



### Performing Statehood in Northern Kosovo: Discursive Struggle over Contested Space

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Abstract:	Since Serbia and Kosovo began their political and technical dialogue mediated by the EU in 2011, numerous agreements were signed, but few of them implemented. Additionally, since 2018 the idea of partitioning Kosovo along ethnic lines has entered public debates. This article asks why that is the case and argues that Northern Kosovo – specifically, who has the right to claim statehood over this area – lies at the heart of why partition was suggested as a viable option and why so few agreements

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	<p>have been implemented. In order to demonstrate this, the article adopts a performative view of statehood, particularly suitable for states "in-becoming", such as Kosovo. As only externally performed statehood has been examined so far, i.e. efforts for international recognition, this article extends performativity to internally negotiated statehood, against the background of two political systems competing for legitimacy in the long run. This is the case with Northern Kosovo, conceptualized as an area of overlapping limited statehood. The developed analytical framework can be extended to other cases of territorial disputes, such as Crimea or Palestine. The framework can also be expanded to explore performativity of statehood in areas where statehood is not institutionally disputed, but rather symbolically.</p>



## Introduction

Since Serbia and Kosovo began their technical dialogue mediated by the EU in 2011, seeking to solve their dispute, numerous agreements were signed, but few of them implemented. Most notably, these are *The First Agreement of Principles Governing the Normalization of Relations* (otherwise known as the Brussels agreement), initialled in April 2013, and the subsequent *Agreement on the Establishment of an Association/Community of Serbian Municipalities* (ACSM) from 2015. Most of the agreements resulting from the Brussels dialogue concern one particular area – Northern Kosovo, which is the subject of recent discussions on partition (or exchange of territories/“correction of borders”) as a potential solution to the Serbia-Kosovo dispute. The proposed land swap articulated in 2018 entails that Serbia would gain Northern Kosovo (predominantly populated by Serbs) in exchange for letting the Preshevo Valley (predominantly populated by Albanians) become part of Kosovo. If this happened, Serbia would recognize Kosovo as an independent state. After seven years of mediated dialogue between Serbia and Kosovo, how could this solution have been proposed as a viable option and, moreover, how could the previously-negotiated agreements offering a middle way have failed to be implemented?

This somewhat puzzling issue of Northern Kosovo and the implementation of agreements from Brussels has been discussed from various perspectives in current scholarship. Some research assesses the EU’s mediation efforts and their effectiveness in the Brussels dialogue (Bergmann, 2018; Bieber, 2015; Visoka and Doyle, 2016). Other research pays attention to local actors and how they bypass the implementation phase of EU conditionality through utilizing a range of resistance narratives (Troncotă, 2018), or it focuses on the interplay of local actors and the EU in the implementation process (Beysoylu, 2018). Although some studies offer the under-researched bottom-up perspective of local actors (see Beysoylu, 2018; Troncotă, 2018; Zupančič, 2018), these studies are still embedded within the larger frameworks of Europeanization, “normative power Europe” or EU integration (see e.g. Bieber, 2015; Economides and Ker-Lindsay, 2015; Zupančič, 2018). While these are valuable frameworks, few studies focus on Kosovo’s own statehood negotiations – with the exception of Visoka (2018a, 2018b) – because this is a disputed issue within the international community, as Kosovo has not attained full recognition as a state. I argue that the question of who has the right to claim statehood over the area of Northern Kosovo – *internally* performed statehood<sup>1</sup> – lies at the heart of why so few agreements have been effectively implemented and why partition has become a viable option.

Although Visoka (2018a, 2018b) gives notable agency to the local perspective of a state-in-becoming, specifically focusing on Kosovo’s efforts to become a sovereign state by exploring international

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<sup>1</sup> For a similar case of the discursive construction of “sovereignty” and “recognition” and practices of statehood in Cyprus, see Constantinou and Papadakis (2001) and Constantinou (2008).

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3 recognition, his research does not focus on the performances of statehood *within* Kosovo, but only  
4 considers externally performed/legitimized practices. This article argues that internally negotiated  
5 statehood matters because both Serbia and Kosovo are “competing” for statehood and sovereignty in  
6 Northern Kosovo. It builds on Risse’s (2015) notion of “limited statehood” and conceptualizes Northern  
7 Kosovo as an area of “overlapping” limited statehood<sup>2</sup> of both Serbia and Kosovo. However, his  
8 framework takes certain categories, such as legitimacy (social acceptance), as a given and pre-discursive  
9 (e.g. Börzel, Risse and Draude, 2018). This is not a study of contested legitimacy (e.g. Gills, 1996; Sarbo,  
10 2009; Baranyi, 2012), as legitimacy would require a certain government to be accepted by the governed  
11 (Risse, 2018) as a set of “sedimented norms” shared by a number of subjects (see Butler 1988). Legitimacy  
12 could be an effect of statehood-making practices, which would also be discursively constructed. Even  
13 though the contested legitimacy literature offers a valuable insight into what can be achieved through  
14 statehood-claiming practices, for instance Visoka’s (2018a, 2018b) contribution on Kosovo’s efforts for  
15 legitimacy of statehood in the international arena, it is not the focus of this article. Instead, what we see  
16 in Northern Kosovo is not a quest for legitimacy, but for hegemonic institution of statehood as such  
17 against the presence of the “other”, since the status of this area is still unclear. This makes legitimacy  
18 efforts all the more complicated, as there is no shared understanding of which state framework Northern  
19 Kosovo belongs to.

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21 Additionally, the situation in Northern Kosovo puts into question Visoka’s (2018a: 4) argument that  
22 “Kosovo has demonstratively fulfilled the core criteria for modern statehood – [...] a defined territory,  
23 [and] an effective government with effective authority throughout the territory.” In fact, opposing claims  
24 to statehood and sovereignty over Northern Kosovo by both Serbia and Kosovo have more prominently  
25 entered public debates since the idea of partition resurfaced in 2018. Serbian state structures in the form  
26 of some Government-run enterprises, schools, hospitals, the University of North Mitrovica etc., as well  
27 as the local governments in the four Northern municipalities – North Mitrovica, Zvecan, Leposavic, and  
28 Zubin Potok – still exist and are run by Serbia. Although the Brussels agreement foresees a gradual  
29 integration of these institutions into the Kosovo-run framework, only some institutions are integrated  
30 (e.g. Mayor’s offices, the police force (KPS), and the judiciary since October 2017).

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54 <sup>2</sup> Areas of overlapping limited statehood do not exist only in the North, but also in the so-called “enclaves” in central Kosovo around the cities of Gracanica,  
55 or Kamenica (see Dahlman and Williams, 2010). These “enclaves” are areas of majority Serb population with Serbian state structures still in place, however,  
56 due to the increased integration of Serbs into Kosovo state structures as part of the Brussels agreement, the overlaps in the rest of Kosovo are not as great  
57 as in the North. Additionally, the ongoing partition discourse only concerns Northern Kosovo, and predominantly leaves the “enclaves” outside of the field  
58 of contestation.  
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3 The analytical and theoretical framework developed here is particularly suitable for examining states “in-  
4 becoming” and internally contested statehood, as will be demonstrated in the analysis. Therefore, I am  
5 going to address the politics of performing statehood in Northern Kosovo both from the perspective of  
6 Kosovo’s attempt to articulate statehood in the area, as well as the attempts by the local Serbian politicians  
7 and representatives of Serbia to counter-articulate, challenge and perform statehood in the North. It is  
8 important to include both Serbia and local representatives in the analysis, as the latter are embedded in  
9 the Serbian state structures and navigate both “statehoods” through partial integration in the Kosovo  
10 structures. These actors need to be problematized, especially because of the political link between the  
11 major local Serb-led party *Srpska lista* (Serbian list) in Kosovo and the ruling party in Serbia, *Srpska*  
12 *Napredna Stranka* SNS (Serbian progressive party), with President Aleksandar Vučić as the leading figure.  
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16 Since performing statehood is the central issue, I am going to look into two main elements that are  
17 considered to “make up” a state (Bartelson, 1995; Hofbauer, 2016): effective government in the form of  
18 functioning *institutions*, and *sovereignty* in the form of control over a given territory/its borders and a  
19 monopoly on violence. I will focus on the discourses surrounding the integration of the judiciary from  
20 October 2017, as establishing functioning institutions is seen as one of the main attributes of statehood  
21 (visible, for instance, in the EU and UNMIK institution-building efforts in post-war Kosovo). This is  
22 one of the rare agreements which has been implemented and the implementation of which has not been  
23 discussed as widely as the implementation of ACSM (see e.g. Bergmann, 2018; Beysoylu, 2018; Bieber,  
24 2015). In order to address the issue of sovereignty, first I will focus on Kosovo Special Police Forces  
25 (ROSU) entering Northern Kosovo to make arrests for the murder of a local Serb politician Oliver  
26 Ivanović in early 2018. This is important because of the verbal agreement between NATO and local  
27 officials in Northern Kosovo that ROSU would not enter this area without the permission of the local  
28 governments. Second, in terms of controlling borders, I will examine the introduction of a 100% tax on  
29 all imported goods from Serbia in late 2018 because of Serbia successfully blocking Kosovo from joining  
30 Interpol. This resulted in Serb politicians and institutional representatives in the North boycotting  
31 Kosovo institutions immediately after the tax was introduced and the arrests made. All these events from  
32 June 2017 to December 2018 must be seen in light of the ongoing debate on the exchange of territories,  
33 as it exacerbates both Serbia and Kosovo performing statehood in the North. In terms of the time span  
34 they cover, the two chosen case studies give a concise, but comprehensive snapshot of the conflicting  
35 practices of meaning-making. Because the analysis covers one and a half years, the article is able to  
36 provide an in-depth analysis, instead of focusing on a longer time span with less depth. This period is  
37 particularly important because of the partition discourse, which accentuates the conflicting claims-making  
38 process. The focus is on hegemonic discursive contestation, where the “everydayness” in politics  
39 becomes part of those contestations.  
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3 The article starts by introducing a theoretical framework on performative statehood, in which central  
4 concepts will be scrutinized. A discussion on methodological premises will follow, developing notions of  
5 moments of articulation/institution grasped through nodal points. By using many different media  
6 sources, interviews and field research done in Northern Kosovo, the analytical part of the article  
7 contextualizes the analytical framework by discussing: 1) actors, specifically those embedded in multiple  
8 frameworks simultaneously, and 2) aspects of institutionalization and performance of sovereignty as  
9 central markers of “consolidating” statehood. This leads to some concluding remarks and directions for  
10 future research.  
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### 17 **Performing the state: why articulatory practices and discourses matter**

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20 A performative conception of statehood – as I adapt in this case study – departs from realist conceptions  
21 in many ways. Mainstream scholarship on sovereignty and statehood predominantly sees these categories  
22 as ahistorical and static, tied to the Western connotation of statehood. In this tradition, statehood is  
23 “manifested through an effective government, territory, and distinct populace – detached from everyday  
24 performances” Visoka (2018a: 9). Most notably, statehood presupposes sovereignty, or control over a  
25 given territory and a monopoly on violence (see Bartelson, 1995; Hofbauer, 2016; Krasner 1999). The  
26 understanding of a “strong” or “functioning” state that fulfills certain criteria in order to be called as such  
27 has become so entrenched in our international system that individuals, governments etc. have  
28 symbolically established “expectations” of the state (see Bellina et al., 2009; Richards, 2014). Both  
29 international and internal actors (Heathershaw, 2014) enact this model of statehood, which makes an  
30 examination of internally “produced” statehood all the more important.  
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39 A performative view does not define statehood as a set of criteria that need to be fulfilled, but understands  
40 that “statehood has no ontological status apart from the claims, representations, assumptions and  
41 routines performing it in political and legal practices” (Grzybowski and Koskenniemi, 2015: 29). This  
42 means that there is no a-priori existence of the state, and that it only comes into being through  
43 performances.<sup>3</sup> Similarly, allocating more importance to discourses, Neumann (2002) argues that above  
44 all states need to be understood as social and textual constructs, which are performed through everyday  
45 practices of speech and text-writing. For him, sovereignty is not a fact (e.g. institutional arrangements, or  
46 governmental capabilities as a *quality*) but is produced as an interplay between discourse and practice  
47 (Neumann, 2002). In other words, we need to explore how state-becoming or sovereignty-claiming are  
48 “implicated with meaning-making” (Visoka, 2018a: 8), while also acknowledging that there is no “final  
49 consolidation” of statehood – it is an open-ended process. In this manner, “acting like a state” means  
50 performing certain aspects of dominant discourses on what constitutes a state, be it functioning  
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<sup>3</sup> For a discussion of a similar principle in regard to nations as imagined communities, see Anderson (2006 [1983]).

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3 institutions, monopoly on violence etc. Visoka (2018a) has, for instance, explored how Kosovo is “acting  
4 like a state” through pursuing international recognition and membership of international organizations.  
5 Consequently, “enacting the state” is about performative practices of statehood that (re)constitute the  
6 dominant discourses on what makes up a state, since performing these discourses might point to the gaps  
7 in their rules and the “in-between” spaces that Kosovo might occupy.  
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12 Taking these discussions as a starting point, two central concepts inform the performative understanding  
13 of statehood here: performativity and discourse. Following Butler (1993), this article adopts Weber’s  
14 (1998: 81) distinction between performance as a “singular and deliberate act”, and *performativity* of  
15 statehood as a “reiterative and citational practice by which discourse produces the effects that it names”<sup>4</sup>  
16 and relies on the latter. This allows for a more coherent bridge towards dealing with the second concept  
17 – discourse. The Essex school approach defines discourse as a “totality which includes within itself the  
18 linguistic and the non-linguistic” (Laclau and Mouffe, 1990: 100) and rejects “the distinction between  
19 discursive and non-discursive practices” (Laclau and Mouffe, 1985: 107). Contrary to Neumann (2002),  
20 who favors practices over discourse and delineates them, Laclau and Mouffe (1985) see all social practices  
21 as discursive, because there is no meaning outside the discourse. Because of this, there is no  
22 transcendental center of fixity. This puts the notion of “articulation” at a central spot in their theory, as  
23 recognized by DeLuca (1999). He claims that “in a world without foundations, without a transcendental  
24 signified, without given meanings, the concept of articulation is a means to understanding the struggle to  
25 fix meaning and define reality temporarily” (DeLuca, 1999: 334). For Palonen (2018a: 182), following  
26 DeLuca and Laclau and Mouffe, “articulation is a practice, and hence, [...] speech and writing also have  
27 a meaning-conveying or transforming function.”  
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32 How do we then bring performativity and discourse together? Palonen (2018a: 181, emphasis added),  
33 stresses that Butler’s concept of performativity “resonates with the idea that meaning-making processes  
34 [as understood by Laclau and Mouffe] are not mere speech or writing, but their performative character  
35 makes them *constitutive*.” Through performative acts, meaning becomes constitutive. Precisely these  
36 constituting differences (that is, the constitution of the abstract “us” in the field of heterogeneity) form  
37 the basis for political meaning-making (Palonen, 2018a), because only when drawing frontiers between a  
38 constitutive inside and a constitutive outside can we speak of politics (Laclau, 1990).  
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42 Frontiers, or borders, in this case study relate to space-claiming practices. Following Laclau, Hussey  
43 (2018: 308) understands space as “politically instituted and antagonistically constituted,” because “it  
44 is defined relationally by what it excludes, by what it is not.” This means that space-claiming practices, or  
45 practices of territoriality, are political inasmuch as they institute, uphold or contest imaginaries of the  
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<sup>4</sup> For a similar view, see Campbell (1998), both of whom rely on Butler’s (1993) notion of performativity.



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3 space. Referring to Brambilla's (2015) concept of borderscapes designating borders as a fluidly  
4 constructed space, Bilgic (2018: 549) argues that "sovereignty is performed in the borderscapes (inside  
5 and outside of geopolitical borders)" through encounters/re negotiations of various actors aiming to "re-  
6 draw the border and re-signify the political community as fixed [and] pre-discursive." This is reflected in  
7 the "everydayness" of statehood and sovereignty in this region, or the more stabilized referentiality to  
8 statehood through the symbolic display of flags, usage of a specific language or script in street names or  
9 on institutional buildings, or the establishment of monuments as references to national history (see Fox  
10 and Miller-Idriss, 2008). A detailed discussion of this, however, exceeds the scope of this article. I mainly  
11 ask how statehood is performed as a means of legitimizing discourses of what a functioning state looks  
12 like from the perspective of those in power, and how it can be questioned locally.

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20 Taking all the above-mentioned into account, internal performativity of statehood relates to *enacting,*  
21 *adhering to, and embodying established and international discourses of what statehood means, with the aim of abolishing the*  
22 *presence of the antagonistic "other".* This performativity encompasses all practices, without distinguishing  
23 between social and discursive ones. As mentioned by Bellina et al. (2009), Richards (2014) and  
24 Heathershaw (2014), in the case of Kosovo, this symbolically constructed set of norms of what a state is,  
25 or what having sovereignty over the whole territory is, is performed by and expected of a multitude of  
26 local actors. Following Laclau's (1990) notion of drawing frontiers between "us" and "them" as  
27 constitutive of political meaning-making, statehood in Northern Kosovo performed by Kosovo officials  
28 directly counters similar performative acts by the Serbian minority leaders and the Serbian state, which  
29 are trying to oppose the "consolidation" of the Kosovo state in the region. This antagonistic relationship  
30 is central to performativity of statehood in Northern Kosovo, meaning that particular emphasis is placed  
31 on examining discursive struggles over meaning, instead of strategies and motivations of actors (Diez,  
32 2014). Even though Butler (1990: 141) claims that performativity means acting "in the mode of belief",  
33 this article's readings of performativity does not understand belief as part of the inner life worlds of  
34 actors, similar to Diez (2014), but as sedimented discourses that become so naturalized and habitualized,  
35 that they are not questioned anymore (see Butler, 1988). In struggles over meaning, this sedimentation  
36 might become the endgame of these struggles, for instance if Serbia's or Kosovo's statehood become  
37 accepted as "legitimate", but it is not the focus of this study. What is the focus are the *attempts* at making  
38 a certain statehood *appear* as if it was sedimented, which the analysis will illustrate. The article does not  
39 address belief as such, but the practices that might enable a certain statehood to be accepted as legitimate  
40 in the long run.

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57 **Analytical framework: moments of articulation/institutionalization and different**  
58 **positionalities of actors**  
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3 The approach developed here can be useful for interrogating similar examples of territorial conflicts, or  
4 “overlapping” limited statehood, for instance Eastern Ukraine or Palestine. In order to focus on  
5 performative meaning-making practices seeking to establish statehood in Northern Kosovo by two  
6 competing political projects, I employed a discourse-theoretical analysis (Laclau and Mouffe, 1985), but  
7 following the analysis of “moments” as done by Palonen (2018b). Palonen (2018b: 309) argues that  
8 “[m]oments enable us to grasp the significant processes of identification and disidentification as well as  
9 challenges to and establishment of new structures of meaning.” Hence, the analysis will track and open-  
10 up moments when the performative character of statehood is revealed and where meanings are attempted  
11 to be fixed. Any articulatory practice seeking to stabilize the discourse around who has the right to claim  
12 statehood in Northern Kosovo must be grasped through “nodal points” as moments of fixing the  
13 discourse around certain signifiers (Laclau and Mouffe, 1985). This article goes a step further and  
14 acknowledges nodal points as processual, carrying a temporal dimension, similar to Palonen’s (2018b)  
15 conception of (symbolic) moments. This fixity can also result in the formation of institutions, and one  
16 of such nodal points is the earlier mentioned integration of the judiciary, materializing the discourse on  
17 consolidating Kosovo’s statehood in Northern Kosovo. This also means that institutions are regarded as  
18 being part of the discourse, following a broad conception of discourse by Laclau and Mouffe (1990).  
19 Thus, nodal points and moments of articulation and/or institution are a way of approaching the empirical  
20 material, making them a central issue of analysis that reveals discursive oppositions, and how these  
21 oppositions are materialized. In contrast to binary oppositions, which can be seen as discursive relations,  
22 nodal points are discursive elements that anchor and materialize a certain discourse on statehood in a  
23 certain symbolic moment. Any moment of institution of a discourse and any articulation that anchors  
24 that discourse can be seen as a nodal point, whereas a discursive relation, such as opposition, cannot be  
25 a nodal point.  
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42 Apart from nodal points, different actors and their “subject positions” (Laclau and Mouffe, 1985) within  
43 the discourse should be considered as well. The notion of the subject position (in contrast to the notion  
44 of the subject) is more-or-less an empirical one, as in “[the general field of objectivity,] there are only  
45 subject positions” (Laclau, 1990: 61). This means that in discourse-analytical terms, we should focus on  
46 discourses as “surfaces of inscription” of different subjects’ “identities” through acts of identification.  
47 Finally, subjectivation designates the process of subjects assuming different subject positions in a certain  
48 discourse (Laclau, 1990). A more elaborately developed conception of actors in discourse-theoretical  
49 empirical analysis can be found in Marttila (2015: 133), who articulates a topology of discursive identities.  
50 Comparing Marttila’s (2015: 132) concepts with the previously-elaborated framework, the nodal points  
51 of a discourse would be “ethical ideals” (paramount values and ideals embodied by nodal points), and  
52 the discursive limits would be “antagonistic others” (opponents and threats that endanger the  
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3 attainment/sustainment of the ethical ideals and lie outside the discourse, constituting it). The relevant  
4 subject positions would translate into “protagonists” (champions/protectors of the ethical ideals),  
5 “helpers” (subjects supporting the attainment/maintenance of ethical ideals), and “opponents” (subjects  
6 within the same discourse opposing/jeopardizing the attainment of ethical ideals). These categories will  
7 be used in the following analysis.  
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### 10 11 **Note on data collection**

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14 The majority of sources used for the analysis come from the *KoSSev* portal, a Serbian-language news  
15 portal located in Northern Kosovo that gives a detailed assessment of the political situation in the North,  
16 portraying practices by the Kosovo Government and by the Serbian minority leaders. A total of 103  
17 articles have been analyzed covering the mentioned timespan of mid-2017 to end of 2018. To gain more  
18 contextual knowledge about the pre-integration phase of the judiciary, I interviewed three interlocutors  
19 from Northern Kosovo: one local official, one NGO representative and one court employee in June  
20 2017. During the interview phase, I made myself familiar with the spatial politics of Northern Kosovo,  
21 and I use my observations in the analysis. I have also consulted other sources, such as the Pristina-based  
22 online magazine *Pristina Insight* (in English language) for more context. All the material has been coded  
23 according to moments of articulation of statehood (e.g. oath-taking; status-neutral declaration etc.) and  
24 moments of institution of statehood, pointing to a more stabilized discourse (e.g. integrated judiciary  
25 established; resignation from Mayoral posts etc.). As the majority of my material comes from media, it  
26 must be acknowledged that all media give a specific representation of the events and act as (re)producers  
27 of discourses. However, as I am conducting a discourse-theoretical analysis, studying representations is  
28 inevitable and the media outlets were chosen because they retain integrity of the original statements and  
29 events. Data integrity is also ensured through using a multitude of different sources and data-gathering  
30 techniques, such as interviews and observation, as well as my general contextual knowledge of the area.  
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### 44 **Different positionalities of actors**

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46 Actors are crucial social forces in the fixing of meaning in discourses as they draw political frontiers  
47 “between differently positioned agents, thus establishing boundaries between the ‘insiders’ and ‘outsiders’  
48 of a discourse” (Howarth, 2015: 10). As indicated, Serbian minority leaders, specifically those who  
49 simultaneously occupy political positions in both the Serbia-run and Kosovo-run frameworks, require  
50 particular attention. Their subjectivation into two opposing discourses means that at one point, they  
51 might articulate and/or stabilize Kosovo’s statehood, and at another Serbia’s statehood in Northern  
52 Kosovo. The former manifests itself in their role as mayors, or in their support for the integration of the  
53 judiciary into the Kosovo framework; the latter in their often simultaneous role as municipal presidents  
54 or leaders of the local assemblies within the Serbian system. It is also evident in other performative  
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3 practices, such as boycotting and protesting against Kosovo's institutions in the North, helping maintain  
4 other Serbia-run institutions (schools, hospitals etc.), instituting material "symbolic statehood" of Serbia  
5 through the display of Serbian state flags, erection of monuments of Serbian medieval figures etc.  
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7 Additionally, they perform articulatory practices that stabilize Serbia's statehood in the North, through  
8 consistently calling Kosovo a province of the state of Serbia, or the North part of Serbia.  
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12 However, none of these practices in favor of Serbian statehood can be sustained without the support of  
13 Serbia. Serbia can still exert power and perform sovereignty over this region through financing Serbia-  
14 run institutions. Serbian state officials also frequently visit the region, for instance President Aleksandar  
15 Vučić in September 2018, who the local political leaders welcomed as the only legitimate president  
16 (KoSSev, 2018a, 2018b). He has frequently expressed his support for the Srpska lista (KoSSev, 2018a)  
17 and this party is regarded an extended hand of Serbia in Kosovo. For instance, when Srpska lista won  
18 the local elections in Northern Kosovo in October 2017, right before the implementation of the  
19 agreement on judiciary, President Vučić addressed the celebrating local population on the streets of  
20 North Mitrovica with the phrase "Long live Serbia, and Kosovo and Metohija as part of Serbia!"  
21 (KoSSev, 2017a). Hence, the very fact that Srpska lista is in power in Northern Kosovo is an articulation  
22 of Serbian statehood there, even though the organization is part of and acting within the Kosovo  
23 framework.  
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33 The same logic applies to Kosovo state representatives and their articulations. Calling the integration of  
34 the judiciary a consolidation of the country's statehood across its whole territory is only one manifestation  
35 of this position. Others include the entering of ROSU into Northern Kosovo to accompany Kosovo  
36 President Hashim Thaçi in September 2018, without the consent of the local mayors, or their entering in  
37 late 2018 to make the arrests mentioned earlier. The fact that President Thaçi entered the North to visit  
38 lake Gazivode, a strategically and economically important site that President Vučić visited during his stay  
39 a few weeks earlier, is an act of re-articulating Kosovo's statehood there against the presence of Serbia's  
40 statehood manifested through Vučić.  
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47 To operationalize Marttila's subject roles in this analysis, the protagonists in the discourse on Serbia's  
48 statehood in the North are certainly the Serbian minority leaders, as well as Serbian Government officials,  
49 such as President Aleksandar Vučić, who are responsible for articulating the boundaries between "us"  
50 and "them" and instituting the political frontier against the antagonistic Albanian "other". In the  
51 discourse on Kosovo's statehood, the protagonists are Kosovo Government officials, including President  
52 Hashim Thaçi. The Serbian minority leaders occupy a double position: sometimes they are seen as helpers  
53 who can institute Kosovo's statehood in the region, but more often than not, they are seen as opponents  
54 of the attainment of ethical ideals – the full consolidation of statehood in the North.  
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3 The Serb minority leaders' subjectivation into these opposing discourses is simultaneous, but when  
4 certain issues are re-politicized and framed as a crisis, such as the issue of taxation, the antagonistic  
5 relationship between them becomes more obvious and they choose one side. These discourses on  
6 statehood in Northern Kosovo are simultaneously intersecting with larger discourses on ethnic divisions  
7 and irreconcilable differences between Serbs and Albanians – something that has been discussed many  
8 times in the academic literature (see for instance Zdravković, 2005; Mertus, 1999; Čolović, 2002). The  
9 recent debate on partitioning Northern Kosovo directly ties to these ethnicized discourses, as it  
10 perpetuates the antagonistic relationship that can only be abolished through absolute separation. The  
11 discourses are also evident in the boycott of institutions by Serb minority leaders, who perpetuate an  
12 ethnicized conception of the institutional frameworks – as will be demonstrated below.

### 20 **Articulating statehood in Northern Kosovo: Institutions and Sovereignty**

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23 This article argues that discourses on opposing statehoods are based on several dichotomies: independent  
24 state vs. province, status neutrality vs. independence, provincial judiciary vs. state judiciary, establishing  
25 institutions vs. boycotting institutions, imposing measures vs. protesting measures, controlling space vs.  
26 disrupting control, and similar. All these dichotomies act as nodal points that stabilize the opposing  
27 discourses on statehood in the region. Moreover, Serbian statehood and Kosovo statehood can be  
28 perceived as floating signifiers (Laclau and Mouffe, 1985), as they have no fixed meaning as such, but  
29 their meaning is contingently re-stabilized through nodal points in discourses.

#### 34 ***Institutionalizing Kosovo Statehood through Judicial Integration***

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38 The establishment of the integrated judiciary is one of the articles of the Brussels agreement, the  
39 implementation of which has not been discussed at length in current scholarship. Apart from the  
40 provisions relating to the judiciary in the Brussels agreement, an additional agreement was reached in  
41 2015, discussing the particularities of the integration; however, since 2015, the implementation of this  
42 agreement has frequently been postponed (KoSSev, 2017b). The integration was supposed to improve  
43 the rule of law in Northern Kosovo, because it would consolidate the two judicial systems into one, as  
44 has been confirmed by the interlocutors I interviewed (A Hodžić, L Rakić and N Kabašić 2017, personal  
45 communication, 20 and 21 June). Prior to the integration, the Serbian judiciary could not cooperate with  
46 the Kosovo police and implement court decisions, while the Kosovo judiciary was relocated from the  
47 North to Southern Kosovo, with an immense backlog of over 60,000 cases (Ombudsperson Institution  
48 of Kosovo, 2016). When the Kosovo President Hashim Thaçi and his counterpart of Serbia Aleksandar  
49 Vučić re-engaged in the dialogue in early July 2017 (Bailey, 2017), the integration of the judiciary was  
50 framed as the next important step towards implementing the Brussels agreement in full (KoSSev, 2017c).

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3 The agreed date for the integration was initially October 17, 2017, but it was postponed for a week,  
4 because of the local election in Kosovo, which the Serbian list won in the North.  
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7 The main lines of conflict go along opposing practices of articulating statehood as embodied in the  
8 judiciary. The first issue was the framework under which the courts would operate. While Serbian state  
9 representatives and local minority leaders emphasized the status neutrality of the courts, the state  
10 representatives of Kosovo saw the integrated judiciary as a sign of consolidating Kosovo's statehood,  
11 anchored around the reiteration of the signifier "Republic of Kosovo". For instance, the President of the  
12 Judicial Council of Kosovo emphasized that the court is part of the judicial structures of the Republic of  
13 Kosovo (KoSSev, 2017d) and declared that "for the first time since 1999, the courts of the Republic of  
14 Kosovo" would start working again in the whole country (KoSSev, 2017e). This performative claim  
15 establishes a historical continuity between the Yugoslav institutions in Kosovo prior to the Resolution  
16 1244 from 1999, which introduced international administration in Kosovo (UNMIK), and the institutions  
17 of the Republic of Kosovo after it declared independence in 2008. Even though the pre-1999 institutions  
18 had nothing to do with the institutions post-2008, this can be interpreted as an act of claiming a historical  
19 right to the area of Northern Kosovo and justifies the presence of the integrated court under the Kosovo  
20 framework. It is a reaction to counter claims of statehood by Serbia, through abolishing the institutional  
21 presence of the Serbia-run courts.  
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33 Contrary to this, Serbian representatives de-emphasized the statehood aspect of the judicial integration,  
34 and often referred to the new institutions as "provincial judiciary" or mentioned the *legal*, instead of the  
35 *institutional* framework in which these courts would operate. For instance, after the integration on October  
36 24, 2017, the Minister of Justice of Serbia said that the judges and prosecutors gave a "status-neutral  
37 declaration to access the provincial judiciary" and that this step was a sign of "strengthening of rule of  
38 law principles and enabled a better access to justice for all citizens of Serbia living in the southern Serbian  
39 province" (KoSSev, 2017d). Additionally, whenever the president of the Basic court of Mitrovica Nikola  
40 Kabašić, an ethnic Serb, would refer to the judiciary, he emphasized that the courts would operate under  
41 Kosovo law, without attention to statehood issues (KoSSev, 2017f). Due to the Serbia-run courts being  
42 abolished in Northern Kosovo, the only way for the Serbian minority leaders to claim statehood over the  
43 region was to de-emphasize the *institutional framework* to which the courts belonged, but employ a rather  
44 technical vocabulary and emphasize the *legal framework* under which the courts operated.  
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54 Another issue concerned the practicalities and institutionalized "rituals" accompanying such an  
55 integration, which could be interpreted as signs of legitimizing either Serbia's or Kosovo's statehood.  
56 Different meanings were given to the performative oath-taking of the Serbian judges and prosecutors  
57 before the President of Kosovo. Whereas the Judicial Council claimed that the Serbian judges and  
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3 prosecutors would “take an oath before the President of the Republic of Kosovo”, the Ministry of Justice  
4 of Serbia declared that they would “take a status-neutral oath” – a different oath from that taken by their  
5 Albanian colleagues. They have also claimed that the agreement on the integration from 2015 had  
6 emblems of neither the Republic of Kosovo, nor of Kosovo and Metohija as a province of Serbia  
7 (KoSSev, 2017e). In this context, Serbian officials often refer to the Kosovo institutions as “temporary  
8 institutions”. The Kosovo Government, on the other hand, claimed that the integration would  
9 consolidate the judicial system across the country and mean the implementation of laws of the Republic  
10 of Kosovo (KoSSev, 2017d). The conflicting claims, whether the judges and prosecutors took an oath,  
11 or gave a status-neutral statement has great symbolic value, as both represent the presence of either state  
12 in Northern Kosovo against the background of the unresolved status of Kosovo. The status relates to  
13 temporality and becomes a nodal point as well: it either stabilizes the discourse around a permanent  
14 (consolidated statehood) or a temporary presence (status-neutrality) of these institutions. In such a  
15 situation, the reiterative and referential *claims-making* of statehood – essentially, performativity – becomes  
16 even more important, as there is no stabilized meaning around which state has the right to statehood  
17 here. One could say that performing the state is about the modes of statecraft that “realize” the  
18 abstraction of the state. Performing statehood, on the other hand, would be about the types of action  
19 that bring about and institute a particular type of state,<sup>5</sup> in this case either Serbia’s or Kosovo’s, with all  
20 its temporality (history) and spatiality (territory). Eventually, legitimacy may become an effect of  
21 statehood-claiming practices, a form of sedimentation.  
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36 Apart from articulatory practices, once the integration was “declared” on October 24, 2017, more  
37 material aspects of the integration came into play. The new Basic court was divided across several  
38 buildings in both North and South Mitrovica. The division of the Basic court intended for dealing with  
39 civil cases, misdemeanors and cases involving minors was situated in South Mitrovica, predominantly  
40 populated by Kosovo Albanians. The division in North Mitrovica in the ethnically-mixed neighborhood  
41 of Bosniak Mahalla was intended for dealing with serious crimes. The same building houses a division of  
42 the Appellate Court, as well as the Prosecutor’s Office. The panels of judges reflect the ethnic  
43 composition of Northern Kosovo, which means that the positions are predominantly occupied by  
44 Kosovo Serbs (KoSSev, 2017f; KoSSev 2017g). The symbolic moment of the Kosovo Serb judges and  
45 prosecutors entering the actual court buildings, a moment that also acted as a nodal point, embodied a  
46 performative dissolution of the Serbia-run judiciary and a substitution with the Kosovo-run framework.  
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55 Even if institutionalization means the stabilization of articulatory practices anchored in actual materiality  
56 (there is a building or several buildings symbolizing this sedimentation, around which Kosovo’s statehood  
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60 <sup>5</sup> I particularly thank the anonymous reviewer 1 for bringing this distinction to my attention and helping me clarify this argument.



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3 is repeatedly performed and stabilized), it does not mean that it cannot be challenged by politicizing  
4 practices. This is something that the local Serb leaders have used as a means of counter-performing the  
5 statehood of Serbia in the region, mainly through boycotting their work in Kosovo-run institutions. Even  
6 though they strategically participate in Kosovo institutions when it is deemed to be to their own benefit,  
7 or when Belgrade gives a signal that they should (participating in local elections, establishing Mayor's  
8 offices, dissolving the Serbia-run courts), this participation is quite fluid. On numerous occasions, local  
9 Serb leaders, including judges and prosecutors, have boycotted their work in the central Kosovo  
10 Government, or their work in local institutions, such as the Mayor's offices (KoSSev, 2018c, 2018d) or  
11 the integrated Courts and Prosecutor's Office (KoSSev, 2018e).  
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### 19 ***Performing Sovereignty: Monopoly on Violence and Control of Borders***

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21 The question about who has sovereignty over Northern Kosovo has been an issue of dispute between  
22 Kosovo and Serbia since at least Kosovo's declaration of independence in 2008. The space itself being  
23 part of this contestation compels us to look closer at how it is constituted in discourses. Following Hussey  
24 (2018: 308), the contested space of Northern Kosovo can be seen as "politically instituted and  
25 antagonistically constituted," as it is always defined by what it excludes. From the perspective of Serb  
26 minority leaders and Serbia alike, Serbia has sovereignty over Northern Kosovo even more so than the  
27 rest of Kosovo, precisely because Serbia's sovereignty is not only performed through institutional  
28 presence and practice, but also symbolically constructed in everyday practices, as mentioned at the  
29 beginning.  
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37 For instance, the number of Serbian state flags displayed in Northern Mitrovica immediately catches the  
38 observer's eye. They are displayed all over the city, particularly the center and the pedestrian area leading  
39 to the main bridge, which separates Northern Mitrovica from its southern part predominantly populated  
40 by Kosovo Albanians. This display of flags, acting as a nodal point, is a performative practice of instituting  
41 Serbia's statehood in the region, and the space of display relates to its antagonistic other, the south of the  
42 town. Flags are not the only practice of statehood-making: erected in 2016, the statue of Tsar Lazar –  
43 who led the Serb army in the Battle of Kosovo of 1389 against the Ottomans – in the center of the city,  
44 his finger pointing towards the South of Kosovo where the battle took place, is yet another symbolic  
45 institution of the Serbian state in the North. Some street names are written in the Serbian Cyrillic alphabet  
46 and the square where the Tsar Lazar statue is located is called the Square of Nikola Pašić, which is another  
47 reference to Serbian historical figures and national heroes. Hence, there is a clear antagonistic  
48 construction of this space by drawing reference to symbolic nationhood (Fox and Miller-Idriss, 2008).  
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58 Two practices contest this rather stabilized construction of Serbian sovereignty in Northern Kosovo:  
59 permeating the boundaries of instituted/stabilized space, and re-instituting boundaries through  
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3 performative control of the space. The former is evident in ROSU's entering Northern Kosovo to  
4 accompany President Thaçi to visit lake Gazivode, and their arrests of Serbs from North Mitrovica for  
5 the murder of Oliver Ivanović, and the latter is clear in the re-institution/control of Kosovo state borders  
6 through imposing the 100% tax.  
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10 The permeation of boundaries by Kosovo actors is a performative act that directly challenges previous  
11 agreements between Serbia and Kosovo, which state that Kosovo officials and Special Forces are only  
12 allowed to enter the area with the consent of local mayors. They agreed on this in 2013, after a crisis in  
13 Northern Kosovo that started with Serbs erecting roadblocks in 2011 against the attempt of ROSU to  
14 take over two administrative crossings to Serbia, Jarinje and Brnjak. Hence, any permeation of Northern  
15 Kosovo boundaries, as instituted by the Serbs, is seen as a hostile. One of such acts was the visit of  
16 President Hashim Thaçi to the lake Gazivode located in the Northern municipality of Zubin Potok on  
17 September 29, 2018 (KoSSev, 2018f). He was accompanied by ROSU, which, given the history of  
18 ROSU's permeation into the area and the events of 2011, was constitutive of two issues. On the one  
19 hand, President Thaçi entering the North embodies the institution of this space as part of the state of  
20 Kosovo; on the other, ROSU's accompaniment was a practice of sovereignty-making through exercising  
21 Kosovo's monopoly on violence. Both these practices of fixing discourse challenge the symbolic claim  
22 by local Serbs that Northern Kosovo is part of Serbia.  
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33 Another exercise of Kosovo's monopoly on violence was ROSU's entering North Mitrovica on  
34 November 23, 2018, in order to arrest three people suspected of the murder of the local Serbian political  
35 leader Oliver Ivanović (KoSSev, 2018g). The raid and arrests were made at six in the morning and  
36 accompanied by emergency sirens. Two people were arrested for the murder, one for obstruction, and a  
37 fourth person who was supposed to be initially arrested fled before ROSU could apprehend him. That  
38 person was one of the vice presidents of *Srpska lista* named Milan Radoičić and is known within the local  
39 Serb population as the first man of the underground of North Kosovo (see also Zupančić 2018). After  
40 the arrests, the Serbs gathered next to the statue of Tsar Lazar and one of the vice presidents of the  
41 *Srpska lista* Igor Simić called the arrests a "brutal act" by Pristina aimed at "intimidating the Serbian people  
42 in the North of Kosovo and Metohija" (KoSSev, 2018g). The arrestees were called "peaceful people"  
43 and the attempted arrest of the vice president Radoičić, who fled to Serbia, was declared a "murder  
44 attempt" (KoSSev, 2018h). It is evident how the mentioned binaries of statehood-making operate here:  
45 legitimacy vs. illegitimacy of exercise of power, instituting vs. challenging authority, arrests vs. murder  
46 attempts, murder suspects vs. peaceful people – the list could go on.  
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57 When it comes to the re-institution of boundaries through performative control of the space, the issues  
58 of borders and border-control in Northern Kosovo become central. Ever since the declaration of  
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3 independence from 2008, the control of the borders in the North has been on the agenda of the Kosovo  
4 Government. The Agreement on the Integrated Border/Boundary Management (IBM) from 2011  
5 foresaw both Serbian and Kosovo police managing the border (which in status-neutral terms is called an  
6 “administrative crossing/line”). The Kosovo police would manage the customs, but with status neutral  
7 stamps denoting “Kosovo customs” (Assembly of Republic of Kosovo, 2013) and overseen by EULEX  
8 (Office for Kosovo and Metohija, 2011a). It was also agreed that all the tax collected from the IBM  
9 crossings would go to the so-called “Development Fund for the North”, from which various  
10 infrastructure projects in Northern Kosovo have since been financed (National Audit Office, 2017).

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17 Naturally, since status-neutrality lies at the core of the IBM deal between Serbia and Kosovo, any attempt  
18 at re-politicizing the issue of customs and taxation calls this neutrality into question. Hence, taxation  
19 places border control at the heart of the struggle for sovereignty in the region. The 100% tax on all goods  
20 imported from Serbia was introduced on November 21, 2018, only two days before the arrests of Kosovo  
21 Serbs, and was a retaliation of the Kosovo Government against Serbia because of Serbia successfully  
22 blocking Kosovo from becoming a member of Interpol. The introduction of the tax went against the  
23 CEFTA free-trade agreement in the region (Office for Kosovo and Metohija, 2011b) and was a point of  
24 contestation even during the negotiation of the IBM agreement from 2011 and its implementation in  
25 2012. The fact that Kosovo customs were introduced back then was constructed as a sign of sovereignty  
26 for the Kosovo Government, and was accepted by the Serbs because it adhered to status-neutrality and  
27 all the collected taxes from IBM crossings went into the Development Fund for the North. After the  
28 Kosovo Government decided to introduce a 100% tax on all goods imported from Serbia meant that the  
29 shops, hospitals, pharmacies, student canteens etc. in the North, who predominantly received their goods  
30 through the Northern border with Serbia, would be dramatically affected. It was also a reference to the  
31 previous IBM debate from 2011 and 2012 and was challenged by the Serbs through using alternative  
32 crossings avoiding the customs altogether, that were constituted as illegitimate.

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45 These moments of instituting Kosovo’s sovereignty over the region resulted in local Serb leaders and  
46 Serb representatives in Kosovo institutions, such as the integrated judiciary, stopping their work in these  
47 institutions. On November 27, all four mayors of the Northern municipalities have resigned from their  
48 posts and several local assembly representatives have signed a declaration of breaking off all  
49 communication with the Government in Pristina (KoSSev, 2018d). The mayor of North Mitrovica called  
50 these taxes “anti-civilizational and directed against the Serb people in Kosovo” and the mayor of Zubin  
51 Potok declared that he would ask the Speaker of the Serbian Parliament to call for elections in the Serbia-  
52 run institutional framework. The court staff of the integrated judiciary has stopped their work in these  
53 institutions and submitted a letter to the Basic Court president to re-assess the participation of Serbs in  
54 these institutions with the Serbian Government. On the same day, after the extraordinary local assembly  
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3 sessions in the four municipalities, the first protest on the streets of North Mitrovica was organized,  
4 gathering Serb representatives in front of a reported audience of 10,000 people (KoSSev, 2018c). The  
5 aim of the performative act of submitting resignations from their posts as mayors was to stabilize the  
6 discourse around the presence of only one legitimate state in the North – Serbia. The moment of leaving  
7 all institutions constitutes the institutional framework as antagonistic. The unity of the Serb minority in  
8 the North is articulated against the “other”, the Kosovo Albanian, in all its forms and frameworks. The  
9 political frontier is drawn against everything that the Kosovo Albanian presence in the North embodies.  
10 The often referred to articulation by local Serb leaders that the 100% tax measures were “anti-  
11 civilizational”, reinforces this antagonistic divide. Their previous participation in the Kosovo institutions  
12 was framed by the *Srpska lista* vice president Simić as an act of political struggle for preserving “their own  
13 [Serbian] institutions”, and as a strategy that was abandoned because the Serbs did not want to play the  
14 role of a “quota” or “décor in their [Albanian] institutions” (KoSSev, 2018e). Thus, the only logical choice  
15 for local Serbs in this constellation was to renounce entirely the statehood of Kosovo in the region and  
16 adhere only to Serbian statehood. Again, this shifting subjectivation makes visible the fluid positionalities  
17 of actors embedded into two separate discourses.  
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21 Finally, a practice that illuminates both the permeability of borders and fluidity of sovereignty and border-  
22 control in the region is the barricade on the Mitrovica main bridge. The barricade was supposed to be  
23 abolished through various agreements but it is still present. Barricades erected by the Serb minority in  
24 Northern Kosovo have been a political tool often used in their struggle in performing statehood in the  
25 region. The barricades were first erected in 2011, when the said North Kosovo crisis began. The local  
26 Serbs violently protested, one police officer was killed, and the barricades were subsequently erected all  
27 over the North to block the roads leading to the South of Kosovo and prevent further ROSU intrusions.  
28 These barricades were monitored and occupied by the Serbs day-and-night and only once the IBM deal  
29 was reached, did the situation relax. Although the majority of barricades and roadblocks have been  
30 removed during the last few years, the barricade on the main bridge, connecting the centers of North and  
31 South Mitrovica was even re-enforced with metal and concrete walls by the local Serb leadership in late  
32 2016, under the explanation of the revitalization of the main bridge (KoSSev, 2018i). The wall was  
33 brought down a few months later, but the main bridge is still not open for traffic. This frequent  
34 postponement of the opening of the bridge is one of the performative acts by the local Serbs challenging  
35 Kosovo’s sovereignty over the North. It also constitutes the space of Norther Kosovo as being controlled  
36 by the Serbs only, against the attempts of Kosovo to establish its sovereignty.  
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## 56 Conclusion

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3 This article has discussed the performative aspect of statehood in Northern Kosovo, against the  
4 background of the antagonistic relationship between the Serbian and Kosovo Albanian institutional  
5 frameworks. In this sense, the analysis has shown that opposing and competing projects of consolidating  
6 statehood operate based on binaries, but with actors who can adhere to opposing discourses  
7 simultaneously. The judicial integration especially illustrated this binary opposition in claims-making  
8 practices of statehood through floating articulations and more stabilized ones. The performance of  
9 sovereignty illuminated the issue of changing positionalities of actors in a situation in which the  
10 institutional framework becomes re-politicized through the introduction of the 100% tax and the boycott  
11 of institutions, re-instituting the antagonistic relationship between the two frameworks. In this political  
12 context, alternative articulations of identity are almost entirely marginalized, since the emphasis is put on  
13 (re-)drawing antagonistic frontiers instead of transforming them. For instance, there are political  
14 alternatives to the *Srpska lista* in Northern Kosovo that do not entirely see themselves as representatives  
15 of the Serbian statehood project, such as Oliver Ivanović's party *Srbija, demokratija, pravda – SDP* (Citizen's  
16 Initiative "Serbia, Democracy, Justice"). However, during the period of this analysis, they have been  
17 pushed to the margins, culminating in Ivanović's murder.

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29 The adoption of a performative view on statehood has proved to be particularly useful in the analysis, as  
30 neither Serbia nor Kosovo have "attained" statehood over Northern Kosovo. Moreover, sovereignty and  
31 statehood by both governments and the local political representatives are continuously performed,  
32 making full "consolidation" of statehood unattainable. The article contributes to statehood literature in  
33 two ways: it makes the nuances between performing the state and performative statehood clearer and  
34 draws a distinction between contested legitimacy and performative statehood. The analytical approach  
35 applied here seems promising, particularly considering disputed statehood, where what counts as  
36 "statehood" is constantly shifting and being appropriated by different sides. Competing claims over a  
37 certain region render the processuality of state-becoming visible. They also give attention to the  
38 ambivalent positions different actors must take within this process, and the way they legitimize opposing  
39 claims at the same time.

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48 As mentioned at the beginning, the framework can be applied to other contestations over statehood in  
49 the world, such as the case of Palestine and Israel, or the case of Crimea as a site of contestation between  
50 Russia and Ukraine. These examples also offer directions for future research and would potentially offer  
51 insight into situations in which the overlaps might not be as pronounced as in the case of Northern  
52 Kosovo. Theoretically, this framework could be expanded to explore performativity of statehood in areas  
53 where statehood is not institutionally disputed, but rather symbolically, through investigating other  
54 practices of meaning-making that are not heavily politically-loaded.

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3 As to why the Brussels dialogue has not yielded many tangible results, it has been demonstrated that  
4 discursive struggles over who has the right to claim statehood in Northern Kosovo characterizes the  
5 entire process of implementation. The implementation cannot be successful, and the discourse around  
6 either Serbia's or Kosovo's statehood stabilized around certain nodal points, as long as this question is  
7 "hovering over" the dialogue. The antagonism between the two institutional frameworks is also not a  
8 given but is continuously brought into existence through performative acts by both sides. The established  
9 discourse on ethnic divisions between Kosovo Albanians and Serbs, that all these performative acts are  
10 constitutive of, prevent the neutralization of the antagonistic relationship between the two constructions  
11 of rightful statehood in the region. The antagonism can be institutional, as well as constitutive of  
12 discourses on ethnic and irreconcilable divisions. In other words, the conflict in question is not only  
13 about ethnicity, but about governance and positionality. The recent partition discourse puts antagonism  
14 – institutional and otherwise – at the heart of all problems, conflating ethnicity with institutions and  
15 making it seem as if the only possible solution to the dispute is exclusionary division.  
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## References

- Anderson B (2006 [1983]) *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.
- Assembly of Republic of Kosovo (2013) Law on cooperation between authorities involved on integrated border management. Pristina, Kosovo, July.
- Baranyi S (2012) Contested Statehood and State-building in Haiti. *Revista de Ciencia Política* 32(3): 723-738.
- Bartelson J (1995) *A Genealogy of Sovereignty*. Cambridge: Cambridge University Press.
- Bellina S, Darbon D, Eriksen SS and Sending OJ (2009) The Legitimacy of the State in Fragile Situations. Report by Norad and French Ministry of Foreign and European Affairs, Oslo, Norway, February.
- Bergmann J (2018) Same Table, Different Menus? A Comparison of UN and EU Mediation Practice in the Kosovo-Serbia Conflict. *International Negotiation* 23: 238–257.
- Beysoylu C (2018) Implementing Brussels Agreements: the EU's facilitating strategy and contrasting local perceptions of peace in Kosovo. *Southeast European and Black Sea Studies* 18(2): 203-218.
- Bieber F (2015) The Serbia-Kosovo Agreements: An EU Success Story? *Review of Central and East European Law* 40(3-4): 285-319.
- Bilgiç A (2018) Migrant encounters with neo-colonial masculinity: producing European sovereignty through emotions. *International Feminist Journal of Politics* 20(4): 542-562.
- Börzel TA, Risse T and Draude A (2018) Governance in Areas of Limited Statehood: Conceptual Clarifications and Major Contributions of the Handbook. In: Draude A, Börzel TA and Risse T (eds) *The Oxford Handbook of Governance and Limited Statehood*. Oxford: Oxford University Press, pp. 3-25.
- Brambilla C (2015) Exploring the Critical Potential of the Borderscapes Concept. *Geopolitics* 20(1): 14–34.
- Butler J (1988) Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory. *Theatre Journal* 40(4): 519-531.
- Butler J (1990) *Gender Trouble: Feminism and the Subversion of Identity*. New York: Routledge.
- Butler J (1993) *Bodies that Matter: On the Discursive Limits of "Sex"*. New York: Routledge.
- Campbell D (1998) *Writing Security: United States Foreign Policy and the Politics of Identity*. Minneapolis: University of Minnesota Press.
- Constantinou CM and Papadakis Y (2001) The Cypriot State(s) *in situ*: Cross-ethnic Contact and the Discourse of Recognition. *Global Society* 15(2): 125-148.
- Constantinou CM (2008) On the Cypriot States of Exception. *International Political Sociology* 2: 145–164.
- Čolović I (2002) *Politics of Identity in Serbia: Essays in Political Anthropology*. New York: New York University Press.
- Dahlman CT and Williams T (2010) Ethnic Enclavisation and State Formation in Kosovo. *Geopolitics* 15(2): 406-430.
- DeLuca K (1999) Articulation Theory: A Discursive Grounding for Rhetorical Practice. *Philosophy and Rhetoric* 32(4): 334-348.
- Diez T (2014) Setting the limits: Discourse and EU foreign policy. *Cooperation and Conflict* 49(3): 319–333.
- Economides S and Ker-Lindsay J (2015) 'Pre-Accession Europeanization': The Case of Serbia and Kosovo. *JCMS: Journal of Common Market Studies* 53(5): 1027– 1044.

- 1  
2  
3 European External Action Service (2015) *Association/Community of Serb majority municipalities in Kosovo – general*  
4 *principles/main elements*. 25 August.  
5  
6 Fox JE and Miller-Idriss C (2008) Everyday nationhood. *Ethnicities* 8(4): 536–563.  
7  
8 Gills BK (1996) *Korea versus Korea: A case of contested legitimacy*. London, NY: Routledge.  
9  
10 Government of Kosovo (2013) *The First Agreement of Principles Governing the Normalization of Relations*. 19 April.  
11  
12 Grzybowski J and Koskenniemi M (2015) International Law and Statehood: A Performative View. In: Schuett R  
13 and Stirk PMR (eds) *The Concept of the State in International Relations: Philosophy, Sovereignty and Cosmopolitanism*.  
14 Edinburgh: Edinburgh University Press, pp. 23–47.  
15  
16 Heathershaw J (2014) The Global Performance State: A Reconsideration of the Central Asian ‘Weak State’. In:  
17 Reeves M, Rasanyagam J and Beyer J (eds) *Ethnographies of the State in Central Asia: Performing Politics*. Bloomington:  
18 Indiana University Press, pp. 29–54.  
19  
20 Hofbauer JA (2016) *Sovereignty in the Exercise of the Right to Self-Determination*. Leiden: Brill.  
21  
22 Howarth D (2015) Introduction: discourse, hegemony and populism: Ernesto Laclau’s political theory. In:  
23 Howarth D (ed) *Ernesto Laclau: Post-Marxism, populism and critique*. New York: Routledge, pp. 1–20.  
24  
25 Hussey G (2018) Violence, space, and the political logics of territoriality: a case of peasant resistance in early-  
26 nineteenth century Ireland. *Distinktion: Journal of Social Theory* 19(3): 306–327.  
27  
28 Krasner SD (1999) *Sovereignty: Organized Hypocrisy*. Princeton, NJ: Princeton University Press.  
29  
30 Laclau E (1990) *New Reflections on Revolutions of Our Time*. London: Verso.  
31  
32 Laclau E and Mouffe C (1985) *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*.  
33 London: Verso.  
34  
35 Laclau E and Mouffe C (1990) Post-Marxism without Apologies. In: Laclau E (ed.) *New Reflections on the Revolution*  
36 *of Our Times*. London: Verso, 97–132.  
37  
38 Marttila T (2015) *Post-foundational Discourse Analysis: From Political Difference to Empirical Research*. London: Palgrave  
39 MacMillan.  
40  
41 Mertus JA (1999) *Kosovo: How Myths and Truths Started a War*. Berkeley: University of California Press.  
42  
43 National Audit Office (2017) *Audit Report on the Development Fund*. Pristina, Kosovo, February.  
44  
45 Neumann IB (2002) Returning Practice to the Linguistic Turn: The Case of Diplomacy. *Millennium: Journal of*  
46 *International Studies* 31(3): 627–651.  
47  
48 Office for Kosovo and Metohija (2011a) *Integrated boundary management of the administrative crossing points*.  
49 Available at: <http://kim.gov.rs/eng/p13.php> (accessed 09 May 2019).  
50  
51 Office for Kosovo and Metohija (2011b) *Customs stamp*. Available at: <http://kim.gov.rs/eng/p09.php>  
52 (accessed 09 May 2019).  
53  
54 Ombudsperson Institution of Kosovo (2016) *Izveštaj sa preporukama*. Kosovo, April.  
55  
56 Palonen E (2018a) Rhetorical-Performative Analysis of the Urban Symbolic Landscape: Populism in Action. In:  
57 Marttila T (ed.) *Discourse, Culture and Organization: Inquiries into Relational Structures of Power*. New York: Palgrave  
58 Macmillan, pp. 179–198.  
59  
60

- 1  
2  
3 Palonen E (2018b) Performing the nation: the Janus-faced populist foundations of illiberalism in Hungary. *Journal of Contemporary European Studies* 26(3): 308-321.
- 4  
5  
6 Richards R (2014) *Understanding Statebuilding: Traditional Governance and the Modern State in Somaliland*. Farnham: Ashgate.
- 7  
8  
9 Risse T (2015) Limited Statehood: A Critical Perspective. In: Leibfried S, Huber E, Lange M, Levy JD, Nullmeier F and Stephens JD (eds) *The Oxford Handbook of Transformations of the State*. Oxford: Oxford University Press, pp. 152-168.
- 10  
11  
12  
13 Risse T (2018) Hierarchical and Non-Hierarchical Coordination. In: Draude A, Börzel TA and Risse T (eds) *The Oxford Handbook of Governance and Limited Statehood*. Oxford: Oxford University Press, pp. 312-332.
- 14  
15  
16 Sarbo DN (2009) *Contested Legitimacy: Coercion and the State in Ethiopia*. PhD Thesis, University of Tennessee, USA.
- 17  
18 Troncotă M (2018) ‘The association that dissociates’ – narratives of local political resistance in Kosovo and the delayed implementation of the Brussels Agreement. *Southeast European and Black Sea Studies* 18(2): 219-238.
- 19  
20  
21 Visoka G (2018a) *Acting Like a State: Kosovo and the Everyday Making of Statehood*. New York: Routledge.
- 22  
23 Visoka G (2018b) Metis diplomacy: The everyday politics of becoming a sovereign state. *Cooperation and Conflict*: 1-24.
- 24  
25  
26 Visoka G and Doyle J (2016) Neo-Functional Peace: The European Union Way of Resolving Conflicts. *JCMS: Journal of Common Market Studies* 54(4): 862– 877.
- 27  
28  
29 Weber C (1998) Performative States. *Millennium: Journal of International Studies* 27(1): 77–95.
- 30  
31 Zdravković H (2005) The vernacular discourses of historical victimage of Kosovo Serbs and Albanians. *Balkanica* (36): 83-112.
- 32  
33  
34 Zupančič R (2018) EU peace-building in the north of Kosovo and psychosocial implications for the locals: a bottom up perspective on normative power Europe. *Journal of Balkan and Near Eastern Studies*: 1-18.

### 37 Media

- 38  
39 Bailey F (2017) Kosovo and Serbia agree to begin new phase of dialogue. *Prishtina Insight*, 03 July. Available at: <https://prishtinainsight.com/kosovo-serbia-agree-begin-new-phase-dialogue/> (accessed 08 May 2019).
- 40  
41  
42 KoSSev (2017a) Vučić nakon pobjede Srpske od “10:0” – Živelo Kosovo i Metohija u sastavu Srbije! 22 October. Available at: <https://kossev.info/vucic-nakon-pobede-srpske-od-100-zivelo-kosovo-i-metohija-u-sastavu-srbije/> (accessed 08 May 2019).
- 43  
44  
45  
46 KoSSev (2017b) Srpske sudije i tužioci se nisu pojavili na polaganju zakletve. Priština: Beograd da ispuni svoje obaveze. 17 October. Available at: <https://kossev.info/srpske-sudije-i-tuzioci-se-nisu-pojavili-na-polaganju-zakletve-pristina-beograd-da-ispuni-svoje-obaveze/> (accessed 08 May 2019).
- 47  
48  
49  
50 KoSSev (2017c) Sastanak Vučić-Tači: Potpuna primena sporazuma o pravosuđu 17. oktobra. 31 August. Available at: <https://kossev.info/sastanak-vucic-taci-potpuna-primena-sporazuma-o-pravosudju-17-oktobra/> (accessed 08 May 2019).
- 51  
52  
53  
54 KoSSev (2017d) Sudski savet: Sever integrisan u pravosudni sistem Kosova. Kuburović: Veća pravna zaštita za građane Srbije. 24 October. Available at: <https://kossev.info/sudski-savet-sever-integrisan-u-pravosudni-sistem-kosova-kuburovic-veca-pravna-zastita-za-gradjane-srbije/> (accessed 08 May 2019).
- 55  
56  
57  
58  
59  
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46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60

KoSSev (2017e) Srpske sudije sutra polažu zakletvu pred kosovskim predsednikom? 16 October. Available at: <https://kossev.info/srpske-sudije-sutra-polazu-zakletvu-pred-kosovskim-predsednikom/> (accessed 08 May 2019).

KoSSev (2017f) Kabašić: Sud na Severu od ponedeljka, o žalbama Odeljenje apelacije u Mitrovici a ne sud u Prištini. 02 November. Available at: <https://kossev.info/kabasic-sud-na-severu-od-ponedeljka-o-zalbama-odeljenje-apelacije-u-mitrovici-a-ne-sud-u-pristini/> (accessed 08 May 2019).

KoSSev (2017g) SSK: U sudovima na Severu suđenja po hitnom postupku i prijem novih predmeta, uskoro i ostale usluge. 10 December. Available at: <https://kossev.info/ssk-u-sudovima-na-severu-sudjenja-po-hitnom-postupku-i-prijem-novih-predmeta-uskoro-i-ostale-usluge/> (accessed 08 May 2019).

KoSSev (2018a) Vučić na Severu Kosova: Poslednji je čas da ako postoji mrva šanse da bilo šta vratimo, to i uradimo. 08 September. Available at: <https://kossev.info/jezero-gazivode-pripreme-za-dolazak-pred-ekoloskim-centrom/> (accessed 08 May 2019).

KoSSev (2018b) Aleksandar Vučić iz Kosovske Mitrovice: Odavde nema nazad. 09 September. Available at: <https://kossev.info/vucic-iz-kosovske-mitrovice-10-000-000-evra-za-kbc-rekonstrukcija-svih-zgrada/> (accessed 08 May 2019).

Kossev (2018c) Protest u Kosovskoj Mitrovici: „Prestale da postoje opštine po kosovskom sistemu na severu pokrajine“. 27 November. Available at: <https://kossev.info/protest-u-kosovskoj-mitrovici-okuplja-se-veci-broj-gradjana/> (accessed 08 May 2019).

KoSSev (2018d) Vanredne sednice skupština: Rakić podneo ostavku; Neki odbornici potpisali Deklaraciju o prekidanju komunikacije sa Prištinom. 27 November. Available at: <https://kossev.info/vanredne-sednice-skupština-rakic-podneo-ostavku/> (accessed 08 May 2019).

KoSSev (2018e) Protest: Univerzitet, Trepča, Srpska lista o jedinstvu, koncert Amadeus benda posle. 28 November. Available at: <https://kossev.info/protest-univerzitet-trepca-srpska-lista-o-jedinstvu/> (accessed 08 May 2019).

KoSSev (2018f) Tači posetio Gazivode i Brnjak: Rutinska i normalna poseta, plovidba po divnom mestu. Đurić: Ni časa nećemo časiti da zaštitimo naš narod. 29 September. Available at: <https://kossev.info/beogradski-mediji-specijalci-rosu-na-gazivodama/> (accessed 08 May 2019).

KoSSev (2018g) Hapšenja zbog ubistva Olivera Ivanovića: Uhapšeno četvoro, za jednim osumnjičenim se traga, dokazi za još dve osobe. 23 November. Available at: <https://kossev.info/kosovska-mitrovica-uhapseno-cetvoro-sirene-za-vazdusnu-opasnost-zavijale-duze-od-sat-vremena/> (accessed 08 May 2019).

KoSSev (2018h) Simić na pitanja o kolegi Radoičiću: Samo da ne skrećemo temu sa taksil Ugroženi životi 100.000 Srba! 30 November. Available at: <https://kossev.info/simic-na-pitanja-o-kolegi-radoicicu-samo-da-ne-skrecemo-temu-sa-taksi-ugrozeni-zivoti-100000-srba/> (accessed 08 May 2019).

KoSSev (2018i) Godinu dana od rušenja zida. 05 February. Available at: <https://kossev.info/godinu-dana-od-rusenja-zida/> (accessed 08 May 2019).