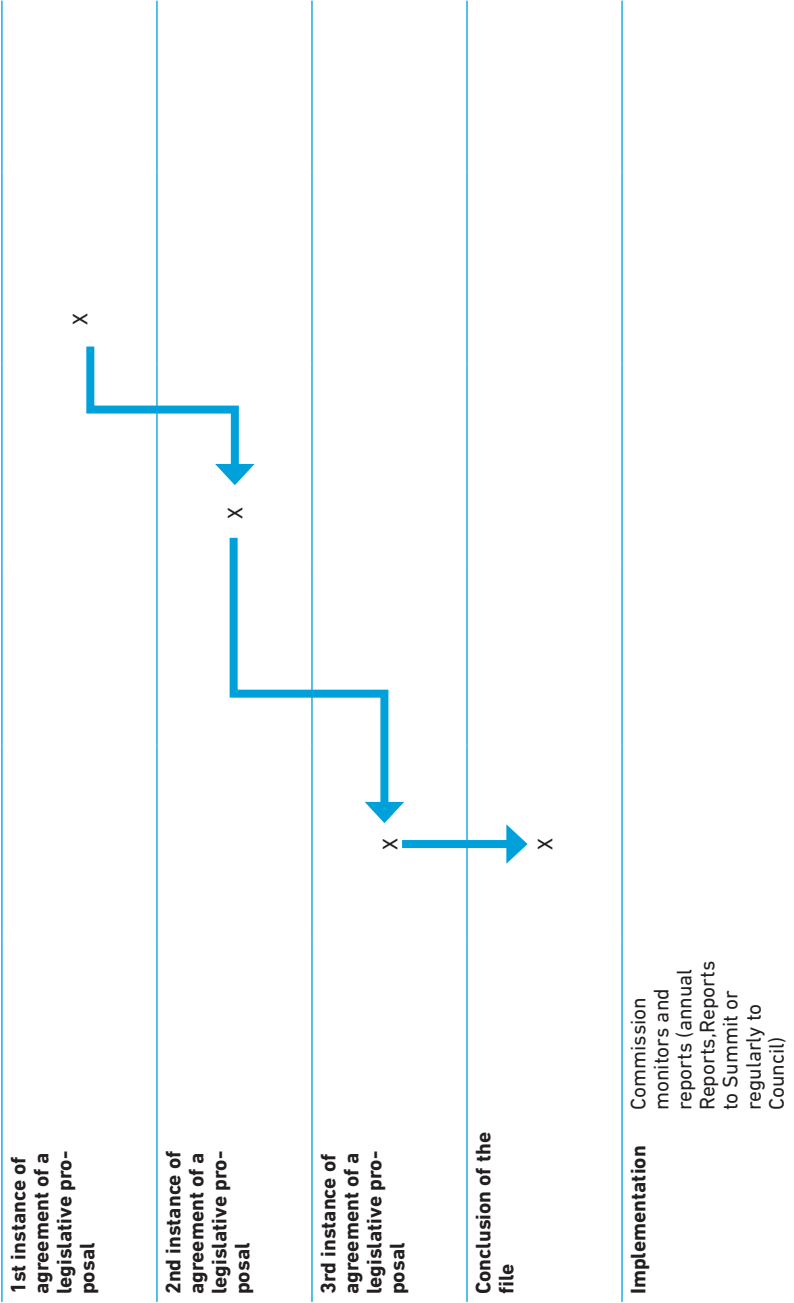


Table 1: EU's institutional set-up for managing relations with the Western Balkans

[Each of the institutions in the table is responsible for the relations with the Western Balkan countries by way of legislative proposals that are initiated and drafted, negotiated on up to three levels, concluded and implemented; → displays the evolution of the proposal from the first to the last instance of negotiation and X shows the institution responsible for it in that instance]

The next instance of negotiation in the Council, COREPER, meets once a week or biweekly to discuss only matters that have not been agreed by COWEB. Only if this instance does not succeed to reach an agreement, foreign ministers represented at the Council of Ministers take over that specific negotiation during their monthly meeting. The more a file goes to a higher instance of negotiations, the more difficult it becomes to reach an agreement as the negotiators have more political responsibility and visibility. If the Council of the EU is, because of the unanimity rule and political weight, the most important actor of enlargement policy and therefore of EU's relations with Kosovo, its Presidency is by extension a *key* player in the process. The Council Presidency rotates among the EU member states every 6 months and during this time it has the prerogative of chairing all Council meetings, thus ensuring the consistency and continuity of the EU's work at the inter-governmental level. The Presidency's role includes not only planning and chairing meetings in the Council and its preparatory bodies, but also representing the Council in relations to the other EU institutions. In these circumstances, the Council Presidency is expected to act as an honest and neutral broker.² Additionally, the Council Presidency contributes to the preparation of the agenda for the meetings of all instances of negotiation, and chairs the meetings of COREPER and of the Council of Ministers. As a result, the representative of the EU member state holding the Council Presidency tends to set the tone of the negotiations by being the first to express her/his country's position on topics listed on the agenda of meetings.

For Kosovo, having good bilateral relations with the holder of the Council Presidency is crucial to advance its bilateral relations with the EU as a whole, especially given the Council's political might and its ambiguous attitude towards the Kosovo status. As a clear example of this ambiguity, in 2016, after an EEAS-mediated agreement between Kosovo and Serbia, the Council insisted that all the EU institutions use a standard footnote in all official documents regarding Kosovo: 'This designation is without prejudice to positions on status, and is in line with UNSCR 1244/19993 and the ICJ Opinion⁴ on the Kosovo declaration of independence'. The two legal acts mentioned in the footnote can

be seen as contradictory on the issue of Kosovo's status and independence, but the awareness that the footnote will accompany the mention of Kosovo in the adopted documents is now the basis of all negotiations at different levels in the Council - COWEB, COREPER and the ministers' meeting. This gives all EU member states - those who recognise Kosovo's independence and those who don't - enough flexibility to interpret it in the way they see it fit for their own legal arrangements.

EU RELATIONS WITH KOSOVO: DIFFERENT AGENDAS AND THE DIFFICULTY OF 'SPEAKING WITH ONE VOICE'

The enlargement packages, which provide similar deals for various countries, are no longer an option for the EU, which now favours individual country-specific instead of region-wide approaches, in order to avoid mistakes from previous enlargement waves (Dérens 2015, 173; Börzel, Dimitrova and Schimmelfennig 2017, 157). Altogether, each country advances at its own pace and based on evidence of reforms (Elbasani 2019). Consequently, the EU enlargement strategy now divides the Western Balkan countries in two general groups regarding their odds of membership based on progress in the accession process: candidate countries and potential candidates. Kosovo features among 'potential' candidates and stands at the very end of the cue of countries rallying for EU membership. Since 2016, it has a formal relationship with the European Commission through the conclusion of the Stabilisation and Association Agreement.

Still, after the signing of this agreement, Kosovo's complex problems - war legacies, statehood issues, political polarisation and ethnic tensions, coupled with the problem of non-recognition - have led the Council of Ministers and EU member states to adopt a 'wait and see' or 'go slow' approach to its EU ac-

cession process (Balfour and Stratulat 2013, 22; Elbasani 2018, 149-164). This is especially relevant regarding the advancement of the process of visa liberalisation for Kosovo. As of now, Kosovo remains the only country in the Western Balkans which has not yet concluded an agreement with the EU regarding visa-free travel for its citizens in the Schengen area. The stalling of the visa liberalisation process convolutes Kosovo internal issues but also Council's insistence in loading the process with additional conditionality.⁵

The problem of EU's 'overloaded agenda and weak incentives' (Elbasani 2008) is a general feature of evolving conditionality across the region. According to Anastasakis (2008, 365-366), in the context of the Balkans the EU bifurcates its conditionality based on normative, functional and/or realist considerations:

the EU (a) is adding further, yet necessary, political conditions and criteria to weaker or more reluctant partners and emphasizes the 'journey' rather than the outcome of accession, affecting the credibility of the strategy; (b) is blending together normative, functional and realpolitik claims in the choice of its conditions, affecting the clarity of its intentions; (c) is pursuing, in some cases, a rigorous assessment of compliance and, in other cases, a more adaptable and pragmatic assessment, affecting the consistency of the process.

Such considerations have implications for the domestic reception of conditionality. Regarding the normative agenda, when the EU insists on conditions that don't fit with domestic perceptions or specific benefits for Kosovo, they risk being perceived as loaded and as unfair external pressure, thus negatively impacting the image of the EU and attitudes towards EU accession. Regarding the functional agenda that insists on Kosovo's transformation via adoption of rules and procedures and/or the creation of institutional capacities, they might have more affinity with the local political concerns, but still "what is functional for the EU is not always perceived as functional for the countries concerned" (Anastasakis 2008, 366). Regarding the more realpolitik considerations that shape EU conditionality, such concerns can further complicate and confuse the role of EU requirements as a useful tool of domestic change.

The nature of conditionality is even more complex and convoluted in the case of Kosovo where the Commission's agenda can be challenged by member states' particularistic agendas and concerns voiced in the Council. Quite often, member states' positions on enlargement in general, and Kosovo in particular, depart from a common EU standpoint because of domestic specific considerations.⁶ Various interviews with European diplomats in Brussels confirm that in the current political climate in Europe, where internal policies are prioritised, a more 'politicised' conditionality that reflects member states' concerns tend to prevail.⁷

In 2018, the EU institutions and member states proved able to a certain extent to 'speak with one voice' regarding the enlargement perspective for the Western Balkans, including Kosovo. Initially, it was the president of the European Commission announcing that a new Strategy guiding EU enlargement policy for the Western Balkans was forthcoming.⁸ Indeed, when published, the strategy entitled *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans* confirmed 'the European future of the region.'⁹ Yet, given the opposition of member states who do not accept its independent statehood, Kosovo did not receive clear promises.¹⁰ The particular reference to Kosovo's so-called European perspective reads: "Kosovo has an opportunity for sustainable progress through implementation of the Stabilisation and Association Agreement and to advance on its European path once objective circumstances allow."¹¹ In April 2018, the European Commission released also its annual Enlargement Package, subsequently endorsed by the Council. The overall assessment of Kosovo's progress was rather bleak: "the new ruling coalition has had limited success in bringing forward EU related reforms and building consensus on key strategic issues for Kosovo."¹² Kosovo also received a weak score regarding its alignment with EU standards in areas such as public administration reform, judicial system, fight against corruption and fight against organised crime, protection of human and fundamental rights, and freedom of expression.

Still, 2018 was seen as a 'momentum' year for the progress of EU's enlargement process towards the Western Balkans, including Kosovo. The release of a comprehensive Enlargement Strategy by the European Commission was a

powerful declaration of intent in this regard. What facilitated the momentum, and the concrete expression of intent, including Commission's new strategy, was the rotating Presidency of the Council, exercised by Bulgaria during the first half of 2018 and Austria during the second half. Both presidencies, which are strongly interested in and supportive of the EU perspective, and ultimately EU membership of all countries in the region, placed the Western Balkans among the key priority issues of Council. Both states support and recognise Kosovo's European future, and have gone a long haul to accumulate support in the Council for Kosovo's progress on the ladder of institutional relations with the EU. However, many institutional and political obstacles remain. Poor evaluations on the state of reform in Kosovo itself don't help. The wide range of EU and domestic-focused problems showed themselves during the actual process of negotiating the visa-free travel for Kosovo citizens.

EU INTER-INSTITUTIONAL DISAGREEMENTS ON VISA-FREE TRAVEL FOR KOSOVO

The process of granting visa-free travel to Kosovo citizens would be more than the immediate result of facilitating travel throughout the Schengen area and cultural or business links resulting out of people-to-people contacts. Since the process is subject of key benchmarks -specific conditions that the country needs to meet -it is widely perceived as a conditional reward (Stiks 2011, 126). In the case of other Western Balkan countries too, the EU has granted visa liberalisation after targeted reforms, including general ones that would boost the EU accession process. In other words, the EU used the visa liberalisation process as a strategy of exercising the leverage of reward in return for reforms (Stiks 2011, 129). The strategy has been effective in encouraging domestic change elsewhere in the Balkans, while it offered more tangible benefits for citizens than the distant EU membership perspective requiring even more painful reforms (Stiks 2011, 129).

Procedurally, granting visa-free travel to and throughout the Schengen area to citizens of a country requires an agreement between the EU and the respective country. The process starts with a visa liberalisation dialogue between the European Commission and the partner country; subsequently, a proposal is prepared by the European Commission that summarizes the end results; the proposal then requires a vote in the European Parliament and a confirmation by qualified majority vote in the Council in order to come to effect. The qualified majority requirement means that a minority of EU member states can ultimately block the entire process.

The European Commission launched a visa liberalisation dialogue with Kosovo in 2012 and soon after presented Kosovo authorities a Roadmap of conditions for visa liberalisation.¹³ The roadmap entails legislative amendments, adoption of new laws, formation of new institutions, recruitment of new staff as well as training in numerous areas, such as immigration, asylum, border control, the fight against crime, terrorism and corruption, and the protection of identity.¹⁴ Since launching the visa dialogue, the Commission has presented regular reports to the European Parliament and to the Council on its assessment of Kosovo's fulfilment of the requirements articulated in the roadmap. Regular discussions with member states in the COWEB as well as regular exchanges with the European Parliament on the visa liberalisation process have taken place ever since.¹⁵ The process itself, excessively focused on benchmarks, and the fact that other Western Balkan countries have been granted visa-free travel earlier, reinforced a sense of isolation in Kosovo (Stiks 2011, 129-130).

EU's perception of the Western Balkans as a possible source of instability has generally shaped the visa liberalisation process across the region (Trauner 2007). Yet, if other countries succeeded in overcoming member states' concerns, Kosovo has not been able to do so. In this case, the EU member states were primarily concerned with a possible influx of asylum-seekers or illegal migrants as well as the odds of readmission process (Stiks 2011, 130) in a context where several thousand citizens from Kosovo have applied for asylum in the

Schengen area.¹⁶ Core EU countries have seen particularly troubling numbers of asylum applications during the so-called 'migrant and refugee crisis' of 2015.¹⁷

To those legitimate EU concerns, one can add other region-specific threats of stability, of which bilateral border conflicts and rule of law problems top the EU agenda (Elbasani 2019; Elbasani and Sabic 2018). Hence, the EU institutions have doubled up the usual benchmark criteria with other requirements for resolutions for border conflicts and promotion of rule of law. Specifically, in 2016, the European Commission made the proposal to grant visa-free travel for Kosovo citizens upon the fulfillment of two remaining benchmarks: conclusion and ratification of an agreement on border demarcation with Montenegro, and a sustained track-record in the fight of corruption and organized crime. EU's insistence on these two requirements have been perceived as unfair by various governmental, political and civil society actors in Kosovo.¹⁸ Instructed by the member states in the Council of Ministers, who were nonetheless reluctant to speed the process of granting visa-free travel to Kosovo, the Commission insisted on the two remaining benchmarks being fulfilled. Finally, the Kosovo authorities ratified the border demarcation agreement with Montenegro in spring 2018. The implementation of the other remaining benchmark - Kosovo's proved track record in fighting corruption- was left to the European Commission to monitor, assess and report on. The Council of Ministers under the Bulgarian Presidency has responded positively to the finalisation of the border demarcation agreement between Kosovo and Montenegro. At the end of its June 2018 meeting, the Council adopted conclusions on the Western Balkans countries that praise Kosovo for the fulfilment of the first benchmark, but require more on the fulfilment of the second one:

The Council welcomes the ratification by the Kosovo Assembly of the border/ boundary agreement with Montenegro in March 2018, which constitutes the fulfilment of one of the key criteria for Kosovo's visa liberalisation and an important achievement in the spirit of good neighbourly relations. The Council takes note of the Commission's intention to present an assessment of the final benchmark on the strengthening of the track record in the fight against organ-

ised crime and corruption and invites the Commission to report on whether the other benchmarks continue to be met.¹⁹

Throughout the beginning of 2018, many member states voiced concerns in the Council meetings about Kosovo not stepping up the fight against corruption even if it is an important remaining benchmark in the Roadmap for visa liberalisation.²⁰ The Commission's 2018 weak score regarding Kosovo's progress in the fight against corruption and organised crime confirmed Council's concerns.²¹ Despite the score, the Commission's position on the remaining benchmarks for visa liberalisation suggested that Kosovo had fulfilled the necessary technical requirements to jumpstart the process.²²

The European Parliament and the Council, under the Austrian Presidency, had the task of voting the Commission's proposal. The European Parliament completed the debates and approved the proposal in September 2018. The Council, by contrast, stalled the visa liberalisation file at the level of COWEB, but also another working group responsible for visa and asylum policy. The Austrian Presidency of the Council, which in general has a friendly attitude towards EU enlargement and very good relations with Kosovo, has not advanced the file because of internal political concerns regarding migration and asylum spilled into its foreign policy towards Kosovo.²³ Several interviews with EU diplomats and officials familiar with the Austrian Presidency of the Council reiterated that the Austrian government had no interest in completing visa-free travel for Kosovo at this time, given its domestic concerns. Accordingly, the first discussions of the Commission proposal in COWEB and other working groups made it clear that member states lacked the necessary consensus for approving the visa-free travel agreement with Kosovo.²⁴ During the first COWEB meeting in which this proposal was discussed, member states traditionally supportive of Kosovo's EU perspective, such as Italy, have been reluctant to take the floor and endorse visa liberalisation because migration features high among their domestic problems too.²⁵ Meanwhile representatives of France and the Netherlands have been most sceptical about Kosovo's fulfilment of the technical criteria enshrined in the visa liberalisation Roadmap, thereby

putting into question the European Commission's report confirming that this has been done.²⁶

Hence, Council's blockage in this case was not connected to the concerns of non-recognisers of Kosovo's independence, as generally is the case in COWEB meetings. In fact, some of the non-recognisers would easily approve the agreement, as suggested by the several EU diplomats and EU officials present at the meetings. Other countries, however, raised common concerns regarding the migration and security components of the Kosovo visa liberalisation and Kosovo being a region of origin of many unfounded asylum applications.²⁷ The Austrian Presidency itself shared such political concerns. Austrian top government officials have publicly expressed their worries about EU visa and asylum policy and its implications for Kosovo,²⁸ concerns which informed the shelving of the visa liberalisation file.²⁹

In sum, two factors influenced the Councils' lack of support for a visa-free travel agreement with Kosovo in 2018: the lack of ambition of the Austrian Presidency of the Council and concerns from member states regarding the state of anti-corruption reforms and the large number of asylum applications. Interviews with both EU officials and diplomats in Brussels confirmed that various EU member states share common concerns that enlargement and migration remain contested issues domestically and hence, they lack political support to advance those issues in the Council. Such dilemmas multiply in periods of crisis, when trust between EU member states as well as trust between the member states and EU institutions is weakening (Algieri 2012, 23).

CONCLUSIONS

2018 was seen as a 'momentum' year for the progress of EU's enlargement process towards the Western Balkans. Kosovo remains the last in line for EU membership from among the (potential) candidate countries from this region

also because five EU members do not recognise its statehood. Kosovo expected nevertheless to get the green light from the EU for visa-free travel to and throughout the Schengen area. While in the first part of the year it lagged behind in meeting the European Commission's technical requirements, in the second part of the year that opportunity has been lost. Member states' blockage of the process despite Commission's recommendation that Kosovo has fulfilled the technical benchmarks outlined in the visa liberalisation Roadmap puts forward the non-easy collaboration between the two institutions and the ultimate power of the Council to determine the EU agenda when it comes to the EU relations with the Western Balkans in general, and Kosovo in particular. What has ultimately delayed visa-free travel to the EU for Kosovo citizens are the intricacies of EU decision making and policy making, combined with the politicisation of the issue of visa liberalisation and its direct connection to migration and asylum-related concerns of the EU members.

In actual terms, the announced 'momentum' has not brought much benefit to Kosovo, at least not in terms of advancement of its institutional relations with the EU. The country doesn't have a clear perspective or institutional path of joining the EU, as the 2018 Commission Enlargement Strategy ambiguously indicated. It also lacks the prospect of breaking the visa deadlock in the short term. Moreover, the EU non-recognisers are not anymore the only factor in the impasse in the Council's decisions concerning Kosovo. The current political climate in the EU, with numerous concerns related to immigration, has prompted other EU members to express sceptic attitudes towards further EU enlargement and hence to delay advancement of the Western Balkans in the process. Thus, the EU effectively directs reforms and policies through the conditionality applied by the European Commission, but the member states represented in the Council ultimately decide on granting the rewards based on a unanimity principle with very uncertain outcome for the Western Balkan states.

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**EU CONDITIONALITY IN
THE VISA LIBERALISATION
PROCESS WITH KOSOVO:
INCREASED SPECIFICITY,
METICULOUS SCRUTINY**

ZORAN NECHEV WITH IVAN NIKOLOVSKI

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Previous research has shown that EU political conditionality is effective even in situations when the prospects of membership are distant. The visa liberalisation of Kosovo, although based on well established approach that is extensively following the best practices from previous visa liberalisation processes with other Western Balkan countries, defers in one very important aspect. The peculiarity of the target country in terms of its status, due to the five EU non-recognizers, has prompted the European Commission to engage in an enhanced dialogue with the Council and member states while utilizing and relying extensively on the expertise of various EU agencies such as Europol, Eurojust and the EULEX. This chapter examines the application of the EU conditionality policy regarding the visa liberalisation process with Kosovo. It explores the similarities and differences in the EU approach as well as policy instruments and tools applied in the process in comparison to the other Western Balkan countries. The chapter argues that even in situation where the EU leverage is low, the policy conditionality and reward associated with it were effective in motivating the country to successfully implement the criteria.

INTRODUCTION

Following the entry of Croatia in the EU family, the accession process with the remaining six Western Balkan countries has been overshadowed by uncertainty. This is especially the case with Kosovo, the newest addition to the Western Balkans group of countries. Moving beyond the already signed Stabilisation and Association Agreement in the EU accession process is not really an option. Five EU member states still do not recognise it as a country, therefore, the Council cannot give a green light to the country to move forward in the process regardless of the fulfilment of the accession criteria. In addition to this, the negotiations with Serbia have reached a dead end, at least for the time being, although efforts are being made to overcome this impasse and unblock Kosovo's EU aspirations. As a consequence, it comes as no surprise that the visa liberalisation process is perceived both, from Kosovo and EU side, as the only process that can be concluded irrespectively from the uncertain institutional situation in which Kosovo is at the moment.

Immediately after declaring independence in February 2008, the EU has expressed its political support and 'willingness to assist the economic and political development of Kosovo' (Council of the European Union 2008, 14-16). A year later, the Commission Communication 'Kosovo - Fulfilling its European Perspective' laid down the foundation for visa facilitation with Kosovo (European Commission 2009, 6, 13). The document proposed "a visa dialogue with the perspective of eventual visa liberalisation" once Kosovo fulfills all the necessary reforms. Even from its outset, Kosovo's EU accession process was much politicized because of the situation with the five non-recognizers and the ambiguous relations with Serbia. Kosovo cannot move to the next steps of the EU accession process i.e. beyond the status of potential EU candidate without the explicit support by all the EU member states, including the 5 non-recognizers. Under these circumstances, Kosovo's membership prospects remain questionable even today. However, this is not the case with the visa liberalisation pro-

cess. Although the status issue complicates the implementation of the criteria, it does not hinder the overall process.

In order to maintain its leverage, the EU has shifted its Kosovo policy towards short-term policy rewards, such as the visa-free travel. In time, however, the EU has increased the value of the applied policy conditionality, thereby motivating Kosovo to effectively conduct the necessary reforms. Based on the fulfillment of performance indicators, in July 2018, the European Commission assessed that Kosovo has fulfilled all required criteria, thereby putting into effect the proposal from 2016 to the European Parliament and the Council to amend the Regulation (EC) No 539/2001. Since then, the European Parliament voted in favour of visa-free travel for Kosovo citizens although members of European parliament coming from some of the non-recognizers such as Spain, Cyprus, and Greece as well as skeptical France and the Netherlands expressed their reservations. The final decision that needs to be taken by the European Council has been postponed for a later stage.

To better understand the conditions under which the visa policy operates and in analyzing the effectiveness of its tools, this chapter explores both the conditionality applied in the case of Kosovo and the criteria required to other Western Balkan countries that already underwent this process such as Serbia, Macedonia and Bosnia and Herzegovina. Empirically, the chapter evaluates how the conditions surrounding the case of Kosovo -uncertain membership prospects and low EU leverage - shape the effectiveness of the policy conditionality. The research relies on a body of research that focuses on how the EU impacts on the political structures and policies in the Western Balkan countries seeking accession to the EU (Elbasani 2018; Schimmelfennig 2012, 656-669; Trauner 2009; Zhelyazkova et al. 2018).

HISTORICAL OVERVIEW

The EU Commission officially launched the visa liberalisation dialogue in 2012 by issuing a roadmap for Kosovo (European Commission 2012). The Visa Free Dialogue with the EU aims at removing third country from the list of countries (known as the ‘black visa list’) whose citizens are required visa when crossing the EU external borders. This list is established with Annex 1 of the Council Regulation (EC) No 539/2001 and it represents key legislation of the EU’s visa policy (Trauner and Manigrassi 2014, 4).

Benchmarks were also used in order to guide Kosovo in implementing the criteria required and to assess the country’s readiness in fulfilling the visa liberalisation criteria (Trauner and Nechev 2017). Namely, Kosovo’s visa liberalisation roadmap included two major requirements: *1) readmission and reintegration and 2) document security, border/boundary and migration management, public order and security, and fundamental rights related to the freedom of movement.*

The latter requirement consists of benchmarks to be fulfilled by Kosovo authorities divided into two four areas (Visa Liberalisation with Kosovo Roadmap, 2012):

Block 1 - document security (personal travel documents, ID cards, and breeder documents).

Block 2 - border/boundary and migration management (border/boundary management, carriers’ responsibility, migration management and asylum).

Block 3 - public order and security (preventing and combating organised crime, corruption, and terrorism, law enforcement co-operation, judicial co-operation in criminal matters, data protection).

Block 4 - fundamental rights related to the freedom of movement (freedom of movement, conditions and procedures for issuing identity documents, human rights and respect for and protection of minorities).

The visa liberalisation requirements are mainly part of the EU *acquis* related to justice, home affairs, but also freedom and security, that needs to be adopted by the candidate countries before they join the Union.¹

The first report on Kosovo's progress in fulfilling the requirements of the visa liberalisation roadmap was issued by the European Commission in 2013 (European Commission 2013). This report comprises recommendations for all the benchmark areas. Namely, as a pre-condition for visa liberalisation dialogue, Kosovo had to duly implement the Law on Readmission, negotiate readmission treaties with the interested EU member states and other countries, but also reduce the number of pending readmission requests from all member states, readmit its own citizens, third-country nationals and stateless persons who no longer fulfil the conditions of entry and stay in the EU member states, and improve data exchange with member states' authorities concerning the special needs of returnees, including victims of human trafficking (European Commission 2013, 20-21). In terms of reintegration, Kosovo authorities were called to increase the reintegration fund and programme beneficiaries as well as establish sustainable reintegration services and management system aimed at tracking returnees' access to reintegration services (European Commission 2013, 21).

As for the personal documents security, the country had to amend the law on personal names to allow Cyrillic alphabet in the name registration, eradicate deceitful name changes, validate the identity of all applicants for name changes as well as to change secondary legislation on applications for travel documents to secure that fingerprints are taken from all applicants above the age of twelve in line with the EU *acquis* (European Commission 2013, 21). Furthermore, the European Commission demanded from Kosovo authorities to produce and issue biometric identity cards and enforce the new civil status

system by securing the reliability and integrity of the single civil status central registry through improved data quality, cross-referencing and matching all data entries as well as bridging the inconsistencies between the different databases (European Commission 2013, 21). The country was also asked to improve the border/boundary management in terms of inter-agency cooperation, border control, and surveillance by aligning with the EU *acquis* as well as to extend the law enforcement cooperation with the neighbours and EU member states for the purpose of preventing and combating irregular migration and cross-border crime (European Commission 2013, 21). Special focus was put on the delineation of the Kosovo-Montenegro border. Pristina was asked to improve the migration and asylum management in line with the EU *acquis*, Geneva Convention and Schengen Borders Code as well. The visa liberalisation dialogue was also conditioned on combating organised crime, corruption, and terrorism through reforms in the areas of judiciary and intelligence services (European Commission 2013, 22-24). Lastly, Pristina had to improve the protection of data, extend the anti-discrimination framework for women, members of the LGBT community and people with disabilities, and improve the integration and protection of the ethnic minorities (European Commission 2013, 24).

Much of the recommendations re-appeared in the European Commission's second report from 2014 (European Commission 2014). Although Kosovo made progress in all priority areas, the Commission requested additional efforts in protecting judicial independence and reinforcing the capacities of the independent bodies and agencies (European Commission 2014, 6-7). Among others, these recommendations aimed the justice area, public procurement and money-laundering as well as advancing the the country's cooperation with EULEX, EUROPOL, INTERPOL and EUROJUST (European Commission 2014, 6-7).

The progress in the visa liberalization dialogue continued in 2015 and 2016 as well. Namely, by 2015 (European Commission 2015), Kosovo had fulfilled most of the remaining recommendations. In other words, Kosovo had to implement

requirements regarding reintegration, with a focus on offering assistance with employment, the establishment of small businesses, vocational training and linguistic training for children (European Commission 2015, 3,11). The remaining requirements also included improving data security by amending secondary legislation on name changes, ratification of the border/boundary delineation agreement with Montenegro, and increasing its recognition rate for asylum-seekers (European Commission 2015, 4-5). The stress was put on combating organised crime, corruption and terrorism (European Commission 2015, 8). Lastly, Pristina was asked to fully comply with the requirements in the area of fundamental rights related to the freedom of movement by providing appropriate premises for and ensuring the full budgetary independence of the Office of the Ombudsperson (European Commission 2015, 9-10).

In 2016, the European Commission issued the fourth report on the implementation of the Visa Liberalisation Roadmap (European Commission 2016). Kosovo authorities managed to implement the remaining requirements except for the ratification of the Border Agreement with Montenegro. Pristina also had demonstrated a track-record in investigations, final court rulings and confiscations in serious organised crime and corruption cases. Based on these results, the European Commission proposed to the Council of the European Union and the European Parliament to lift the visa requirements for the people of Kosovo by transferring Kosovo to the visa-free list for short-stays in the Schengen area once the remaining requirements are met (European Commission 2016).

However, this proposal came with two conditions for Kosovo to ratify the border/boundary agreement with Montenegro and to further strengthen its track record in the fight against organised crime and corruption (European Commission 2016). After three years of political disagreements with and blockades by the then opposition, Kosovo Assembly managed to ratify the agreement with Montenegro in March 2018. In the meantime, the authorities provided the needed track record of combatting serious corruption and organized crime cases, which was noted in the update on the implementation of the remaining benchmarks of the visa liberalisation roadmap by Kosovo (European Commis-

sion 2018a). Following the adoption of the two remaining benchmarks, the European Commission confirmed that Kosovo has fulfilled all benchmarks of the visa liberalisation roadmap and recommended visa liberalisation by adding, in the words of Commissioner Avramopoulos, “[i]t is now in the hands of the European Parliament and the Council to move forward and adopt the Commission’s proposal from May 2016 - and I encourage them to do so swiftly” (European Commission 2018b). The European Parliament approved the Commission’s proposal in September 2018.

THE EVOLVING AND TAILOR-MADE CONDITIONALITY: SIMILAR REFORM CRITERIA, INCREASED SPECIFICITY

The EU approach towards liberalising the visa regime for short term stays in EU and Schengen countries with Kosovo follows the same pattern as it had been the case for all the other Western Balkan countries before. Identical policy instruments were used in the case of Kosovo as with the other countries (European Stability Initiative 2012). Most of the criteria and reforms that need to be implemented in this process are part of the Justice and Home affairs *acquis* or what has been known as the negotiation chapters 23 and 24 that deal with rule of law issues. This also signals that the visa liberalisation process follows the pattern of the new approach towards accession negotiations introduced following the entry of Croatia to the EU, i.e. in the accession negotiations with Montenegro. In addition, more political conditionality was introduced in the visa liberalisation process that helps the country progress in the overall accession process. This is especially the case following the publication of the 2018 ‘Credible enlargement perspective for and enhanced EU engagement with the Western Balkans’, which clearly outlines the need of resolution of bilateral issues and emphasizes the importance of ‘definitive and binding solutions’ (European Commission 2018c, 4).

Kosovo needed to sign a readmission agreement with the EU prior to starting the visa dialogue. However, because of the peculiar situation, where five EU members do not recognise it as an independent country, Kosovo is unable to sign a readmission agreement with the EU. As a result, Kosovo needed to redirect its efforts towards signing such agreements on a bilateral basis with individual or group of countries from the EU. Therefore, even prior to starting the dialogue with the EU, Kosovo had to find a specific way to bypass an issue that derives from its status. The other countries from the Western Balkans, such as Macedonia, Serbia, Albania, and others, have signed only an agreement with the European Community and this was sufficient (Council of the European Union 2005; 2007a; 2007b; 2007c; 2007d). Because of its specific status, Kosovo needed to sign bilateral agreements.

Till the end of the assessment period, Kosovo managed to sign 22 readmission agreements with 24 countries including 18 member states (one agreement for the Benelux countries), two associated countries, three Western Balkan countries (all its immediate neighbours except Serbia), and Turkey (European Commission 2016). Kosovo adopted the necessary law on readmission, thereby covering this subject issue with all the remaining EU countries with which Kosovo had not signed a readmission agreement at that moment in time. According to this legislative piece (article 6), Kosovo is required to “readmit to its territory a foreigner who does not fulfil or no longer fulfils the requirements for legal entry and stay in the requesting State [...] in a situation when as illegally entered and stayed in the territory of the Republic of Kosovo prior to entry into the requesting State” (Assembly of the Republic of Kosovo 2010, 3). In addition, the Commission in its report noted also that the country has made progress by “devising an Action Plan on reintegration of returnees underpinned with earmarked resources” (Council of the European Union 2010, 17). However, besides these requirements, country-specific criteria which had not been requested for the other Western Balkan countries were set for Kosovo. Additional pre-conditions for initiating visa-free dialogue was for Kosovo to reinforce its efforts in the area of reintegration as well as in border security, management of civil registries and issuance of documents. This was in-

troduced as a measure to effectively fight illegal migration and to reintegrate Kosovo citizens once readmitted in the country (Emini 2015).

The ‘Visa roadmap’, published in 2012, and similarly to other the roadmaps, was tailor-made and reflected the specificity of the country. Yet, the level of resemblance between the roadmaps provided to other Western Balkan countries and Kosovo is high. Although the number of benchmarks is almost double than in the cases of the other countries from the region, content-wise, the reforms required are largely same or similar. For example, if one analyses the Macedonian Roadmap, in the segment devoted to border management, the Commission outlines that Macedonia should “implement the legislation governing the movement of persons at the external borders, as well as the legislation on the organisation of the border authorities and their functions in accordance with the 2003 national Integrated Border Management strategy” (European Commission 2008a). The requirements under this specific benchmark were related to 1) progress made in implementing legal and regulatory aspects on movement of persons at external borders, 2) implementing the legislation on the organisation/functions of border authorities and its operational effectiveness, and 3) implementation of IBM strategy/actions plan and their results, including information on border controls - checks, surveillance, manuals (European Commission 2008b). In the case of Macedonia, this was only one benchmark, whereas similar requirements, in the case of Kosovo, are outlined in 5 individual benchmarks. The situation is exactly the same when we compare it with the Visa roadmap of Serbia. The Serbian authorities needed to “adopt and implement legislation governing the movement of persons at the external borders, as well as the law on the organisation of the border authorities and their functions in accordance with the Serbian National Integrated Border Management Strategy adopted in January 2006”. The Roadmaps with the other countries follow this line of reasoning (Visa Liberalisation Roadmap with Albania 2008; Visa Liberalisation Roadmap with Bosnia and Herzegovina 2008)

What is different in the case of Kosovo is the level of detail and precision in constructing the Roadmap. This had a direct effect on the result achieved by the

Kosovo government and the effectiveness of the policy conditionality applied. This has been confirmed by Kosovo authorities. Whereas in previous cases with the other countries of the Western Balkans, the Commission needed to go through a round of explanatory meetings to clarify the requirements under each specific benchmarks, this was not the case with Kosovo.² What is unique for the Kosovo Roadmap is the “full involvement of the Council and Member States in developing and, if necessary, amending this roadmap (Visa Liberalisation with Kosovo Roadmap 2012, 3). Although the Roadmap remained the same, the original benchmarks were interpreted differently based on the assessment reports by the European Commission. This had an impact on the consistency and therefore determinacy in the process. In this case, the criteria for visa-free travel in the Roadmap changed over time. A case in point is the one related to the border/boundary management (*Block 2*) “to complete the endeavor, in a coordinated manner with the other party, the delineation of the border/boundary with Montenegro”. This benchmark has been modified overtime to the extent that in the end the government in Pristina needed not only to delineate the border, but also to ratify the Agreement reached. Conditionality scholarship have showed that in situations when the criteria applied are more consistent and precise, the likelihood that the government will comply with it increases (Zhelyazkova et al. 2018). The case of Kosovo also shows that although the process has been loaded with some new conditions, especially in the political sphere, making the conditionality approach look like inconsistent, unfair and non-effective at first glance; the actual situation is that this is the result of an EU learning curve: the Union has learned that conditions need to be more specific and much more flexible for the EU to make a genuine change according to the case at the hand.

At the end of the process, Kosovo was not only requested to delineate the border with its neighbor, but also to complete the ratification of the border demarcation agreement in the Assembly (European Commission 2018d). It was exactly this benchmark that became highly contested in Kosovo’s domestic political arena and eventually led to the change in government. Kosovo lost almost three years in the visa liberalisation process because of internal political tensions and difficulties in forming a government, which resulted in

paralyzed state institutions unable to implement visa-free related reforms (Freedom House 2018, 2-3). This has not been the case with previous Roadmaps for the Western Balkan countries. Although new benchmarks were not explicitly mentioned in the Roadmap, the recommendations from the Commission's reports on progress made by Kosovo in fulfilling the requirements of the visa liberalisation roadmap and readings of various evaluation reports from fact-finding missions have modified some existing benchmarks or eventually new ones emerged. As an interviewed civil servant pointed out, Kosovo was required to set up reintegration offices in all municipalities in the country as well as to allocate EUR 3.2 million annually for "sustainable reintegration of its repatriated citizens".³

THE INCREASING ROLE OF MEMBER STATES' CONCERNS IN SHAPING THE COURSE OF ENLARGEMENT

Most of the explicit, and in some cases, additional, Kosovo-specific criteria, are deriving from 1) the particular situation of non-recognition by five member states and the presence of international organisation, 2) the interest of member states to be more involved and informed in assessing the situation with the progress made, and finally 3) the difficulties EU member states might face with migration once the visa-free travel is obtained. An example from the first category of specific criteria can be observed in the given role to the EU Rule of Law Mission in Kosovo (EULEX). The EULEX is given a role to monitor, mentor and advise Kosovo authorities on adopting and implementing the reforms and fulfilling the necessary requirements (Visa Liberalisation with Kosovo Roadmap 2012, 5). There is also a designated role for the other EU agencies such as Europol, Eurojust, Frontex, and EASO in assessing the progress made by Kosovo in fulfilling the benchmarks. In addition, due to the status specificity, in each benchmarks where cooperation with relevant EU agency is envisaged,

Kosovo is recommended to be creative and to “explore possible avenues of cooperation” (Visa Liberalisation with Kosovo Roadmap 2012, 7) such as in the situation with the International Civil Aviation Organisation; whereas in situations where it needed to report to an agency like Interpol, Kosovo communication channel went through EULEX (Visa Liberalisation with Kosovo Roadmap 2012, 7). The same goes for issues related to readmission because of the fact that Kosovo cannot sign such an agreement with EU. The visa facilitation agreement too was different from those that other countries in the region have concluded and implemented. The reporting on many issues, such as for example detailed statistics on border/boundary control measures, on the number of personal travel documents and ID cards, or the detailed statistics on asylum, needed to be made not only to the Commission, as it had been the case with other Western Balkan countries, but also to EULEX and member states.

The second group of specific criteria originates from the expressed interest of member states to get involved in the entire process. This has been introduced by the Commission in the Roadmap as ‘reinforced consultation’, thereby outlining the essential need for an intensified dialogue with the Council and the member states (Visa Liberalisation with Kosovo Roadmap 2012, 3). Although this exercise is more of an internal EU institutional issue and matter of political nature, it showcases the interest of, especially some, member states to be involved and informed about the assessment of the situation regarding the progress made. While the Commission is still in charge of assessing the fulfillment of the criteria, which remain the same as with the other Western Balkan countries, the member states would like to explicitly acknowledge their role and interest in the whole visa endeavour with Kosovo. The possibility of “amending the roadmap” if deemed necessary by the Council and the member states and “utilising the expertise” of EU and EU-related agencies and institutions in assessing the progress made are cases in point (Visa Liberalisation with Kosovo Roadmap 2012, 3). What the discussion in the Council will entail is very precisely detailed, in addition to the explicit note that “the Commission will take into utmost consideration the political conclusions of discussion in the Council” (Visa Liberalisation with Kosovo Roadmap 2012, 4).

The third category of specific criteria is associated with the difficulties that the EU member states might face with migration once Kosovo citizens obtain visa-free travel to the EU. Thereby, the Commission is tasked to evaluate “the expected migratory and security impacts of liberalisation of the visa regime with Kosovo” and to report to Council and the Member States based on a number of performance indicators (Visa Liberalisation with Kosovo Roadmap 2012, 4). Whereas the evaluation reports are a novelty in the case of Kosovo, the performance indicators were applied also for the other Western Balkan countries. These indicators include visa refusal rate for Kosovo applicants, refusal rates, the number of Kosovo citizens found to be illegally staying EU, submitted asylum applications and rejected readmission applications. The evaluation reports, in this case, were justified by the fear in some member states for a potential increase of asylum seekers based on previously high number of seekers from Kosovo (9,870 in 2011, 14,310 in 2010 and 14,275 in 2009).⁴ In this regard, one needs to be aware of the extraordinary migration crisis from Kosovo in the years from 2014-2016, which had its peak in 2015. According to the Commission’s third progress report on visa liberalisation “between September 2014 and April 2015, 87,495 Kosovo citizens sought asylum in the EU Member States and the Schengen Associated States” (European Commission 2015). However, this trend is decreasing dramatically. The 2018 annual EU Commission country report reveals that there is a significant decrease in the number of asylum seekers from Kosovo from 73,235 in 2015, to 11,965 in 2016 and an estimated 7,575 in 2017. This is very relevant for the positive assessment made by the Commission because of the fact that according to the Roadmap a “substantial decrease in these performance indicators will be used as an indicative reference” in the Commission evaluation reports (Visa Liberalisation with Kosovo Roadmap 2012, 15).

CONCLUSIONS

At present, Kosovo's EU path is paved with uncertainty. Because of the unresolved status and the five EU non-recognizers - Spain, Romania, Slovakia, Cyprus, and Greece - Kosovo has reached its limits in the accession process. However, while the status issue remains a huge burden for Kosovo's relations with the EU, at least with regards to visa-free travel, the outcomes are positive. The results of the government reforms and action in the 4 blocks of priority reforms are assessed by the European Commission as fulfilled and the European Parliament has voted in favour of visa-free travel for Kosovo citizens.

The policy conditionality applied and the mechanisms used in the case of Kosovo, in general, follow the pattern of previous rounds of visa liberalisation with the other countries of the region. The tailor-made Roadmap for Kosovo needed to take into account the specificities of the country and the shared obligations and responsibilities between international organisations and the authorities. This also reflects the reality associated with the current status of Kosovo vis-à-vis the European Union. The complexity of relations between the two parties and the complex situation within Kosovo, related to the status, resulted in fulfilling the visa liberalisation criteria in around six years; in contrast, the other countries from the region needed only approximately 2-3 years.

The number of criteria given to Kosovo exceeds by double the number of requirement provided to the other Western Balkan countries, however, this is due to the increased level of precision and detailness of the documents itself and is not associated with the reforms that need to be implemented. Therefore, content-wise, Kosovo is required to implement the same reforms as the others. The single issue that directly influenced the precision and credibility of the EU approach in Kosovo towards the visa liberalisation process is the possibility to amend the criteria in the Roadmap provided to Kosovo at the beginning of the process. This has not been the case in previous rounds of visa liberalisation.

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ENDNOTES

- 1 See Trauner and Manigrassi 2014; Kacarska 2012.
- 2 Interview with official from the Ministry of European Integration of Kosovo, October 2018
- 3 Interview with official from the EU Department of the Ministry of Interior of Kosovo, October 2018.
- 4 Ibid.

THE KOSOVO QUESTION IN SPANISH DOMESTIC POLITICS: A VIEW FROM CATALONIA

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P This chapter traces the political relations between Kosovo and Spain. Specifically, we review the reasons behind the non-recognition of Kosovo by Spain and the role Kosovo independence played in Catalonia's quest for self-determination. The empirical analysis identifies the internal power struggle of Spain as the most important reason for the non-recognition of Kosovo, albeit other reasons, such as the adherence to international law and the internal dynamics of the governing Spanish Socialist party also played a decisive role. Likewise, we argue that the Spanish government's position of the last eleven years has resulted in an unintentional comparison of Kosovo with the internal situation in Spain. However, the study suggests that Kosovo played an active and significant role in the Catalan process of self-determination. This argument is made in two sections. Section one reviews the Spanish government's position towards Kosovo, from the prelude of Kosovo's declaration of independence, to the arrival of power of the then-new socialist Prime Minister, Pedro Sanchez. Section two examines the support of Catalan separatists for the independence of Kosovo and explains the role that the case of Kosovo played in the Catalan process of independence. The study is based on historical narrative, analysis of key official documents and seven semi-structured interviews conducted in Pristina, Brussels, Madrid and Barcelona.

INTRODUCTION

Eleven years after Kosovo's declaration of independence, the stance of the Spanish government concerning the newest state in Europe remains unchanged. The position of the different governments - the *Popular Party (PP)* and the *Socialist Party (PSOE)* - has always been marked by not only the non-recognition approach, but also by the lack of political engagement with Kosovo. Spain, together with EU member states Cyprus, Slovakia, Greece and Romania, continues to reject the recognition of Kosovo. This position is unlikely to change in the near future, especially in the absence of an official agreement for the normalization of relations between Belgrade and Pristina.

Although the official government approach states that Spain does not recognise Kosovo, because the declaration of independence was a breach of international law, political analysts and media outlets have explained this decision as motivated by the internal dynamics of Spain; in other words: the quest for independence in the Basque Country and Catalonia. In fact, the approach taken by the *PP* government in recent years, when the Catalan crisis has been at its highest peak, has reinforced the approach that the non-recognition of Kosovo stems from the internal situation in Spain. Unequivocally, this argument was enhanced by Catalan separatist parties which repeatedly made reference to Kosovo's process of independence as a legitimate path to achieve self-determination.

The first section introduces the main question of the paper: what is the role of the Kosovo question in Catalonia's quest for independence? Previous works have looked at the examples of Scotland and Quebec as potential self-determination models to be followed by Catalonia. Using an innovative approach, and driven by the political crisis in Catalonia, this paper tests whether or not Kosovo played a role in constituting the Catalan process of independence. Hence, the goal is not to address the differences between Catalonia and Koso-

vo's path for self-determination, nor to see whether Catalonia does or does not have a right to secede, but to explain the role that the case of Kosovo played in processes of legitimisation of the Catalan quest for independence. The main hypothesis is that the case of Kosovo played a significant role in the unilateral declaration of independence of Catalonia on 27 October 2017.

Before going into the core of the analysis and in order to establish the context, the paper provides a thorough historical background, including *inter alia*, the various reasons behind the non-recognition of Kosovo by Spain. This part of the paper provides a comprehensive overview of the Spanish approach towards Kosovo, from before the latter's declaration of independence, to the present. In this vein, the paper explains how Spain paid –and continues to pay– very little attention to the developments in the Western Balkans (WB), despite overall following the EU's foreign policy agenda in the region. Spanish foreign policy only dissociated from the EU's position on the WB when Spain decided not to recognise Kosovo on 18 February 2008. It was only then that the Spanish authorities raised concerns about the case of Kosovo as a potential precedent if recognition was granted. The paper continues by looking into the reception of the International Court of Justice (ICJ) advisory opinion on Kosovo's declaration of independence in Spain, the effects of the change of government in Spain and the escalation of the crisis in Catalonia with regards to Kosovo.

The second part of the paper focuses on explaining how and why Catalan separatists used the case of Kosovo to further their demands for independence. The paper argues that Catalan separatist parties instrumentalized two events: Kosovo's unilateral declaration of independence and the ICJ advisory opinion on Kosovo's declaration of independence, thereby ignoring, however, the events that led to the independence of Kosovo. Ultimately, the last section of the paper provides the concluding remarks on the approach of the Spanish governments towards Kosovo in recent years. By the same token, the conclusions claim that Catalan separatists persistently used Kosovo to further their goal for independence.

METHODOLOGY AND LITERATURE REVIEW

The methodology of the research is based on a qualitative approach. The data has been gathered through two different sources: desk research and semi-structured interviews. The research has also utilized the historical narrative on how the issue of Kosovo has been dealt with by Spanish politicians and the Catalan separatists over the last ten years..

In the desk research, the paper focused on analysing policy papers, political statements and motions presented in the Senate and the Congress of Spain by Catalan and Spanish political representatives. The timeframe of the research comprises nine years, from the unilateral declaration of independence of Kosovo on 17 February 2008 to the unilateral declaration of independence of Catalonia on 27 October 2017. Additionally, the paper devotes a small section to the position of Spain prior to Kosovo's independence.

The core of the research is based on data gathered through semi-structured interviews with politicians in Spain, Kosovo and Belgium. The first phase involved interviews in Madrid, Barcelona and Brussels with Representatives of the *PSOE* - currently heading the government - and representatives of Catalan separatist parties. This includes, leaders of the *Republican Left of Catalonia (ERC)* and the *Catalan European Democratic Party (PDeCAT)*.¹ The aim was to understand their personal and the overarching party position on Kosovo's statehood and the role Kosovo played in Catalonia's process for independence. The second phase focused on semi-structured interviews in Kosovo with representatives of two political parties: *Vetëvendosje* and *The Democratic Party of Kosovo (PDK)*. This aimed to understand the channel of communication between Kosovar, Catalan and Spanish authorities over the last ten years and the approach Kosovar leaders have used to foster institutional cooperation with Spain.

The semi-structured interviews with Kosovar and Spanish authorities were conducted in their capacity as representatives of their political parties. Hence, the content of the interviews does not only reflect the position of the interviewees *per se*, but also, and fundamentally, the political approach of the political party they represent. The content of these interviews, together with the different political statements analysed, have supported the claim of this paper that asserts that Kosovo played an important role in Catalonia's path for self-determination.

THE KOSOVO QUESTION IN SPAIN

Kosovo in Spanish politics: a remote and uninteresting issue

Spanish relations with Western Balkan states have historically been very limited. Prior to the Yugoslav wars of the 1990s, the cooperation between Spain and WB states was limited to diplomatic relations and the presence of Yugoslav volunteer soldiers in the Spanish Civil War (Ferrero 2017). The arrival of Yugoslav *brigadistas* belonged to a contingent of fighters from the Kingdom of Yugoslavia, linked with the Communist Party, who sided with the Republicans during the war. The lack of Spanish engagement in the development of the region can be explained by the limited trade and economic relations between Spain and the states of the WB. This impacted on the interest that Spanish authorities had in the area, which meant the absence of a foreign policy agenda in the region.

The eruption of violence in the former Yugoslavia in 1991, however, turned Spanish attention to the events of the region; not only because of the bloodshed and the cruelty of certain military actions, but also because of the fear of drawing parallels between the fragmentation of Yugoslavia and the territorial dynamics of Spain. In other words: the political situation in the Basque country and Catalonia. Although Spain was, at first, reluctant to accept the formation of new states in the

prelude of the conflict, and thus, to recognise Slovenia and Croatia, the position of a ‘newcomer’ in the EU foreign policy sphere made Spain recognize these states, in 1992, after the recognition by most of the EU partners – headed by Germany (*El País* 16 Jan. 1992). Nevertheless, the Spanish role in the region showed a lower degree of involvement compared to other European partners, such as Germany or Austria. Due to the limited national interest in the WB, Spain has traditionally been following the overarching EU foreign policy in the region. Kosovo’s declaration of independence in 2008, nonetheless, marked a turning point.

Spanish governments based their position of not recognizing Kosovo on international legal parameters, arguing that Kosovo’s unilateral declaration of independence did not comply with international law. Media and political analysts, in comparison, explained the government’s decision with territorial issues within Spanish borders. This research has proven, however, that Spanish authorities have rarely officially pointed to Catalonia and the Basque Country as the reasons behind the non-recognition of Kosovo.

Nevertheless, the (non)recognition of Kosovo has mainly remained an echo in Spanish foreign policy concerning the political development of the WB in the last ten years. Consequently, the reasons behind the non-recognition of Kosovo by Spain have sporadically arisen in the Congress and the Senate of Spain, through motions, in official statements of political leaders and in media outlets. Similarly, since the start of the crisis in Catalonia in recent years, the question of Kosovo’s independence has moved into the spotlight as the fears of drawing an analogy between the two cases increased.

The position of Spain before the declaration of independence

The Spanish government’s decision not to recognise Kosovo broke with ten years of Spanish cooperation in the region. Significant Spanish personalities, like Javier Solana, NATO Secretary General during the NATO bombing of Yu-

goslavia in 1999, and Lieutenant General Juan Ortuño, head of KFOR (NATO Kosovo Force) from April to October 2000, were important actors in the reconstruction of Kosovo, during and after the conflict. Under the umbrella of the Resolution 1244 of the UN Security Council, almost 22,000 Spanish soldiers served in Kosovo with KFOR in the ten-years period between June 1999 and September 2009 (Spanish Ministry of Defence 2018).

Contrary to the significant military added power, the influence of Spain in the negotiation of the political status of Kosovo after the war was very limited; most notably, when compared to the role played by key actors, such as the members of the Contact Group - the informal grouping of prominent powers (US, Russia, France, Great Britain, Germany and Italy)- that had been created during the wars in Bosnia and Croatia. Nevertheless, Madrid supported the UN-backed talks in Vienna between Kosovo and Serbia in July 2006, albeit with a very cautious and distant role. The Spanish government at the time, headed by PSOE, asserted that they were going to accept the outcome of the negotiations, although they raised some concerns regarding the Ahtisaari Plan proposal.² This, the government feared, could set a precedent and create territorial political difficulties for Spain (International Crisis Group 2007, 10).

In this context, the former Minister of Foreign Affairs of Spain, Miguel Angel Moratinos, asked the authorities in Pristina to postpone the declaration of independence after the Spanish general elections, on 9 March 2008 (*Reuters* 18 Feb. 2008). This indicates that the flawed analogy between Kosovo and the territorial situation in Spain was already present in the Spanish foreign policy, prior to Kosovo's declaration of independence. However, this analogy would not come to light officially until the day of the declaration on 18 February 2008.

Dissecting Spanish reasons behind non-recognition

One day after Kosovo's declaration of independence in 2008, the Socialist government of PM Zapatero announced that Spain was not going to recog-

nise Kosovo, arguing that the unilateral declaration of independence was a breach of international law. Simultaneously, Moratinos rushed to express that the Spanish decision had no possible parallels with the internal dynamics in Spain, referring essentially to the situation in the Basque Country and Catalonia (*El Confidencial* 18 Feb. 2008). The government of Spain, however, lost an excellent opportunity to dissociate the foreign policy applied to the WB from the internal politics of Spain. In this way, instead of recognising Kosovo and dissipating the doubts between the internal situation in Spain and Kosovo, the Socialist government chose not to recognize Kosovo and, additionally, exacerbated the flawed analogy between the two cases.

The Spanish government - together with the Greek, Cypriot, Romanian and Slovakian governments - thus, broke with years of common European foreign policy in the WB, moving from a passive and critical role in the negotiation of the political status of Kosovo to a leader in the denial of Kosovo's statehood. Spain aligned with countries such as Russia, China, India and Brazil in the non-recognition of Kosovo and did not follow the position of countries such as Turkey and the United Kingdom - both with self-determination issues within their borders - in recognising Kosovo.

When referring to the breach of international law, the government of PM Zapatero argued that the declaration of independence was an infringement of the UN Security Council Resolution 1244. This resolution guarded the principal of sovereignty and territorial integrity of the Federal Republic of Yugoslavia. This vehement defence of international law corresponded to the main tenets of the Socialist party policy at the time. It is worth noting that the Socialists had come to power in 2004 as big advocates of international law, denouncing the engagement of the previous PP government in the invasion of Iraq (Vaquer 2012). The arrival of the Socialist party to power, thus, was considered to be "a return to international legality" (Vaquer 2012). Moratinos went as far as comparing Kosovo's independence with the war in Iraq, stating that the two cases were clear examples of a breach of international law (*El Mundo* 18 Feb. 2008).

The position of the Spanish government nevertheless cannot only be explained by its continuous and official references to international law, as the doubts concerning the legality of Kosovo's declaration of independence would have been diluted by the ICJ advisory opinion of 22 July 2010, which ruled that Kosovo's declaration of independence was not a breach of international law. Hence, further explanations ought to be analysed to better understand the complex stance of the Spanish government.

Despite Moratinos frequent reiterations that the decision on Kosovo had little to do with the internal situation in Spain, it is doubtful that the Spanish government stance is not influenced by domestic issues. Most of the international and national media outlets suggested the day after Kosovo's independence that the decision of the Spanish government was based on the complex situation with Basque and Catalan separatism. The public's understanding of the government's position was exacerbated by Popular Party's effort to exploit the Kosovo question as a sign of weakness of PSOE concerning Catalan and Basque separatism (Vaquer 2012). The PP used the Kosovo question systematically as a weapon to create internal fragility within the PSOE before the Spanish general elections. In fact, Basque and Catalan separatists vigorously supported and celebrated the process of independence of Kosovo, which prompted Moratinos to demand the delay of Kosovo's declaration.

It is also possible that the personal connections of Moratinos played a significant role in the decision not to recognise Kosovo. Moratinos, a diplomat by profession, had served in the Spanish Embassy in Belgrade between 1980 and 1984 and was awarded with the distinction of Honorary Citizen of Belgrade in 2009 for his support to Serbia "in all fields" (B92 13 Dec. 2009). The former Serbian president, Boris Tadic, stressed that "he had never met a minister in the world that had advocated so much for Belgrade and Serbia", describing him as the "angel protector of Belgrade and Serbia" (*El Mundo*, 12 Dec. 2009). This image of Moratinos' commitment to and personal connections with Serbia is shared by some politicians in Spain and Kosovo. For instance, the former Minister of Foreign Affairs of Kosovo and current Deputy Prime Minister, Enver Hoxhaj, remarked

that Moratinos was very close to Belgrade, promoting a Serb policy towards the Western Balkans, and thus, he created the perception that the declaration of independence of Kosovo was a problem for Spanish foreign policy makers.³

To what extent Moratinos' personal circle played a role or influenced the decision of the Spanish government not to recognise Kosovo, remains uncertain. It is most likely, however, that his own approach was not a decisive factor in the decision not to recognize Kosovo, as the position of Spain would have changed when he left the position of Minister in October 2010. What is clear, however, is that the Spanish decision was taken rapidly and under high pressure from different sides. This, together with the fear of setting a precedent for Catalonia and the Basque Country, provoked the prompt decision not to recognise Kosovo on 18 February 2008. As a result, instead of recognizing Kosovo and separating the question from the internal situation of Spain, the Madrid government gave credence to the analogy between the two cases. This signalled to the Spanish population and to European partners that the Spanish government was quite fragile.

The period after independence

The time between Kosovo's declaration of independence and the change of government in Spain in December 2011 did not show an improvement in relations with the newly created state. Instead, the former Spanish Minister of Defence, Carme Chacón (*PSOE*), announced during her visit to the Spanish base in Istok in March 2009, the controversial decision to gradually withdraw the 620 Spanish KFOR peacekeeping troops from Kosovo (*El País* 20 Mar. 2009). This announcement was not only criticised internally by the PP and by Catalan and Basque nationalist parties, but also by the international allies, especially NATO and the US (*Reuters* 22 Mar. 2009).

Additionally, two weeks after this decision, the Spanish government announced the withdrawal of its small contingent from the European Union Rule of Law Mission in Kosovo (EULEX) (*ABC* 30 Mar. 2008). Six months later,

by September 2010, all Spanish military personnel had left Kosovo (Vaquer 2012, 20). The Spanish government justified these controversial decisions by arguing that EULEX's and KFOR's mandate after independence could jeopardize the enforcement of the UNSC Resolution 1244 and, therefore, strengthen Kosovo's institutions to act as a state. The position of Spain alienated themselves from the position of other non-recognizers, such as Greece or Romania, who decided to maintain their troops on the ground.

Despite the worsening relationship, however, there was communication between Moratinos and the authorities in Kosovo, resulting in different talks under the Spanish EU Presidency, such as the Sarajevo Summit in June 2010. But the 2010 ICJ advisory opinion and the subsequent escalation of the separatist movement in Catalonia broke with the rapprochement of the two countries, leaving the relations colder than before. In fact, the Ministry of Foreign Affairs of Spain presented long written statements during ICJ proceedings in defence of its position about the illegality of Kosovo's declaration of independence.

In the aftermath of the ICJ decision, the Spanish approach became inconsistent; the government thought that the declaration of Kosovo could set a precedent for other nations' independence, but at the same time it labelled the Kosovo case as a 'sui generis' one (Mangas Martin 2011, 108) Therefore, one must pose the following question: if it is a sui generis case why did Spain not recognize Kosovo? The answer to this question should have been to differentiate the internal situation of Spain from the one in Kosovo, and thus, recognize Kosovo and reassert once and for all that the situation of Kosovo has very little in common with the one in Catalonia and the Basque country. The Spanish government, however, did not follow that line.

Politically speaking, the diplomatic relations between the representatives of the Spanish and the Kosovar governments became very poor in the aftermath of the ICJ decision; they were limited to informal conversations in multilateral organisations, which were usually not made public. Spain feared that any official meeting or encounter with Kosovo's government representatives could

enhance Kosovo's statehood. The Spanish approach was taken to the extreme, compared to other non-recognizers. For instance, formal and informal meetings between Kosovo officials and Greek, Slovakian, Romanian and Cypriot authorities have taken place throughout the last ten years, including visits to these countries. However, visits to Spain have been almost impossible, because Spain one of only two EU member states - the other being Cyprus - that do not accept Kosovo's passport. The Spanish approach towards Kosovo was also sometimes more extreme than the one followed by Belgrade or Moscow. In fact, it is quite paradoxical that Kosovar citizens can enter Serbia today with a simple ID, while their entrance to Spain is hardly ever granted. The 'hardening' of Spain's position towards Kosovo was certainly influenced by the awakening of the separatist movement in Catalonia.

The election of Popular Party Prime Minister Mariano Rajoy on 20 November 2011 was an opportunity to soften the approach towards the recognition of Kosovo. Although, the PP had supported the previous government in its policy of non-recognition of Kosovo, the former Kosovar Minister for Foreign Affairs, Enver Hoxhaj, confirmed that 2012- 2013 were periods of openness with the initiation of the EU-facilitated dialogue between Belgrade and Pristina, which Spain fully supported (B92 8 Jan. 2010). Moreover, Spain softened its position on Kosovo's relations with the EU, refraining from blocking the Stabilization and Association Agreement that was signed on 27 October 2015. However, this was not translated into recognition or institutional cooperation, as Spanish representatives clearly stated that "the agreement did not prejudice the Spanish position on the international status of Kosovo" (*The Diplomat in Spain* 31 Jul. 2017). This had previously been confirmed in 2012 by Rajoy during an intense discussion in the Congress of Spain with the then *Convergence and Union (CiU)* spokesman, Duran i Lleida; in that Rahoy vocally asserted that Spain would not recognise Kosovo because it was what best suited the general interests of the whole country (*La Vanguardia* 14 Mar. 2012).

However, with the escalation of the political crisis in Catalonia in recent years and the continuous flawed analogy between the two cases, the stance of the

Spanish government towards Kosovo's statehood worsened. Rajoy's government did not only continue to deny Kosovo's statehood, including Madrid's rigid visa policy and refusing to meet Kosovar officials, but his administration also voted against the prospective accession of Kosovo into international organisations, such as UNESCO or UEFA. In January 2018, Rajoy's administration took a step forward, submitting a letter in the form of a non-paper in which they questioned the presence of Kosovo in the EU Enlargement Plan (*Europa-press*, 30 Jan. 2018). The last chapter of this story took place in the EU-Western Balkans Summit in Sofia in May 2018. Rajoy opted not to attend the summit in which all other EU leaders were present due to the presence of the highest Kosovar official, President Hashim Thaçi. This was noteworthy also because the President of Serbia, Aleksandar Vučić, was present in the Summit.

These latest policies delivered two important developments: firstly, that the actions of the Spanish government denoted once again little interest in the future development of the WB; and, secondly, that these acts reinforced the misleading analogy between Catalonia and Kosovo by worsening the relations with Kosovo, while the crisis in Catalonia was unfolding. Thus, the Spanish approach developed from a passive involvement in the recognition of Kosovo to a more rigid approach. Against the intended aim of the government, this approach helped reinforce the analogy between the cases of Kosovo and Catalonia.

Future perspectives: no change if there is no move from Belgrade

On 1 June 2018, Pedro Sanchez of PSOE toppled Mariano Rajoy from power, becoming the first prime minister in the history of Spain to access power through a no confidence vote. The new tenure of Sanchez represents the first time that a PM in Spain has extensive knowledge and experience in the WB. Sanchez gained these skills working in the cabinet of the UN High Representative in Bosnia-Herzegovina, Carlos Westendorp, during the war in Kosovo. His exper-

tise in the region, however, has so far did not bring any change in the stance of Madrid towards the recognition of Kosovo. In fact, Sanchez had already before shown his disagreement with the independence of Kosovo when in 2010, and as a representative of PSOE in the Foreign Affairs Committee of the Congress of Spain, he voted voting against a motion - presented by ERC - to recognise Kosovo (Foreign Affairs Committee of the Congress of Spain 2010, 3-8).⁷

The Socialist MP, José Zaragoza, confirmed that the approach of the Sanchez government is not likely to change, unless Serbia recognises Kosovo.⁴ Zaragoza reiterated that the position of the government would follow the previous administration's position. This is to say, that Spain will not recognise Kosovo's independence, re-affirming the position that Kosovo's unilateral declaration did not respect international law, despite the 2010 ICJ advisory opinion. Likewise, Zaragoza, used the rhetoric of previous governments, denying any linkage to Catalonia and the Basque Country as reasons behind the non-recognition of Kosovo.⁵

Although the Sanchez government did not consider Kosovo as a priority, politicians in Kosovo regard the election of Sanchez as a window of opportunity to change the stance towards Kosovo, not necessarily in terms of recognition, but of institutional cooperation between the two countries. Both *Vetëvendosje* leader Albin Kurti and Deputy President of the Democratic Party of Kosovo Enver Hoxhaj stated their belief that there are hopes for a new and different approach, where a new channel of communication can commence.⁶ But Kosovo was not among the main topics in the Spanish foreign policy agenda during the short-lived tenure of PM Sanchez and until the Spanish general elections that were held in April 2019.⁷

The possibility remains, nonetheless, that the position of Spain could change, should an agreement to normalize the relations between Belgrade and Pristina be signed. Although for years this option seemed unattainable, the contentious plan to exchange territories between the two countries brought forward in the summer 2018, could lead to the recognition of Kosovo by Serbia. Hence,

Spain and many other countries could follow. Although Spain has been one of the states to openly oppose this exchange of territories, the Minister of Foreign Affairs, Josep Borrell, stressed that should the agreement be signed between Kosovo and Serbia, Spain would certainly have no objections to recognizing Kosovo (*La Vanguardia*, 31 Aug. 2018).

The stance of the different political parties in Spain

Together with the PP and PSOE, only the Spanish centred-right political party, *Ciudadanos* (*Citizens*) (32/350 seats in 2018), follows the line of openly refusing to recognize Kosovo's independence. This position was perfectly illustrated by the *Ciudadanos* MP, Melisa Rodriguez, in response to a motion presented by *ERC*, in the Foreign Affairs Committee in the Congress of Spain in April 2016. In a very similar manner, her colleague, Fernando Moura, showed the discontent of its party with the participation of Kosovo in the Mediterranean games in Tarragona - Spain - in June 2018, where the flag of Kosovo was finally not waved (*El Español* 29 Sept. 2017); this constituted another example of the extreme policy followed by the Spanish government in rejecting Kosovo's statehood.

While over the course of the last ten years the constitutional parties have denied the recognition of Kosovo, the other political parties with a seat in the Congress of Spain have taken very different approaches.⁸ The left-wing political party, *Podemos* (67/350 seats in 2018), was the most ambiguous of all the Spanish parties concerning the recognition of Kosovo. Its leader, Pablo Iglesias, voted against an EU Parliament resolution to foster the integration of Kosovo into the EU in 2015, arguing that "Kosovo was a kind of narco-state backed by the US, whose recognition was contrary to international law" (European Parliament debate 2015); but his colleague, Raimundo Viejo, voted in favour of recognising Kosovo in a motion in the Congress of Spain, in April 2016. The supportive position was confirmed by the *Podemos* Senator, Sara Vilà, who voted in favour of a motion to recognize Kosovo in the Senate of Spain in April

2017 (Foreign Affairs Committee of the Senate of Spain 17 Apr. 2017). This inner party division is explained by the tenets of the party: on the one hand, the position against foreign interventions, such as the NATO bombing in 1999, and on the other, the support of self-determination movements, such as that of the Albanians in Kosovo in the 1990s.

The Basque and Catalan nationalist parties - *PDeCAT* (8/350 seats in 2018), *ERC* (9/350 seats in 2018), *EH Bildu* (2/350 seats in 2018) and the *Basque Nationalist Party (PNV)* (5/350 seats in 2018) - have been by far the most vocally open to the recognition of Kosovo since the day after the declaration of independence. This support has not only been expressed through motions in the Congress and the Senate of Spain, but also through official statements, letters and unofficial meetings with Kosovo's representatives. Kosovo's declaration of independence was celebrated by Catalan and Basque nationalist parties in an interesting manner, because it opened the door to new states in Europe. It has therefore kept alive the will of independence for Catalonia and the Basque country. This first case is further analysed in the following section of the paper.

KOSOVO IN CATALAN POLITICS

The Kosovo question in Catalan separatism

Contrary to the refusal of the Socialist and Popular governments to recognise Kosovo over the last ten years, Catalan separatist parties have been the biggest advocates of Kosovo's independence, since its declaration in February 2008. The form of support has varied, from official statements to symbolic recognitions by Catalan towns. Likewise, the two prominent Catalan secessionist parties - *ERC* and *PDeCAT* - have approached the question in a different manner, depending on the state of play of Catalan separatism.

The general Catalan political support of Kosovo's statehood overlaps with the escalation of the will for independence in Catalonia in the last few years. It was not until 2011 and 2012, after the Spanish Constitutional Court's 2010-decision to overthrow parts of the 2006 Catalan Statute of Autonomy, that Catalan authorities openly started to advocate for a referendum for self-determination. Prior to this event, there was also only limited Catalan support for Kosovo's independence, as the Kosovo case reflected the possibility of the creation of new states in Europe. However, at the end of 2014, when the Catalan secessionist leaders realized that they were unable to agree upon a Catalan referendum for self-determination with the central government, the unilateral path started to gain momentum. In this regard, Catalan leaders used the Kosovo case as the latest example of country to achieve self-determination and orientated themselves to the path chosen by Kosovo eight years earlier.

Public statements and policy papers published by Catalan secessionist leaders started to make references to the unilateral path followed by Kosovo as a rightful and legitimate road for Catalan independence (*El Periódico* 4 May. 2016; Levrat et. al. 2017). The response of the central government in Madrid was categorical, accusing the autonomous government in Catalonia of trying to create a similar situation to the one in Kosovo in 1998 (*El Español* 10 Jun. 2018). Thus, the Kosovo question and the flawed analogy with the Catalan case emerged in the Spanish media. Catalan secessionist leaders were accused by the central government and political analysts of using Kosovo's process of independence as a model to be followed by Catalonia. Catalan separatists focused on instrumentalising the July 2010 ICJ Advisory Opinion to legitimise Catalan independence. This usage was, however, extremely partisan, as it ignored the events that had led to the independence of Kosovo a decade before.

Starting from these accusations, the main conundrum in this section is whether or not Kosovo played a significant role in the Catalan process for independence that culminated with the Catalan unilateral declaration of independence on 27 October 2017. In other words: was Kosovo's decision taken as model by Catalan leaders when they declared independence unilaterally

in October 2017? And if so, how did Catalan leaders conceive Kosovo's path for independence? To answer these questions, two events that served as an important precedent for Catalan separatism are analysed: Kosovo's unilateral declaration of independence in 2008 and the July 2010 ICJ Advisory Opinion on the legality of Kosovo's declaration of independence.

Kosovo's unilateral declaration of independence

Unlike the Socialist government of Zapatero, the Catalan separatist movement highly welcomed Kosovo's independence. One day after the declaration, the secretary general of *ERC* and vice president of Catalonia at the time, Carod-Rovira, sent a congratulatory letter to Hashim Thaçi (*El Punt Avui* 21 Feb. 2008). This was criticized by the Socialist President of Catalonia, José Montilla. However, Carod-Rovira - rather in his function as leader of *ERC* than vice president of Catalonia⁹ - called for the Spanish government to recognise Kosovo (*El Mundo* 17 Feb. 2008). Nonetheless, *ERC*'s board was certainly more ambiguous in this regard; while some representatives of *ERC* regarded Kosovo's declaration of independence as an important precedent in Europe, others rejected any comparisons between Catalonia and Kosovo (*La Vanguardia* 18 Feb. 2008). The same message was sent by the President of the Catalan nationalist party, *CiU*, Artur Mas, despite being more cautious in his message. Whilst he applauded the declaration and called for the Spanish government to recognise Kosovo, he openly admitted that there were no parallels between Kosovo and Catalonia (*Público* 18 Feb. 2008). The precedent case had already been put forward before the declaration of independence in the Congress of Spain, when Agusti Cerdá, *ERC* MP, argued that Kosovo's independence would be a "historical unquestionable precedent" (*20 Minutos* 19 Dec. 2007).

The differences in the approach of *ERC* and *CiU* concerning Kosovo result from their different views on the territorial spectrum of Catalonia. Whilst *ERC* is openly pro-independence, *CiU* had divergent opinions within the party at the time. The inner *CiU* split is caused by the party's nature of a federation of two

constituent parties, the *Democratic Convergence of Catalonia (CDC)* - predecessor of *PDeCAT* - and the *Democratic Union of Catalonia (UDC)*. While the *CDC* was rather pro-independence - but with autonomist leaders within the party -, the *UDC* itself had opposing views regarding the independence of Catalonia. Furthermore, pro-independence leaders within *CiU* focused on the Scotland or Quebec example in organising a referendum on self-determination agreed upon by the central government, rather than Kosovo. Although *ERC* leaders also preferred the Scotland and Quebec models, they did not exclude the possibility of declaring independence unilaterally - following the Kosovo model - should no agreement be met with the central government. Due to these ambiguities within the parties, the Kosovo roadmap was not taken genuinely into consideration until after the 2010 ICJ decision.

The months after Kosovo's independence were characterised by intense Catalan institutional support for the newly established republic in Europe. In July 2008, the Parliament of Catalonia adopted a resolution, supporting "the will of the Assembly of Kosovo of becoming a new independent state" (Official Gazette of the Parliament of Catalonia Feb. 2008). This support was also raised in the Congress of Spain, where Joan Tardà, an *ERC* MP, presented a motion on April 2008, urging the central government to recognize Kosovo (Official Gazette of the Congress of Spain 7 May 2008). *CiU* and *ERC* insisted on this unconditional support, as they considered Kosovo as the perfect European example on how self-determination movements can not only achieve independence, but also (partial) international recognition.

ICJ advisory opinion on Kosovo's declaration of independence

The 22 July 2010 ICJ advisory opinion took place during the escalation of the separatist movement in Catalonia. Hence, it is considered to be a watershed event for Catalan separatism. The judgment, ruling that Kosovo's declaration of independence was not in breach of international law, arrived in a very heat-

ed atmosphere where the will for the independence of Catalonia was growing significantly in the population. The 28 June 2010 Constitutional Court decision to annul and reinterpret parts of the 2006 Catalan Statute of Autonomy that *inter alia*, considered without legal effect the reference of the preamble that underlined Catalonia as a nation, boosted Catalan separatism (Official State Gazette 16 Jul. 2010). The response of the Catalan society was immediate; days later, on 10 July a large demonstration covered the streets of Barcelona with the slogan “We are a nation. We decide”.

Given this tense situation, the Catalan separatist parties - *ERC* and *CiU* - started to mirror other self-determination movements in Europe and elsewhere to achieve, no longer just greater autonomy, but independence. The Kosovo path gained more popularity after the ICJ decision, albeit with different approaches in Catalan separatism; *ERC* continued to support Kosovo’s independence, celebrating the ICJ decision and linking it to the Catalan cause. They argued that after the judgment, Catalonia “would have international legal basis” to declare independence (*El País* 23 Jul. 2010). The then MEP, and today President of *ERC*, Oriol Junqueras, reiterated that Catalonia and Kosovo’s process for independence were comparable (*Público* 22 Jul. 2010). This stance was immediately reflected days later in the demand of *ERC* to recognise Kosovo, presenting, again, a motion in the Congress of Spain (Official Gazette of the Congress of Spain Sept. 2010). Although *CiU* voted in favour of that resolution and congratulated the Kosovar people for the ICJ judgment, the director of international relations of the party, Carles Llorens, stressed that the situations of Catalonia and Kosovo were disparate, as they departed from different political and social contexts (*Público* 22 Jul. 2010). The constitutional parties rejected the motion, as they considered Kosovo’s declaration a breach of international law.

The divergence in opinion between the two Catalan separatist parties was due to the fact that *CiU* put trust in the negotiations with the central government to find a solution on the political fate of Catalonia within Spain, while *ERC* considered the example of Kosovo as the most successful path to follow. Former *CiU* MP - and today *PDeCAT* MP - Jordi Xucla, confirmed that while “Cat-

alonia and Kosovo are unlike situations, *CiU* politicians and jurists affiliated to the political formation studied the ICJ Decision in depth”.¹⁰ Moreover, the current President of Catalonia and *PDeCAT* member, Quim Torra, went even further, expressing in his book “*The Last 100 Meters: The Road Map to Winning the Catalan Republic*” (2016), that after the ICJ Decision “nothing could be the same again” (Torra i Pla 2016), referring to the possibility of the creation of new states after declaring independence unilaterally. This shows the important role of the ICJ Decision on Kosovo in the Catalan separatist movement and it further confirms the active role of the Kosovo question in the Catalan path for self-determination.

In the already highly charged political climate in Catalonia, on 11 September 2012 - National day of Catalonia - an enormous Catalan independence protest march took place under the motto, “Catalonia, new state in Europe”. Within two weeks, the President of Catalonia, Artur Mas (*CiU*), announced snap elections consolidating the roadmap for a Catalan self-determination referendum, arguing that the will of the people had to be moved to the polls (*Europa Press* 25 Sept. 2012). The November 2012-elections kept Artur Mas in power, but with fewer seats in the Catalan Parliament, due to an increase in the number of *ERC* seats. For the first time, the two Catalan separatist *par excellence* parties agreed on a non-binding Catalan self-determination referendum to be held in November 2014. However, the negotiations with the central government on this referendum were, yet again, futile.

In this turbulent environment, *CiU* showed internal discrepancies between its two constituent parties concerning Catalonia’s roadmap; *UDC*’s leader, Duran i Lleida, was an autonomist rather than a separatist, while Artur Mas, leader of *CDC* and president of *CiU*, became openly pro-independence after the November 2012 elections. This led eventually to the divorce of the two parties in June 2015 and the transformation of *CDC* into the *PDeCAT*. The new party followed the path of the Scottish “struggle” for independence. However, Kosovo’s process for self-determination continued to be in the back of their minds. For the first time, representatives of *CiU*, openly instrumentalized the ICJ decision

and used it for their own case. In late 2012 and early 2013, Representatives of *CDC*, such as Francesc Homs, former spokesperson of the government of Catalonia, referred to the ICJ decision, stressing that an alleged Catalan unilateral declaration of independence would not be in breach of international law (*La Vanguardia* 2 Nov. 2012). Similarly, in June 2013, *ERC* openly spoke about following the Kosovo path and declare independence unilaterally should the negotiations to hold a self-determination referendum with the central government in Madrid fail and provided that the Catalan Parliament was formed by a pro-independence majority (ERC National Conference, 13 Jul. 2013). Four years later, these acts would take place in the Parliament of Catalonia.

Catalan separatists' usage of Kosovo's independence, and especially the 2010 ICJ decision, was also stressed by the intent of the Foreign Affairs Committee of the Catalan Parliament to recognise Kosovo in July 2013 through a motion. This motion, very similar to other ones presented in the Congress of Spain and the Parliament of Catalonia, was worthy of interest. Besides the support of the separatist parties, the *Catalan Socialist Party (PSC)* - referent of the *PSOE* in Catalonia - voted in favour of that motion (*Diari de Girona* 13 Jul. 2013). This vote does not mean that the central Socialist Party (*PSOE*) supported Kosovo's independence, nor Catalan independence, but it revealed that within the *PSC* there was not (and there is not) a clear stance concerning Kosovo's recognition, unlike in the *PSOE*. This event captured, once again, the lack of a comprehensive foreign policy agenda in the WB.

Nonetheless, it was not until the derogation by the Constitutional Court of the November 2014 non-binding self-determination referendum held in September 2014 that the Kosovo path turned to be the main model to achieve independence. From there on, the study of Kosovo's constituent process by Catalan separatist parties was fierce. In June 2016, Marta Rovira, *ERC's* Secretary General argued that Catalonia's process for independence should mirror Kosovo's constituent process, stressing that "Catalonia should copy Kosovo's system" (*La Vanguardia* 28 Jun. 2016). Meanwhile, there were attempts by Catalan leaders to meet Kosovar representative in Pristina; however, the latter refused

to do so. Despite this refusal, Catalan separatist parties continued to support Kosovo's independence. In April and September 2016, *ERC* called again for the recognition of Kosovo in the Congress and the Senate of Spain through different motions; this time without the support of the *PSOE* and with an identical result of the 2010 and 2008 initiatives.

The postscript of the Kosovo question in the Catalan path for independence finalised on 27 October 2017. The president of Catalonia and *PDeCAT* leader, Carles Puigdemont, declared independence unilaterally with a pro-separatist majority in the Catalan Parliament and with the opposition of the constitutional parties, in a very similar way of Kosovo's declaration; however, with a very different result. Unlike the Kosovo case, no state in the world recognised the independence of Catalonia. Even the authorities in Kosovo - the state that Catalan separatists had fervently defended - refused to recognise Catalonia. Clearly positioning itself on the side of Madrid, Pristina argued that Catalonia and Kosovo had very little in common.

CONCLUSIONS

The non-recognition of Kosovo by Spain continues to have domestic consequences for the people in the youngest state in Europe. In order for the reader to better understand the Spanish context before going into the core of the research question, the paper provided a recapitulation of the Spanish approach towards Kosovo in the last ten years. The paper argued that the Spanish position concerning the (non)recognition of Kosovo cannot be exclusively explained through its argument on the breach of international law, showing there were other grounds not to recognise Kosovo behind the official governmental approach; from the internal dynamics of Spain (Catalonia and the Basque Country), to the endogenous and exogenous circumstances of the Socialist party in the beginning of 2008. In other words: the role of Moratinos and the pressure of the opposition before the general elections.

In addition, the paper sustained that the lack of involvement and a foreign policy agenda in the WB caused the prompted decision not to recognise Kosovo. This decision was highly - and wrongly - influenced by the situation in the Basque Country and Catalonia, as it was thought to potentially create a precedent for said Spanish Autonomous Communities. Furthermore, the paper has also shown that the Spanish approach developed from a passive involvement in the recognition of Kosovo, to a more rigid approach, maintaining a belligerent position towards Kosovo's statehood while the crisis in Catalonia erupted. Against the intended aim of the government, this approach, undoubtedly, helped to reinforce the analogy between the two cases. To date, eleven years after Kosovo's independence, there is no hope for change. Only a final agreement between Belgrade and Pristina would open a new channel of communication between the parties, that would eventually trigger the recognition of Kosovo.

The second section of the paper sustained that Catalan separatists used Kosovo's process for independence as a model to be followed by Catalonia. Although the paper argued that the 'Kosovo path' only came into light after the refusal of the Spanish central government to agree upon a self-determination referendum, the arguments presented throughout the paper show that the Kosovo case was exploited by Catalan separatism prior to this event. Hence, the paper revealed how the Kosovo case started to play a significant role in Catalan politics since Kosovo's declaration of independence in 2008, as it left the door open to the creation of new states in Europe. Two major events shape the Catalan interest in Kosovo: the declaration of independence and most importantly, the ICJ Decision, as it signalled to Catalan separatists that declarations of independence were no longer considered a breach of international law, and therefore, could potentially be replicated elsewhere. However, the Catalan separatist movement instrumentalized this decision, ignoring the singularities of the Kosovar case. The role of Kosovo in the Catalan constituent process for independence has also been demonstrated through recurrent motions - in the Congress and Senate of Spain as well as in the Catalan parliament -, political statements and other policy papers, where Catalan separatist leaders

energetically supported the independence of Kosovo and use it conveniently for their own.

The preceding analysis shows how Catalan separatists and the different governments in Spain have taken erroneous policy decisions, which are nonetheless reversible. Thus, both approaches shall be reviewed. Firstly, Spain must consider enhancing institutional cooperation with Kosovo before establishing recognition. In the long run, recognising Kosovo would also reinforce the approach, once and for all, that no analogy is possible between Catalonia and Kosovo and it would broaden the knowledge of the country by establishing a liaison office. Lastly, Catalonia should refrain from using Kosovo's roadmap for independence as the singularities of the Kosovo case - as any other - are genuinely unique.

LIST OF INTERVIEWS

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Albin Kurti, Secretary General and MP of Vetëvendosje in the Assembly of the Republic of Kosovo. Interview with the author. 24 September 2018, Pristina.

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ENDNOTES

- 1 *PDeCAT* is the successor party of the *Democratic Convergence of Catalonia (CDC)* that for 37 years integrated the *Convergence and Union (CiU)* coalition, formed also by the *Democratic Union of Catalonia (UDC)*. This is further explained in the second section of the paper.
- 2 The Ahtisaari Plan, also known as the Comprehensive Proposal for the Kosovo Status Settlement (CSP), was a status settlement proposed by the UN special envoy, Marti Ahtisaari, covering a wide range of issues related to the Kosovo status process for Kosovo.
- 3 Interview with Enver Hoxhaj, Pristina, 26 September 2018.
- 4 Interview with José Zaragoza, Madrid, 27 July 2018
- 5 Interview with José Zaragoza, Madrid, 27 July 2018
- 6 Interviews with Albin Kurti, Pristina, 24 September 2018, and Enver Hoxhaj, Pristina, 26 September 2018
- 7 The paper was finalised before these elections and therefore does not include any analysis of the policies of the government that was subsequently formed.
- 8 The regionalist political party Canarian Coalition (1/350 seats) is the only party with a seat in the Congress that has no defined political agenda for the recognition of Kosovo.
- 9 The government of Catalonia was at the time (2008) formed by three political parties: The *Socialists' Party of Catalonia (PSC)*, *Initiative for Catalonia Greens (ICV)* and the Catalan nationalist parties, *ERC*.
- 10 Interview with Jordi Xucla i Costa, Madrid, 12 September 2018.

THE ROMANIA-KOSOVO RELATIONS AND THE PERSPECTIVE OF ROMANIAN POLITICAL PARTIES

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Romania's position of not formally recognizing Kosovo has remained unchanged and largely unchallenged since 2008. It is endorsed by all political parties, with the exception of the Democratic Alliance of Hungarians in Romania. The reasoning behind this position embraces a legalist approach as Romania views in Kosovo independence a breach of international law. However, in the public sphere, alternative narratives have been promoted, portraying Kosovo as a purported dangerous precedent. A parallel was drawn between Kosovo's independence and the fear of secession in Székely Land – a Romanian region inhabited mainly by ethnic Hungarians, the status of the breakaway region of Transnistria in Moldova, and, after 2014, the illegal annexation of Crimea by Russia. While these narratives have been an important parameter in shaping the attitude of Romanian political parties, there is an additional factor explaining the non-recognition policy and the quasi non-existent pressure from within to change it: the traditionally good relations between Romania and Serbia favoured by the almost mythologized relationship with Yugoslavia during Communist times. With Kosovo receiving little to no attention prior to the conflict, any substantive debate have been hindered by several interspersed factors: low awareness among the political parties and general public, close to non-existent interest in the topic and limited formal or informal interactions between Romania and Kosovo, whether people-to-people, non-governmental or political interactions. Political parties have been at the center of this debate and have shaped the public agenda, dismissing any dialogue on Kosovo almost instantly. From the very beginning, they positioned themselves unequivocally against recognition. The emergence of new political parties in the recent years – which at least in theory are more open to dialogue and more professionalized – creates an opportunity for an in-depth analysis of Romania's relationship to the Western Balkans, and Kosovo in particular.

THE ATTITUDE OF ROMANIAN POLITICAL PARTIES TOWARDS KOSOVO: A SHORT INTRODUCTION

Kosovo's quest for international recognition is far from over despite its 11th celebration of unilateral independence in February 2019. To date, 23 out of 28 European Union member states and more than 50% of the United Nations member states recognize Kosovo. Kosovo also managed to join more than 60 international organizations, mostly sport or cultural organizations, but yet to join any of the major political or security ones (Visoka 2018, 3). While admission to the United Nations seems unfeasible due to the strong opposition expressed by both Russia and China, Kosovo took small steps in its relations with the European Union. However, despite strong support by the United States and European countries, Kosovo's diplomatic recognition remains highly dependent on reaching out an agreement with Serbia for normalizing their relation. Five EU member states also oppose the recognition, with Romania among them, in a largely accepted stance by all relevant national actors, including the political parties.

'What influences the attitude of the political parties?' This question remains a focal point when trying to analyze the position adopted by political parties concerning crucial topics (Goodin 2013). The most influential political science theories portray political parties as rational actors, controlled or dominated by election-minded politicians, focused solely on winning the elections and on voter preferences. When discussing and analyzing the position adopted by political parties in Romania with a view to Kosovo's status, after a decade-long unchallenged policy of non-recognition, one may easily divert the debate towards a realist approach, dominated by a perceived self-interest. It would be rather unsustainable and against the self-interest of the parties to change such well-established position, one that is supported by the entire political

spectrum - even if that would not automatically mean “recognition”, but rather enhanced cooperation and dialogue. It would require a significant breakthrough or a major event that could bring potential considerable political or public gains.

Supporting such desideratum is critical. Prior to the beginning of the conflict, Kosovo received marginal attention in Romania. The lack of awareness and knowledge both among the parties and the general public has made it possible not only to portray Kosovo as a dangerous precedent, overshadowing the country’s official position on Kosovo¹, but also to refer to Kosovo only in strict correlation with Székely Land², the breakaway region of Transnistria, or the illegal annexation of Crimea. Romania’s current national context is rigid, more fueled by populism and nationalistic approaches, with little appetite for sudden changes concerning sensitive topics such as Kosovo’s status. Against this background, the alternative narratives created a snowball effect and, at this point, dominate the public agenda. After a decade-long policy of non-recognition and almost no substantive debate on the reasoning behind this, the attitude of the political parties remains in the paradigm of maximizing their self-interest, which gravitates around the current state of affairs.

From the very beginning, the political parties positioned themselves unequivocally against the recognition. Having this in mind, the research paper will examine how this position has evolved over time and will try to respond to the **main issues which hinder any real debate on Kosovo in Romania** - *What is the current position and which narratives are dominating the views of Romanian political parties when it comes to the Romania-Kosovo relations?*

The paper will work with a number of assumptions - notably that there are alternative narratives, overshadowing Romania’s official legalist approach, dominating the public agenda and hindering any substantive debate. These narratives include fears over potential ethnic secessionist acts in Romania (Zsuzsa 2013, 889-911), false correlations with the illegal annexation of Crimea, or the potential threat to the territorial integrity of the Re-

public of Moldova (i.e. the status of the breakaway region of Transnistria). Aside from these alternative narratives, the public agenda is also set by the existence of an historically good relationship between Romania and the former Yugoslavia and, now, Serbia. Romanians tend to perceive this relation as highly positive and are probably the most pro-Serbian country among the Eastern countries.

This paper will try to fill in a gap in understanding the attitude of the Romanian political parties concerning Kosovo and, in particular, to assess how recently established parties³ position themselves with regard to this topic, but without neglecting the older mainstream parties. The paper argues that that, although the new parties are more sensitive to the common response of the EU to the situation in Kosovo and tend to want to follow it, while dismissing the current alternative narratives, it is unlikely that any of these parties would move towards recognition. It is more likely for them to watch the relations between Pristina and Belgrade and to adapt their position accordingly.

UNDERSTANDING ROMANIA'S POSITION ON KOSOVO

Since 2008, Romania's position of non-recognition has remained unchanged and largely unchallenged internally. Following the unilateral declaration of independence that the Parliament of Kosovo enacted on 17 February 2008, Romania positioned itself as one of the five non-recognizing EU Member States, alongside Spain, Greece, Slovakia and Cyprus. This non-recognition policy became visible prior to Kosovo's Declaration of Independence, as the Romanian Parliament adopted a Declaration on the future Kosovo on 20 December 2007, with a large majority, expressing its concerns regarding the failed negotiations between Pristina and Belgrade. Romania's former President, Traian Băsescu, stated that "Kosovo's declaration is illegal and Romania will not recognize it"

(Hotnews.ro 2008) following a meeting with the leaders of the political parties the day after Kosovo's unilateral declaration. This position was further strengthened the following day by a Declaration of the Romanian Parliament, voted with a large majority, confirming once again Romania's position.

The official explanation of this position is a mixture between strict interpretation of international law, self-interest and internal and external concerns (Ivan 2017, 41-46). Although Romania claimed that the unilateral declaration of independence was issued in breach of international law, this is only one side of the story that dominates the Romanian public discourse concerning the status of Kosovo. In a public statement following the unilateral declaration, Romania's President at the time stated that it was "a dangerous precedent. The failure to observe Serbia's territorial integrity and to comply with the principle of territorial integrity, the absence of an UN Security Council Resolution regulating the declaration or granting collective rights to minorities, these are all sufficient reasons not to recognize it." (Presidency.ro 2008)

In the years that followed, Romania's official position remained firm, officially based on a legalist approach, and was rarely challenged by any national actor. Neither the European Council's position of 18 February 2008, stating that "Kosovo is a sui generis case and does not jeopardize UN Security Council Resolution 1244/1999 or the UN Charter" (European Council 2008), nor the ruling by the International Court of Justice in 2010 that "the adoption of the declaration of independence had not violated any applicable rule of international law" were able to divert it. Noteworthy, during the hearing before the International Court of Justice, Romania *de facto* supported Serbia's position and relying on a breach of international law as main argument. Romania's representatives argued that "*(...) elements of territorial integrity (...). This would have severe consequences for international legal order.*" (Request for advisory opinion, International Court of Justice 2009) Following the decision of the ICJ, Romania's Ministry of Foreign Affairs published a statement emphasizing that the Court's approach was too narrow, as it did not evaluate if international law allows or forbids the creation of a new state through unilateral secession in the

respective case, but only examined if the declaration of independence complied with international law. Therefore, as the question raised before the Court by the UN General Assembly did not allow the Court to carry out an extensive analysis of the respective case, Romania reiterated its position of non-recognition (mae.ro 2010).

During the last decade, there was a single occasion when Romania's position on Kosovo was challenged internally. It was back in 2013, a year that could be considered a landmark year for the Kosovo-Romania relationship. Following another European Parliament resolution request for recognition, voted by a majority of Romanian MEPs⁴, former Romanian Prime Minister Victor Ponta stated that "I am rather in favor of a rapid process of recognition, [though] the President is more cautious than I am" (Ziare.com 2013). Later that year, Ponta went further and stated that "Romania should join the European family and 2015 might be the year to recognize Kosovo, if there is coordination among the five non-recognizers" (Fazliu 2016). This was the only time when Romania's position of non-recognition was challenged from within. Following the fall of the Ponta government and the election of Klaus Iohannis as President in December 2014, the debate on Kosovo faded.

A recent analysis concerning Romania's public communications on Kosovo underlines that "between 2015 and 2017 no Romanian high ranking official - Neither the Presidency, the Government nor the Legislative - made any reference to Kosovo's status" (Troncotă and Ioniță 2018, 228). With the exception of the usual messages issued by the Ministry of Foreign Affairs in support of the enlargement process in the Balkans, the topic of Kosovo was quasi absent from Romania's agenda. This was due to a decrease in internal pressure, as the temptation to use Kosovo as a bargaining chip between the Presidency and the Executive disappeared, but, more importantly, due to fading of the external pressure towards Romania to recognize Kosovo, following the illegal annexation of Crimea by the Russian Federation. This conflict in its vicinity created an incentive for Bucharest to be even more cautious in bringing up Kosovo in public debates.

Nowadays, Kosovo is neglected on the public agenda. There was one minor episode resembling the clash between Victor Ponta and President Traian Băsescu. It occurred when the leader of the Social Democrats, Liviu Dragnea, accused the President of having “stood at the same table with an entity that Romanian does not yet recognize - Kosovo”. This was, once again, an internal clash between an Executive dominated by a left-wing party and a President supported by right-wing parties. In March 2018, following a meeting between Aleksandar Vučić and Klaus Iohannis in Bucharest, Romania expressed its support for a solution on Kosovo, “a step ahead in the EU path of the Western Balkans”, a solution acceptable for both Kosovo and Serbia as “Serbia’s accession to the Union will be possible only provided that the relation between Serbia and Kosovo is settled and clarified.” (Presidency.ro 2018)

SHAPING THE PUBLIC AGENDA - WHAT IS BEHIND ROMANIA’S POSITION?

Although officially Romania bases its non-recognition on a legalist approach, as it maintains that the secession of Kosovo was carried out in breach of international law, this reasoning was soon forgotten, as other narratives emerged in the public space. The agenda shifted rapidly to: fears over creating grounds for potential ethnic secessionist acts in Romania (Székely Land) or the territorial integrity of the Republic of Moldova - the controversial status of the breakaway region of Transnistria, all of which remain topics of critical influence. More recently, the Kosovo precedent was used also in connection with the illegal annexation of Crimea and continues to be referred to by other actors in Romania. These fears were placed high on the agenda even before Kosovo’s unilateral independence declaration and were restated immediately after. The most influential political player at that time, former President Traian Băsescu, an overt opponent of Kosovo, was the first to give special status to these narratives.⁵

This determination to find similarities to Kosovo created a problem where there was none to begin with. The analogy between the case of Kosovo and a hypothetical positioning of Hungarian groups in Romania in attempt to replicate the self-determination declaration managed to fuel minor radical movements, both in Hungary and in Romania. It was partially this position adopted by radical groups, which are often extremely vocal and visible, that hindered any real debate on the status of Kosovo. As mentioned before, there is also a second narrative present in the public discourse in Romania: the status of breakaway region of Transnistria. It was used as an argument by former Romanian President Traian Băsescu to justify not recognizing Kosovo, who often used this topic rhetorically “If we recognize Kosovo, should we then recognize Transnistria as well?” (Radio Free Europe 2013), thus drawing a parallel between the two.

As they appeal, once again, to a more emotional rather than rational reasoning - as in the case of Székely Land - these issues impede a more detached political approach to the topic of Kosovo. Both narratives were based on false premises and have been largely supported internally. The radical discourse concerning Kosovo put forward by influential public actors was not counterbalanced in any way, as both of these comparisons appealed to emotions and national sensitivities, rather than rational arguments. In time, they generated a snowball effect and were also fueled by external radical discourses: such as those of the Hungarian Government⁶, and in particular, the extremist Hungarian Jobbik Party, when discussing about Székely Land; or like the public discourse promoted by the Russian Federation when referring to Transnistria. A third narrative emerged more recently and attempts to link the illegal annexation of Crimea to Kosovo’s unilateral declaration of independence. The annexation of Crimea fueled the nationalist and radical movements in Romania, within or outside mainstream political parties, and re-strengthened their position against any interaction with Kosovo.

While these narratives are an important argument in shaping the position adopted by political parties, there is also one more factor explaining this non-recognition policy and the almost non-existent internal pressure for change: the

Romanian foreign policy environment and its collective memory. Romania's traditionally good relationship with the former Yugoslavia - the richer neighbor in communist times, and one with more liberal policies - and the unpleasant memories about the NATO bombing of Belgrade are still influential factors. Collective memory and the influence of the past are critical factors in this debate. Political actors in Romania frequently make use of mythologized understandings of the past to mobilize memory as an instrument of politics in the present. Romanians often quote that their country has had only two real friends: Yugoslavia and the Black Sea. Transylvania and the Republic of Moldova are also part of this context, reminding Romanians of one of the consequences of the First World War and the unification of all Romanian provinces into Greater Romania.

As behavioral sciences suggest (Verovšek 2016, 20), how we “pack and deliver” the past and how we make use of collective emotions both have an impact on identities and understandings even in the present. Building on the rather mythologized relationship between Romania and former Yugoslavia, the relations with Serbia are also seen as highly positive, not only by influent public figures, but by a large number of Romanian citizens. Thus, in a context that favors a strong relationship with Serbia, these three narratives have managed to set the agenda and dominate the public debate. Romania's position as a cautious non-recognizer is based rather on its internal and external concerns and fears, overshadowing its official position in support of international law. What's more, the country remains trapped in an ambiguous public discourse on Kosovo, somewhere between the hardline and the moderate non-recognizers.

DEVELOPMENTS IN THE POSITIONS OF ROMANIAN POLITICAL PARTIES

Romanian political parties expressed a clear refusal to recognize Kosovo's unilateral declaration of independence. On 18 February 2008, with a large major-

ity - 357 in favor and only 27 against - the Romanian Parliament adopted a declaration against this recognition, stating that the “conditions to recognize the new entity are not fulfilled”(cdep.ro, 2008). This declaration also underlined that potential recognition by other states of the unilaterally declared independence cannot be construed as a precedent. The vote showed wide acceptance among all political parties, despite mixed composition of the Parliament, with similar number of seats for the right-wing and left-wing parties, in addition to a far-right party.⁷ The only party to dismiss this position was the Democratic Alliance of Hungarians in Romania (UDMR), which voted against the declaration and, thus, for the recognition of Kosovo. The leaders of the party, which was part of the ruling coalition at that time, used the opportunity to strongly criticize the Romanian Parliament for failing to pass more favorable laws towards national minorities, especially the Hungarians. The parallel between Kosovo and Székely Land was already drawn and was used by both sides to make accusations. At the time, UDMR was asked to step down from the governing coalition.

Prior to the vote, there was extreme tension in the Romanian Parliament. The topic of Kosovo’s unilateral declaration was used in internal political clashes, for accusations of national treason and it managed to stir radical and nationalist discourses in most parties. It completely overshadowed the legalist approach, to gravitate around the status of Székely Land, the breakaway region of Transnistria, or the Romanian communities living abroad. The debate was not about a breach of international law, but it was used internally as each party tried to capitalize on the Kosovo topic.⁸ Unchallenged from within and with wide consensus among the mainstream parties, these narratives over time developed and grew stronger. High on the public agenda, and fueled by radical groups, they grew based on extensive lack of knowledge and awareness, with regard to the Western Balkans, and Kosovo in particular. There have been few quantitative or qualitative analyses in Romania concerning the trends, positions and perceptions of political decision-makers on developments in the Western Balkans and in Kosovo.

Up until 2013, when Victor Ponta, leader of the Social Democrats - the largest political party in Romania - questioned the country's non-recognition of Kosovo, there had been no clear messages from any political party that such move would even be taken into consideration. This debate on Kosovo lasted up until 2015 and with the resignation of Victor Ponta and a new elected president in Romania, Klaus Iohannis, the debate ended as abrupt as it started.

The wide acceptance of the non-recognition policy impacted all parties, regardless of their position in the political spectrum. However, the decision to put Kosovo on the agenda was rather part of the internal clash between the Prime Minister, representing the Social Democrats, and the President at that time, supported by right-wing parties - it was not a genuine shift in Romania's position. The scenario repeated in 2018, when the leader of the Social Democrats used the same approach in a clash with the President, showing that the attitude of the Social Democrats towards Kosovo are not party-specific, but influenced by political gains, and he simply used the debate as a bargaining chip.

In 2016, the Romanian Center for European Policies carried out one of the few quantitative analyses on Kosovo. First, the study showed large discrepancies between Romania's public positions and their enforcement: Although 85 percent of the respondents believe that Romania's role in EU's enlargement policy in the Balkans is important, only half of them believe they are were informed or well-informed about Kosovo's political situation. Taken individually, the situation in each party was as follows: 60 percent of the members of the Social Democrats considered themselves informed or well-informed, as did 80 percent of the members of UDMR, 26 percent of the members of Liberal Democrats (now part of the National Liberal Party) and 56 percent of the members of the National Liberal Party. Also, in terms of the awareness on the position of the other four EU Member States that do not recognize Kosovo (Cyprus, Greece, Slovakia and Spain), 74 percent of the respondents believed that they did not possess enough information, while 26 percent believed that they possessed sufficient information.

The most relevant part of the analysis referred to the reasoning behind non-recognition. Data shows that 39 percent of the respondents believed that Romania should recognize Kosovo, 35 percent were against recognition, and 26 percent did not respond to this question. The reasoning was in line with the narratives that dominated the public agenda: most participants indicated that “it created a precedent for Russia and Hungary” or that “impacted the territorial integrity of Serbia”, while the pro-recognition side argued that “Romania should follow EU partners and the US and recognize Kosovo”. Taken individually, the situation per party presented as follows: 36 percent of the members of the Social Democrats agreed that Romania should recognize Kosovo, as did 34 percent of the members of the National Liberal Party, 42 percent of the members of the Liberal Democrats and 90 percent of the members of UDMR. These pro-recognition figures are not negligible and, at a first glance, they do not necessarily reflect the strong mainstream position against recognition. They are also quite surprising, having in mind the national context and the generally low level of knowledge and reduced interaction with Kosovo. The level of people-to-people exchanges (at academic or cultural level) remains low, while political contacts at party level are rather non-existent.⁹

There are two explanations for this. Romanian political parties follow a top-down approach, with major decisions being taken by core members of the party, that are rarely challenged from within. Secondly, despite the fact that the political parties stick to the non-recognition policy and use alternative narratives to base their opinion, there is also distress among them for being on the same side as a handful of countries in the EU, and not sharing the opinion of their European political families and of Romania’s most important partners. The decreased external pressure following the illegal annexation of Crimea has eased this sentiment among the parties and has almost put a stop on any further debate on Kosovo.

The 2016 research study remains relevant to this date. During the research for this paper, the conclusions of the study were discussed with members of both the mainstream parties and the newly formed ones, concluding that there have

been only relatively minor gains in terms of more interactions, awareness or knowledge on Kosovo. “There is no shift and there will be no change in our position if an agreement will not be reached between Kosovo and Serbia” members of the National Liberal Party and Social Democratic Party explained.¹⁰

The topic is even more marginal on the public agenda, despite public claims that the Western Balkans is a priority for Romania’s Presidency of the Council of the European Union, which began on 1 January 2019. With all the attention given to the internal political clashes and with Romania on a collision course with the European Commission due to the changes operated in the Justice sector, it is hard to assess how realistic this public claim is. There is still a wide gap between public statements and Romania’s actions.

The snowball effect of the three narratives has had such a significant impact on the political parties also due to another issue: Romania’s external agenda remains focused around the Eastern Partnership, especially the Republic of Moldova - a country that receives 86 percent of Romania’s official foreign assistance program compared to less than 5 percent for the entire Western Balkans region. This approach also influences Romania’s attitude, which is better positioned on the topic of Republic Moldova, but with limited expertise on Western Balkans and Kosovo, in particular. EU enlargement in the Western Balkans is also not able to produce emotions in Romania, but it is rather used as terms of comparison with the Eastern Partnership.

The Romanian context of 2018 is fairly fueled by radical discourses, populism and nationalist approaches. Romania does not currently have a parliamentary far-right populist force. In fact, such party completely failed to reach the minimum threshold during the 2016 parliamentary elections, but some of the language and topics associated with far-right have long been mainstream in other political parties. Among the topics used by far-right populists we also have stronger national identity, which is used by these movements to promote a more nationalist, pro-traditions and pro-Orthodox approach. Subsequently, Serbia is in a favorable position as opposed to Kosovo, as a direct connection is

made between Orthodox and nationalist Serbia versus non-Orthodox Kosovo. External factors are also influential. The radical discourse promoted by mainstream parties, such as Fidesz or the radical party Jobbik towards Transylvania and Székely Land are directly impacting the debate on Kosovo.

Overall, all political parties, except UDMR, continue to support Romania's position of non-recognition, although the reasons are a mixture of support for international law and the parties' perception of Romania's self-interest. There are very few public references to Kosovo, as the topic remains marginal and substantive debates are absent. References are made rather when discussing about the long lasting relationship between Romania and Serbia or the three alternative narratives: Crimea, Székely Land and Transnistria.

AN OVERVIEW OF THE PERSPECTIVES OF NEW POLITICAL PARTIES ON THE WESTERN BALKANS AND KOSOVO

The Romanian political environment underwent significant changes in recent years, as new political parties emerged. One of these new political parties, the Save Romania Union - *Uniunea Salvati Romania* (USR) managed to become the 3rd parliamentary party following the 2016 parliamentary elections. More recently, the Party of Liberty, Unity and Solidarity - *Partidul Libertății, Unității și Solidarității* (PLUS), organized around former Romanian Prime Minister, Dacian Ciolos, was registered as a political party and is about to take part for the first time in the EU elections of 2019.¹¹ A left-wing party, Demos, was also registered in 2018. While it is unlikely that any of these new parties will promote a policy of recognition, their emergence might provide a fresh start for a more substantive debate on Kosovo. Better professionalized in terms of EU affairs and in general aligning their messages with the positions of the European Commission and of the so-called core states of the EU - France and Germany

- we could expect, at least, improved dialogue on this topic, both at national level, but also with Romania's key partners.

However, at this stage, their position is somewhat unclear and difficult to assess. During the past two years, when the first of these parties emerged and took part in the elections, Kosovo was a marginal actor on the public agenda, thus there was no incentive for any debate on their position. In fact, to this date, none of these parties has a clear agenda concerning the Western Balkans or Kosovo, with the sole exception of having conveyed a general message of support for EU enlargement in the Balkans. With Romania on a collision course with the European Union due to the so-called "Judicial Reform", there was little room on the public agenda for this topic.

What's more, being in an incipient stage, these political parties have access to limited resources that need to be diverted towards topics that can provide maximum gains for them. In terms of European Affairs or EU Enlargement, the Western Balkans is overshadowed by the Eastern Partnership and, especially, the Republic of Moldova. What we can safely conclude is that the new political parties tend to analyze Western Balkans and Kosovo through a more EU-affair oriented approach, partially dismissing the alternative narratives dominating the public agenda.¹²

The non-recognition policy is also considered non-negotiable by representatives of the new parties. Although they tend to partially dismiss the alternative narratives that shaped the public debate, they also understand that a sudden shift of position would be counterproductive and not beneficial to their interest. In an interview with an MP from USR, he stated that "There is no need for speed on this debate. I see no advantages changing our position in the current national and international climate".¹³ A key member of the PLUS party adopted a similar approach "You have a position of *realpolitik*: You just don't give it up after one night, you need something in return".¹⁴ The interviews with members of the two parties also revealed similar patterns and explanations as those previously described. Despite the fact that Romania is in a rather uncomfortable position in the EU concerning this topic, fears of Kosovo being used as

precedent for secessionist movements remain high. These fears, also driven by minor groups within the parties, are used particularly in connection with the breakaway region of Transnistria.

Not jeopardizing Romania's good relationship with Serbia or avoiding to fuel the provocative discourse used by Russia or Hungary in relation with the "dangerous Kosovo precedent" are also among the explanations provided by members of the newer parties, when discussing their position on Kosovo. What differs is the intensity of these 'fears' among the members of the new parties: they are less used, they are not adopted in public positions, but rather in informal discussions and debates within the parties, being challenged from within and not imposed on the public agenda. The prevalence of a common Belgrade-Pristina position was also raised, which is considered essential and an *a priori* condition by all parties, before any changes to Romania's position. It was emphasized that Belgrade and Pristina are the main actors in need of seeking common ground, rather than Romania taking a first step on this matter. The representatives of the newer parties underlined that, although they would be more open to dialogue to better understand the regional context, a sudden change of position would be in nobody's interest. Romania's political scene has not been generous in making public statements or taking public positions concerning the Western Balkans and, particularly, concerning Kosovo. During recent years, when these parties emerged, there was a lack of any significant debate on this topic.

Thus, overall, parties like USR and PLUS can bring to the table more substantive debates on Kosovo, by dismissing some of the alternative narratives and fake news surrounding the debate. But a change of position remains highly unlikely and would require a more favorable national and regional political climate. The success of the two parties in the next European Elections of 2019 would also create incentives for more debates within the parties on critical EU topics, placing them in connection to the positions of their future European families and making the broader topic of enlargement in the Western Balkans more present in national debates. The topic of Kosovo cannot be separated from such debate.

CONCLUSIONS

The entire political spectrum in Romania - whether it is the mainstream parties or the new political parties - shares a common view regarding the policy of non-recognition towards Kosovo. After a decade-long unchallenged position, there won't be any sudden shift from within. Romania's official position is widely supported by its political parties, and, in the absence of an agreement between Belgrade and Pristina, it is highly unlikely that Kosovo's recognition will be debated internally.

While documenting this paper and interviewing members of both the mainstream parties and political newcomers, a similar discourse was enforced by all parties:¹⁵ a consensus between Belgrade and Pristina must precede the actions of the non-recognizers. Acting *after* a consensus is a win-win situation for the parties: they maintain a predictable behavior - which is important in the international arena. It does not require creating new narratives to explain their change of position to the public and, subsequently, they don't get caught in the crossfire from other actors opposing the recognition. Continuous pressure and lobby in favor of recognition by Romania's Western partners have been unable to change this unyielding position (Ivan 2017, 41-46).

This position should be understood through the lenses of the political environment and public agenda in Romania: the snowball effect of having drawn a parallel between Kosovo and Székely Land, Transnistria and Crimea, managed to dominate the public agenda and to undermine any significant dialogue. These narratives are brought up quite frequently in parliamentary debates and have been underlined also during the interviews with party members that were conducted to document this paper. What's more, the almost mythologized relationship between Romania and Serbia created an environment with very few opportunities for any in-depth debates on Kosovo.

As things stand, even an enhanced dialogue that would support a more constructive position is quite difficult to obtain. Externally, it would require a more favorable climate and, after the illegal annexation of Crimea or the recent secessionist movement in Catalonia, a situation largely broadcasted in Romania due to the important Romanian community living in the region, this is even less plausible. Internally, the emergence of the new parties might provide the required incentives for a more articulated discussion on Kosovo and on the wider Western Balkans area, as the current dialogue seems stuck on some predefined narratives.

Romania has maintained its position of non-recognition in the last ten years and change cannot come easily. There is no critical mass within the political parties, nor is there any will to put this topic on the table, as there is no political gain from it. In the absence of wide consensus among the parties - which could probably happen only following an agreement between Pristina and Belgrade, the policy of non-recognition remains non-negotiable.

Under these circumstances, Kosovo will remain a minor topic on Romania's agenda, outshined by the aforementioned narratives and the EU's Eastern Partnership policy, which is a topic able to touch more emotional strings and to generate more electoral gains for the parties. Back to our pragmatic approach, the parties are well-aware that any sudden change regarding non-recognition is not in their best interest and would only cause reverse effects.

Lastly, the new political parties or certain groups within mainstream parties could take small steps towards enhancing and better understanding the Western Balkans and Kosovo, but no sudden changes will occur from within. Dismissing the alternative narratives could give the new political parties an opportunity to discuss and better acknowledge the region and, in the medium to long term, might even bring about political gains. However, in the absence of a major external event, these are the limits within which the political parties - even the new ones - can act.

APPENDIX: NOTES ON METHODOLOGY AND DATA

1. This paper is based on a mix of quantitative and qualitative research data, using primarily data from 12 in-depth interviews with representatives of Romanian parliamentary parties, representatives of new political parties that will join the electoral competition in 2019, or academics and experts on the Western Balkans.
2. All interviews were conducted in confidentiality and the names of interviewees are withheld by mutual agreement.
3. Between August and December 2018, 12 interviews were conducted with representatives of the Social Democratic Party, National Liberal Party, Democratic Alliance of Hungarians in Romania, Plus Party (former Romania Together Movement), Union Save Romania Party, other relevant stakeholders (civil society, NGOs, academia).
4. Seven interviews were conducted with party members. One interview was conducted with a member of the Social Democrats, one interview with a member of the National Liberal Party, two interviews with representatives of the Union Save Romania, two interviews with representatives of Plus Party, one interview with a representative of the Democratic Alliance of Hungarians in Romania. Except Plus Party, a non parliamentary party, all other interviews were conducted with members of the Parliament from the four mentioned parties.
5. Five interviews were conducted with other relevant stakeholders: representatives from three NGOs (Romanian NGOs or international organization) and two members of the academia.

6. In addition, it includes existing analysis and cross tabulations from a quantitative analysis carried out by the Romanian Center for European Policies in 2016 on the attitude of political parties concerning Kosovo. With a target group of 202 members of the Parliament, 51 senators and 151 deputies, a sample structure in line with the structure of the research population per party and per Chamber of Parliament at that time. In total, 506 MPs were contacted by CRPE, 401 answered and 202 agreed to take part in the survey. More information on this analysis can be found at www.crpe.ro/en
7. I have used the data from the survey to make cross tabulation between the levels of awareness and knowledge on Kosovo, respectively, their position towards the recognition policy. Statistically, the survey was based on 80 answers from MPs from the Social and Democrats, 63 from the National Liberal Party, 26 from the Liberal Democratic Party and 10 answers from the Democratic Alliance of Hungarians in Romania.

LIST OF INTERVIEWS

Representative of the National Liberal Party, August 2018, Bucharest

Representative of the Union Save Romania Party, Member of the Romanian Senate, August 2018, Bucharest

Representative of the Union Save Romania Party, EU Affairs Counsellor, September 2018, Bucharest

Representative of the PLUS Party (at that date Romania Together Movement), August 2018, Bucharest

Representative of the PLUS Party (at that date Romania Together Movement), November 2018, Bucharest

Representative of the Democratic Alliance of Hungarians in Romania, November 2018, Bucharest

Representative of the Minorities Group in the Romanian Chamber of Deputies, September 2018, Bucharest

Representative of the Minorities Group in the Romanian Chamber of Deputies, October 2018, Bucharest

Representative of the Social Democratic Party, October 2018, Bucharest

Former State Official, Member of the Ministry of Foreign Affairs, October 2018, Bucharest

Paul Ivan, European Policy Centre, September 2018

Miruna Troncota, National University of Political Studies and Public Administration, September 2018, Bucharest

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ENDNOTES

- 1 Romania argues that Kosovo's unilateral declaration of independence breached international law and that the conditions for such declaration were not fulfilled. A more detailed explanation is provided below.
- 2 *Székely Land* is a Romanian region in Transylvania inhabited mainly by ethnic Hungarians.
- 3 The political newcomers are *Uniunea Salvați România (Union Save Romania)* - 3rd parliamentary party in Romania following the 2016 elections, *PLUS Party*, organized by former Prime Minister Dacian Cioloș and Demos, a left wing party.
- 4 17 Romanian MEPs, out of a total of 33 Romanian MEPs, voted for the resolution calling for Kosovo's recognition.
- 5 In 2011, Traian Băsescu even refused to take part in a Summit held in Warsaw, reuniting all Central and Eastern European states, alongside the then President of the United States, Barack Obama, due to an invitation sent also to Kosovo. Romania and Serbia declined to participate, with Traian Băsescu stating that next time he may be forced to sit near Igor Smirnov, leader of the Transnistria breakaway region at that time.
- 6 Most recently, during a summer school supported by the Hungarian Government in Baile Tusnad, within the territory of what is called Székely Land, Viktor Orban re-expressed his position "Romania's 100 years anniversary is no festive moment for us. For 100 years, Romania does not know what do to with the 1.5 million Hungarians living here and still pretends that Székely Land does not exist". (Digi24.ro, 2018)
- 7 The Parliament's structure in 2008 was divided between left-wing and right-wing parties, controlling similar number of seats (40 percent), a far-right party of around 13 percent and the Democratic Alliance of Hungarians with 6 percent.
- 8 A transcript of the debates that took place in the Romanian Parliament and parties' positioning with regards to Kosovo is available here: http://www.cdep.ro/pls/steno/steno.stenograma?ids=6438&idl=1&fbclid=IwAR3-H-OLM_827aVOXiQN_h27pyjAEfIS-Ar_8i_VmIH3b3APkjh6KcIps0
- 9 Except a small number of visits coordinated mainly by NGOs, there are no contacts between members of parties from Kosovo and their Romanian counterparts.
- 10 Interview with representative of the Social Democratic Party, Bucharest, October 2018; Interview with representative of the National Liberal Party, August 2018.
- 11 Recent latest electoral surveys, dated October 2018, indicate that an alliance between USR and Dacian Cioloș's party would gain a minimum of 22-25 percent of total votes, making them key players in the next elections. (IMAS General Survey 2018)

- 12 Union Save Romania portrays itself as the most pro European Romania party, while the leader of the PLUS Party, Dacian Ciolos, is one of the supporters of Macron's political movement at EU level.
- 13 Interview with representative of the Union Save Romania, September 2018, Bucharest.
- 14 Interview with representative of the PLUS Party, August 2018.
- 15 With the exception of UDMR, the only party which voted in favor of recognition in 2008, which has maintained its position ever since.

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