



## **Discussion Paper 39**

**Enver Hoxhaj**

*The politics of ethnic conflict regulation in Kosovo*

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Centre for the Study of Global Governance  
London School of Economics and Political Science  
Houghton Street, London WC2A 2AE  
<http://www.lse.ac.uk/Depts/global>

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## Summary and Recommendations

Five years after NATO intervention and the ending of war, it is time to stop pretending that June 1999 represented a turning point in the resolution of the Kosovo conflict. The violence in March 2004 towards local Serbs emphasized the failure of the international authorities to resolve the conflict. This violent episode, more so than any previous event, called into question the role of the United Nations Mission in Kosovo (UNMIK) peacekeeping and peace-building strategies. Due to the massive human rights violations no one can justify these riots on moral grounds. But during and after the events in March many international and local observers linked them to the following issues: the unresolved issue of Kosovo's status, the miserable economic situation and high unemployment rate (70% of citizens are unemployed), the lack of assistance for young people (approximately 50% Kosovars are under 19), the ineffectiveness of UNMIK, political extremism within society, including both the return of radical nationalism in Serbia in December 2003 and the rise of a nationalistic government in Belgrade.

These arguments are not new and do not provide the background to understand the complexity of events in Kosovo. For deeper understanding, an analysis of the conflict resolution strategies before and after June 1999 is needed. Not only western decision makers, but also Kosovar and Serbian leaders often misunderstand the real causes and course of the Kosovo conflict. Like many other ethnic conflicts in the world, it was, from the beginning, a conflict over territory and power between the Serbian/Yugoslav states and Kosovar Albanian majority. The inability of the Serbian and/or Yugoslav state to solve the conflict paved the way for external intervention, first the NATO military air campaign and second the establishment of the UN Mission. However during the five years of its presence UNMIK was trying to fight the symptoms of the conflict, but its really deep causes. This happened due to the UN Security Council Resolution 1244 which restricted the mandate of the UNMIK, in order to tackle the root causes of Kosovo conflict. The NATO and UN Mission's intervention in 1999 was crucial to ending the war and 'ethnic cleansing'. But it was only an interim solution. The lacks of political will among international community to address the issue of the status, has postponed stability in the Balkans, increased tensions between Serbia and Kosovo, and contributed to the political and economic stagnation in region.

This paper analyses those strategies proposed and applied by the main actors to the transformation and resolution of the Kosovo conflict. It is based on a theoretical framework developed by two British scholars, John McGarry and Brendan O'Leary. After analysing many different ethnic conflicts around the world they concluded that states and different political structures have used eight methods for regulation of the ethnic conflicts. These include: genocide, forced mass-population transfers, partition and/or secession (self-determination), integration and/or assimilation, hegemonic control, arbitration (third-party intervention), cantonisation and/or federalism, and consociationalism or power-sharing. Some of these strategies violated human rights; some offered a temporary solution to the management of the conflict and others indicate that a multi-ethnic society can be stabilized according to democratic liberal traditions.

This paper consists of two parts. First I have considered the strategies of conflict management and/or resolution used by Serbian and Yugoslav governments and Kosovar

elites during the twentieth century; in doing so I have tried to show why those failed in the past. The consequence of traditional Serbian policy was an undemocratic hegemonic state control of the Albanian majority, backed up by systematic state discrimination, human rights violations and the policy of ‘ethnic cleansing.’ This Serbian traditional policy to Kosovo was supported commonly by local Kosovar Serbs. But when the Serbian regime in Kosovo broke up, although for short time (First and Second World War, and after June 1999), there it came to a domination of the Albanian majority over the Serb minority, followed by violence and forced migration.

In such circumstances, the Kosovar Albanians and Serbs coexisted and lived separate lives. The conflict was not between them, but between the Serbian state and Albanian majority. Neither ethnic group understood that they were victims of the Serbian hegemonic policy. If coexistence was possible in the past, surely, after the crucial intervention by NATO and establishment of UNMIK, the conditions exist to build a society based on a new political, legal and economic framework. No doubt the best framework for a new society has to be created in the context of the solution of the final status.

In the second part I consider the strategies used and proposed by UNMIK, PISG and the Serbian governments after Milosevic’s fall in October 2000. Ethnic conflicts are complex phenomenon, with many actors and factors; this study has focused on the highest political leadership only. The paper deals with the opinions of the government representatives and the leaders of the largest political parties in Prishtina and Belgrade. Based on my research there are two key moments that made the ‘political war’ between Kosovo and Serbia possible and UNMIK an ‘impossible mission’:

1. NATO intervention ended the war, but ethnic conflict between the Serbian state and Kosovar Albanians remains unresolved, because the international community was not prepared to solve the status issue at the end of the war. UNMIK and KFOR prevented violent conflict between Serbia and Kosovo, but they failed to create conditions for long-term conflict regulation in Kosovo. Since the creation of the Provisional Institution of the Self-Government (PISG, February 2002) the focus of the international community was solely on buying time, and this was the only focus.
2. The nature of the conflict has changed after the creation of new democratic governments in Belgrade and Prishtina, but ‘new’ elites seem to be pursuing the same political goals as in the past, only this time through non-violent means. There has not been a paradigm shift in thinking about the conflict by the Serbian and Kosovar leadership, and they are using the same conflict regulation strategies. This is because the political agenda, which in 1912/13 due to Serbian occupation of Kosovo brought both societies into the conflict, has not changed.

This paper explores not only the positions of the Kosovar and Serbian leadership, but at the same time UNMIK’s use of particular conflict management strategies and their limited impact. It offers some general recommendations that could assist the international community and Kosovar and Serbian leadership in settling this conflict in the long-term. These include:

1. The five years since the end of the war have shown that the ‘political war’ over Kosovo cannot be ended through conflict management strategies used by UNMIK, such as third-party intervention and consociationalism if the international community refuses to take into account the real causes of the conflict: Serbian expansionism and hegemonic rule over Kosovo. The international community should respect the political will of Kosovars for self-determination. It should be clear from outset that Kosovo must be independent country and that the negotiations are not between Kosovo and Serbia, but via an international process that will define the nature and the structure of its sovereignty. The members of the Contact Group (UK, France, Germany, Italy, Russia and USA) should design the political process regarding final status, with the assistance of the USA and EU under UN Security Council mandate and with detailed timetable.
2. Parallel to international process in defining final status, Serbia and Kosovo need to agree to end the conflict. Both sides need to sign a historical agreement, in which Belgrade and Prishtina declare that they live in peace and that conflict belongs to the past. They should agree too that the status of Kosovo is not a military, but a political issue that can only be solved without use of violence. Both countries should in advance agree on a general framework of a state-building process and that this should be achieved through international mediation. At the end of the status process, Kosovo’s sovereignty should be confirmed either through its Parliament or through a referendum.
3. Part of the historical agreement between Kosovo and Serbia should be a vision for a reconciliation process. A reconciliation process would be effective if Serbia recognised the new borders of Kosovo. This would change the nature of the relationship between Serbia and Kosovo, as was the case between Germany and France after Second World War, an example that shows reconciliation between former enemies is possible. The resolution of the status issue would help Serbia to define its own statehood and borders, and mark a break with the past. At the same time part of the reconciliation process should be the addressing of issues connected with the past, war and its consequences, which should be done in the future in close cooperation between both countries.
4. An ethnic partition of Kosovo – as some are suggesting after the violence in March 2004 – will not bring an end to the conflict, but will lead to another phase. It could initiate a domino effect in Bosnia and Herzegovina, Serbia and Macedonia, where minority Croats, Serbs and Albanians would pursue a partition agenda. This would further destabilize the whole region. The only way for it to offer a safe home to its citizens is for Kosovo to remain undivided. The international community should not give up this approach. Serbian leaders and international community should be aware that partition would produce more violence and forced migration, which has been the case many times in different parts of the world. An ethnic partition of Kosovo would support extremism within

- Kosovar political life and strengthen the idea of unification with Albania. Many people would agree that if Kosovar Serbs joined Serbia and Serbia became an ethnic state, why Kosovar Albanians should not have an ethnic Albanian state in the Balkans too. Indeed, the majority of Kosovars argue that Kosovo's statehood is a compromise solution between Albanians and Serbs in the Balkans.
5. Because of the demographic and ethnic composition of Kosovo, where the majority of the Kosovar Serbs and other minorities live throughout the territory, the international accord on Kosovo's independence and sovereignty should create and offer institutional space for minorities and exclude territorial solutions. Kosovo's post status Constitution should be in reality a 'civic contract' between Albanian majority and other minorities. The new Constitution should be the instrument for offering the needed institutional space at the central and local government, which will guarantee the political, economic, social and culture rights of Serbs and other minorities. Prishtina leadership should in an inter-ethnic dialogue approve this Constitution that will guarantee the promotion and protection of minority rights through equal representation, reform of local government, language and minority rights and protect and express their identities. On the other hand, these minorities would acknowledge Kosovo's government as their only authority and Prishtina as their only capital. This will be the best instrument for overcoming the deep divisions in society, which are linked to past conflict, ethnicity and identity in Kosovo.
  6. UN mission as third party intervention was very much necessary to secure the stability within Kosovo and Balkans. But because of the nature of mandate according to the Resolution 1244, UN mission was unclear and without deadline. As peacekeeping mission could not have the task of a real governing authority and could not play a role in the economic development and reforming of Kosovo. Until the issue of status is resolved, UNMIK should create conditions for a stronger presence of the EU. Once status is agreed, an EU monitoring mission will be required for supporting Kosovo towards reforms, economic development and European integration process. The NATO peacekeeping forces should remain as long-term security forces.
  7. Kosovo's institutions should offer a real and detailed government platform on the return of Kosovar Serbs, Mitrovica issue and economic development. Ministries for Community issues, International Affairs, Justice, Public Order and European integration are very much needed for this interim phase before resolution of the status issue. The post status Kosovo's government should have full authority and competence in political, economic and social life, and the dual governance structure of UNMIK and PISG, and their unclear remits, should end.

## 1. Introduction

Since the deployment of NATO peacekeeping troops, the establishment of the UNMIK administration (June 1999) and fall of the Milosevic regime (October 2000), it is generally accepted that the situation had changed dramatically for the Kosovo's better. The newly formed democratic governments in Prishtina and Belgrade are considered to have main merits in changing the postwar situation.<sup>1</sup> In this case, there is a need to explain the real effects of such "change". In that sense, this paper outlines the various strategies deployed to manage and solve the ethnic conflict in Kosovo. It concentrates not only on the causes and the course of the conflict, but also on analyzing and classifying the attempts to resolve it. It also explores the morality, feasibility, and consequences of the conflict, and argues that the end of the war in Kosovo in June 1999 did not represent a fundamental turning point.

The use of violence by an angry mob of Kosovar Albanians against the local Serb population 17-18 March 2004 is evidence of this argument. These events call into question the 'peace' created by the UN Mission, and represent a nadir in the history of UNMIK and Kosovar politics.<sup>2</sup> Many Balkans' political analysts have tried to explain these events:<sup>3</sup> citing the issue of Kosovo's uncertain status, the terrible economic situation, record-high unemployment and few prospects for young people, political extremism, the revival of radical forces in Serbia in December 2003, the creation of a nationalistic government in Belgrade, and the incompetence of UNMIK, to name just a few.<sup>4</sup>

The events in March 2004 call for an evaluation of UNMIK's conflict management strategies in Kosovo. After five years of operation, it has become clear that UNMIK has tackled the symptoms rather than the roots of conflict. In that sense, this paper analyzes the role of the three main political actors, UNMIK, PSIG and the Serbian Government, in attempting to resolve the Kosovo conflict. This is important for two reasons: first, NATO intervention brought the war to an end in 1999 but conflict continued in the form of heightened ethnic tensions over Kosovo's territory; second, political actors both in Prishtina and Belgrade have adopted peaceful methods to pursue their political ends, and political agenda regarding Kosovo's future is the same as it was before 1999.

## 2. Historical background

The perception of both Serb and Albanian communities regarding the situation in Kosovo is that that their two nations have been in continual conflict since medieval, even ancient, times. In reality, these perceptions are based on politically motivated fabrications of the past and constructions of national narrative for nationalistic purposes. This willful misinterpretation of the past and promotion of images of conflict dating back centuries have been spread by Serbian and Albanian elites since the nineteenth century in order to support 'being first-born', expansionism, politics of 'ethnic cleansing' and ethnic hegemony. Therefore, the conflict in Kosovo, like so many others around the world, is an outcome of the state-nation idea and European modernism in the Balkans.

Since the events of 1980s and disintegration of Yugoslavia during the 1990s, many arguments and theories have been proposed about the causes of the conflict and its



resolution. Recently, Konrad Clewing has presented a well-founded theory regarding the origin of the conflict that has great significance for this paper. He argues that the conflict over Kosovo was, from the beginning, a conflict between the Serbian/Yugoslav governments and Albanian population in Kosovo for territory and political power (Clewing 2002: 181-214). From 1878 the Serbian state had territorial claims over areas populated by Albanians during Ottoman rule. This expansionist policy continued in the beginning of twentieth century after the disintegration of the Ottoman Empire during the Balkan Wars (1912/13), which resulted in forceful occupation of Kosovo by Serbia. A considerable number of Albanians, who represented the majority (about 75% of the population), were executed, deported or migrated under fear of a new tyranny. For the Serbian elite, the incorporation of this territory under Serbia was key to their hegemony over Kosovo, and to maintain their role as a strong regional power in the Balkans.

On the other hand, the politicization of ethnicity and the ethnic conflict over Kosovo started with the birth of the National Albanian Movement during Ottoman rule. It was Kosovo that served as incubator for the Prizren League, which was created in 1878. Its purpose was the protection of Albanians against Serbian expansionism, and political representation of Albanian national interests in the Berlin Congress, which was held in the same year. After the crippled state of Albania was proclaimed in 1912, following the fall of Ottoman Empire, a decision by the London Ambassadors Conference that left almost half of the Albanian population outside its boundaries, which were incorporated forcefully in the Kingdoms of Greeks, Serbs and Montenegrins. Since this time, Albanians in Kosovo were faced with their national survival, as the Serbian rule over this territory throughout the twentieth century has been characterized as violent and discriminatory. Similarly, the short period of Albanian domination of Kosovo was characterized by discrimination over the Serbian minority (during the First and Second World War and after June 1999).

According to Clewing, there are two other influential actors in the conflict. First, the international community, which has followed a traditional political agenda in the Balkans reflecting the strategic interests of the major powers. Second, Albania, for which Kosovo, was the center of Albanian national movement. After the creation of an independent state and throughout the twentieth century, Albania has never pursued an irredentist policy regarding Kosovo, probably due to fear that conflict with more powerful Serbian/Yugoslav governments would threaten the existence of Albanian statehood. At the same time, Albanian dependence on some western powerful states, if not the entire international community, was also a factor for its weak position towards Albanians in Yugoslavia.

### **3. Methodology**

Ethnic conflict is a phenomenon of modern times, nation-state projects and nationalism. After the end of the cold war, the disintegration of the USSR and Yugoslavia new ethnic conflicts became headline news and the focus of much social science research, resulting in many different theories about their causes, course and consequences. Based on ethnic conflicts in Africa, America, Asia, Europe and Oceania, British scholars, John McGarry and Brendan O'Leary, developed a taxonomy of eight macro-political forms of ethnic

conflict regulation (McGarry and O’Leary 1997: 1-41). Taxonomy originated by the Swedish scientist Linnaeus and presents a classification of organisms based on empirical observations. Taxonomy intends to put all organisms in a hierarchal classification system in which “likes” are ordered with “likes”. Based on this approach, both scholars have created their taxonomy, and their list of forms of the ethnic conflict regulation has been build through researching different cases in the world. Here they were putting together “likes with likes” of different cases of ethnic conflict regulation. In order to make clear that they not using a typology for the explanation of the ethnic conflicts, as the typology is heuristics and aim to codify existing knowledge. For them typologies in social sciences are classifications of entities by logical types and constructed through the use of logical antonyms rather than empirical observation. In this sense, in contradictory to the typologies, which is more ideal-typical, the taxonomies are more empirical: they are more *a posteriori* than *a priori* in their hierarchical explanation and classification scheme.

According to the authors, the eight macro-methods of regulating ethnic conflict are: genocide, forced mass-population transfers, partition and/or secession (self-determination), integration and/or assimilation, hegemonic control, arbitration (third-party intervention), cantonization and/or federalism, and consociationalism and/or power-sharing. While the first four have been presented as methods for eliminating ethnic differences, the last four have been seen methods for managing ethnic differences. The authors have positive and normative approaches. Initially, they tried to recognize if there were ‘laws of motion’, which postdict or even predict the course of the conflict. This would make it possible to identify the cause of conflict and strategies to resolve it. Additionally, they tried to identify methods for managing ethnic conflicts and/or to find ways of their regulation through democratic and liberal institutions. Here ‘regulation’ means both termination and management of the conflict.

Based on McGarry and O’Leary’s theoretical framework and after outlining the causes of the conflict in Kosovo, this paper concentrates on the strategies used to manage, control and/or terminate the ethnic conflict during Serbian/Yugoslav rule, and in contemporary Kosovo. During the last century, Serbian and Yugoslav governments used all of the above strategies– with the exception of secession. This paper seeks to classify the strategies used in the Kosovar context, in order to understand why some failed and others were successful. I will try to identify the signs that enable not only ‘postdiction’, but also ‘prediction’ of effective strategies for managing and/or terminating the conflict, and as well as the chances for peace in Kosovo today.

For methodological purposes, this paper does not explore other important factors in conflict management, such as economic stagnation, insecurity, systematic violence, fear and facing the past.<sup>5</sup> It is clear that many other actors and factors influence the genesis and course of a conflict. Therefore this paper concentrates on evaluating the strategies applied or proposed by UN Mission, as well as the most powerful Serbian and Kosovar political leaders. The American scholar John P. Lederach has shown that focusing on the key actors enables a more profound understanding of the dynamics of conflict, as complex phenomenon (Lederach 1997: 38-55).

#### **4. Strategies of ethnic conflict regulation in Serbia/Yugoslavia**

##### **4. 1. Attempted genocide and ‘ethnic cleansing’**

Genocide has been used by different nations as the final and extreme solution for ethnic conflicts. Genocide is a modern phenomenon that usually occurs after the birth of a new empire or state. The governing power avoids internal political turmoil by extermination of certain ethnic groups inside its borders. Genocide has also been used during the disintegration of empire, when a particular ethnic group, different from the ruling elite, was more vulnerable, in the belief that this would stabilize the empire. According to McGarry and O'Leary, in some cases genocide 'worked', terminating conflict and securing territory. However, mostly, genocide has not proved to be effective in achieving political goals, and has led often to unstable post-conflict situations (McGarry and O'Leary 1997: 6-9). As a rule, genocide occurs in non-democratic contexts, arising from racial, ethnic and religious ideology. This belief system made massive crimes generally acceptable and was instrumental in recruiting people willing to perpetrate these acts (Alvarez 2001: 2001, 56-57, 72-73, 76-78).

In the case of Kosovo, the use of the term 'genocide' is debatable. Yet it is undeniable that in 1999 the Serbian regime attempted to obliterate the Kosovars, a genocide only avoided by NATO intervention (Human Rights Watch 2001).

The term genocide is used to usually refer to systematic execution on a massive scale of a specific ethnic group. Terms such as 'politocide' or 'democide' have sometimes been used to describe the same phenomenon. Similarly to the genocide, 'ethnic cleansing' entered political terminology during war in Bosnia, describing massive crimes and deportation of the Bosnian Muslims. This term was used to explain also the mass killings and systematic deportation of local populations in Croatia and Kosovo during the wars in both countries. However, genocide and 'ethnic cleansing' are different phenomena: the former refers to the complete or partial physical extermination of certain national, ethnic or religious groups and the latter means forceful deportation from inhabited lands. However, Yugoslav conflicts show us that 'ethnic cleansing' can have genocidal consequences (Naimark 2002: 2, 139).

Such consequences were clearly seen not only with the end of Serbian rule over Kosovo, but from the very beginning. When Serbia occupied this area during the Balkan Wars (1912/13), the majority of the population was Albanian, and the regime sought to settle ethnic differences permanently by the use of systematic executions.<sup>6</sup> Thousands of people were killed and tens of thousands were forcefully deported; the statistics are disputed but the western press and official witnesses reported numbers ranging from 20,000-25,000 killed and 100,000 deported (Banac 1984: 296).<sup>7</sup> The Carnegie Endowment for International Peace published a report in 1914 regarding casualties of the Balkan Wars, in which Kosovo was highlighted as an example of the politics of systematic extermination, house destruction and deportation. The international commission responsible for the report concluded that the reason for these crimes was the changing ethnic structure of region, which had been populated mainly by Albanians.<sup>8</sup> During First World War, Serbia lost control over this region, but after the war when Serbian troops returned, there were repeated massacres. In one very detailed and unofficial list, dated 1918/21, 12,371 people were listed as killed (Banac 1984: 297-298).<sup>9</sup>

As a result, the Albanian population became alienated from the idea of being a part of Serbian state and turned to guerrilla fighting, with the rise of the Kaçak Movement in

1920s. The killings and deportation of local Serbs and Serbian colonists during the Second World War should be seen from this perspective. The lack of research in this area means there are no reliable statistics of those killed or deported. Neither is there data about the number of Albanians killed during the 1945 uprising, which was quelled violently by the new communist Yugoslav regime.<sup>10</sup> McGarry and O'Leary argue that mass killing, massive extermination and discrimination could have an unforeseen effect: they could catalyze the doubling of an ethnic group (McGarry and O'Leary 1997: 8). There is no research needed to assess whether the same effect has occurred in Kosovo as a reaction to this policy. However there is a fact that Albanian population has doubled as a result of high birth rate not matched anywhere else in Europe during the twenty century.<sup>11</sup>

During the 1980s, the high birth rate of the Albanian population was presented as a feasible and legitimate reason for violence. A rising birth rate was interpreted as 'biological genocide' over the Serbs (Bogdanovic 1985). During the 1980s the systematic violation of human rights and 'ethnic cleansing' of 1989/99 were legitimized by nationalistic and racist ideology that has been propagated since the 1980s (Magas 1993: 14, 50, Dragovic-Soso 2002: 124). The Serbian Academy of Sciences and Arts accused the Kosovar Albanian population of 'genocide' against their neighboring Kosovar Serbs (Mihailovic and Krestic 1995: 127, Anzulovic 1999, 114-118, Hoxhaj 2002: 494-527). During the last decades of the twenty century, Serbian intellectuals, the Orthodox Church and the media labeled Albanian society 'criminal,' the intention of which was a 'psychological killing'.<sup>12</sup>

Immediately after braking of the war in Kosovo (February/March 1998) final purpose of this ideology was physical extermination of Albanian population aimed with the policy of "ethnic cleansing". Like in Bosnia, 'ethnic cleansing' in Kosovo was not a side-effect of war but its purpose. The same strategies of this policy used in Bosnia were deployed in Kosovo: Serb military, police, special forces and paramilitary attacked cities, towns and villages, where groups of people were killed, women raped, houses were burned to the ground, and people of all ages were evicted from their lands (Hoxhaj and Müller 2000: 18-28). After the failure of the Rambouillet negotiations and NATO military intervention (24 March 1999) to halt 'ethnic cleansing' the situation worsened. Within weeks, around 900,000 people were deported to Albania, Macedonia and Montenegro; 600, 000 stayed in the province but were deported internally; and 15, 000 people are now considered dead or missing.<sup>13</sup> Regardless of the disputes about statistics, it seems that the Serbian state elite was close to achieving its goals. In those parts of territory where once the ratio was 90% Albanians to 10% Serbs, now the reverse was true (Naimark 2002: 180). But this situation did not last: After the end of the war in Kosovo the massive return of Kosovar Albanian refugees meant a reversion to the original demographics.

#### **4. 2. Forced mass-population transfer**

Similar to genocide, forced mass-population transfer occurs also during the creation of empires and new states. This strategy has been applied during and after a war, but it has not always resulted in the termination of ethnic conflict. State elites who were using this ethnic conflict regulation method justified it as a reaction to overflow of another ethnic

group, by characterizing members of this group as descendants of non-native groups. Forceful deportation creates possibilities for a new political and ethnic environment, which in turn makes future territorial claims 'impossible' (McGarry and O'Leary 1997: 9-11).

In Kosovo, this strategy was used throughout the twentieth century by Serbian/Yugoslav governments, in order to change ethnic structures and manage the conflict. This was applied in two different ways: first through colonization of Kosovo with Serbian colons from different parts of Yugoslavia; second through forced mass-transfer of Albanians, respectively of non-Slavic population to the region of Balkans and Turkey. The program of colonization started as an agrarian reform, where land belonging to non-Slavic population was given to families of Serb and Montenegro colonizers. In this way, Serbian regime sought not only the long-term goal of changing the demographics but three short-term ends. First, colonization prevented some migration of the Serbian and Montenegro population to North America. Second, it served to repress the Kaçak Movement, whose land was confiscated and given to colonists. Third, by establishing colonists, the border with Albania was secured for military purposes, which assisted in the fight against the Kaçaks (Malcolm 1998: 278-279).

Colonization started in 1914, but it remained limited in scope because of the break up of the First World War. It was revived after the war, thanks to a large flow of money given by the Serbian government. It is estimated that between the two world wars, 13,000 families, about 70,000 people, moved to Kosovo. In certain parts of this region, colonization caused significant changes in the population structure. This was seen initially in the Kosovo Plain where the Slavic population in the year 1919 comprised 24% and by 1927, 37%. Even though newcomers were offered many advantages, and were treated warmly and aided by the state, in the end the process of colonization had limited success, for several reasons, including the migration of many of the colonists during the world wars, and the natural growth of the Albanian population (Banac 299-301, Bartl 1993: 190-191, Malcolm 1998: 278-88).<sup>14</sup>

However, the agrarian colonization policy did force Albanians to migrate. Brutal military rule by Serbia after the incorporation of Kosovo caused many Albanians to flee to the newly formed Albanian state, and to Turkey. According to one report, it is estimated that Kosovo lost 150,000 people between 1910 and 1920, as a result of forced migration (Banac 1984: 301). Yet since the mid-1930s, Serb intelligentsia and leadership has claimed that successive Yugoslav governments failed to solve the Albanian problem through colonization. Historian Vasa Cubrilovic, in a meeting between government representatives, general staff and scientists on 7 March 1937, proposed a Memorandum, which presented forced deportation of Albanians as the most effective method (Bartl 1993: 188-191, Cohen 1996: 4, 6, 12; Sundhaussen 2000: 76-77).<sup>15</sup> On the other hand, since 1933 the Serbian government had discussed plans for deporting Albanians with the Turkish government, negotiations that reached an agreement to transfer 40,000 'Turkish' (in fact Albanian) families between 1939 and 1944, thus 'cleaning' Kosovo of 200,000 Albanians. The advent of the Second World War scuppered this agreement. However it is estimated that between 1918 and 1941, 90,000-150,000 inhabitants were forced to migrate (Bajrami 1983: 243-271).

Forceful displacement of Albanians and other Muslim minorities was a characteristic of socialist Yugoslav politics too. But this has occurred only in other context: since 1945

Kosovo was under hegemonic communist control of Yugoslav/Serbian policing and security forces; and the Albanian population was considered by the communist leadership to be a 'hostile element' to the state (Meier 1996: 54, Judah 2000: 143). This political climate prevailed until the fall of the interior affairs minister Aleksandar Rankovic in 1966. It is estimated that between 1946 and 1966, 246,000 people migrated to Turkey. Not only Kosovo, but Macedonia and the area of Sanxhak were affected by this policy. However, more than 100,000 people, probably Albanians, were forcefully transferred from Kosovo to Turkey (Malcolm 1998: 322-323).

#### **4. 3. Partition and/or secession (self-determination)**

According to McGarry and O'Leary, partition and/or secession are compatible with democratic and liberal institutions and the right of an ethnic group to self-determination can be respected only by secession. During the twentieth century many new states were created as a result of secessionist movements and wars, which came in the wake of decolonization and fall of the communist empires. After the cold war, when the major powers' sphere of influence waned, secession was a frequent occurrence. Although this method of conflict resolution carries the risk of violence and creation of new problems, it has proven effective in ending ethnic conflicts. Secession has been especially successful in multi-ethnic states where it has allowed the divorce of those ethnic groups that no longer desired state unity. People desire secession for various reasons: as a reaction to ethnic discrimination and humiliation, but also as a protection of their culture from assimilation. Another cause of secession are pragmatic reasons of political and economic freedom, but also the desire of elites for different public policies, and/or for prestige and power. The last but even the main reason for secession is the fact that it is not easy to reach compromise on issues surrounding ethnicity: in other words, nationality, language, country and culture are not easily bargained over (McGarry and O'Leary 1997: 11-16).

Secession was never considered by Serbian state elites as a means of ending the conflict. This was in contrast to the Kosovar Albanian majority, for whom it was the preferred option, increasingly in the context of disintegrating Yugoslav political systems in the twentieth century. Secession on the basis of self-determination occurred during Second World War, even though such tendencies existed since the occupation of Kosovo in 1912/13.<sup>16</sup> When Italian and German troops invaded Kosovo and Macedonia, the local Albanian population perceived them as liberators. The Serb colonists and the Serbian traditional population in Kosovo were banished. Under the framework of German-Italian occupation the so-called 'Greater Albania' was created, comprising all of Kosovo and Western Macedonia. An Albanian gendarmerie and administration were created, and Albanian schools re-opened. Nevertheless, a faint communist movement emerged along pre-war borders, and the first Kosovar partisan units (part of the Yugoslav partisan movement) were established in 1942. In 1944, the Kosovar national liberation movement grew suddenly, with some 50, 000 armed men, of which 6,000 were killed. Kosovo's partisans fought not only in their region, but also in Macedonia, Montenegro, Serbia and Albania (Malcolm 1998: 288-313).

During the Second World War actions were taken to resolve the Kosovo status issue. Representatives of the communist National Liberation Movement of Albania and

nationalistic resistance organization 'Balli Kombetar' ('National Front') decided in Mukje (August 1943, Albania) to unite all territories inhabited by Albanians. This decision was rescinded in the second conference of National Liberation Movement in Labinot (September 1943, Albania) because of pressure from the Yugoslav partisan movement. They argued that the people of Kosovo would decide either to join Albania or Yugoslavia after the war. Another important meeting, where for the second time the issue of uniting Kosovo with Albania was discussed, was the Conference in Bujan (December-January 1943/44, North Albania). It was here, in the First Conference of the Regional Committee of National Liberation Movement of Kosovo, that 49 delegates, all of them party members, decided that Kosovo would join Albania (Hadri 1974: 179-184, Rajovic 1985: 206-210, 433-437). The Communist Yugoslav leadership immediately contested this decision. Again, it was argued that this issue would be discussed after the war. However, after the war Kosovo was in a state of siege and was put under strict military administration that resulted in considerable number of victims. Under such circumstances, the Committee of the National Liberation Movement of Kosovo decided in its Second Conference in Prizren (July 1945) that Kosovo would join Serbia as an autonomous region. The decision of Bujan was refuted (Bartl 194-197).<sup>17</sup> Based on the first Yugoslav Constitution after the war, Kosovo remained an 'Autonomous Region of Kosovo-Metohija' within the Republic of Serbia (Malcolm 1998: 315).

Secession became an option again in the 1990s when Yugoslavia disintegrated. Then, legitimate institutions of the Autonomous Province of Kosovo tried to exercise the right to self-determination. Since the 1960s, several Marxist groups had been urging secession (such as Adem Demaçi's 'Revolutionary Movement for National Albanian Unity'), and especially after Tito's death in 1980 (Judah 2000b: 34). In the end of 1960s, demonstrations in Kosovo were organised, which had its purpose in bringing Kosovo to the status of a seventh Yugoslav republic;<sup>18</sup> request that was repeated in 1981.<sup>19</sup> At the beginning of 1990s, secession of this province from Serbia and its upgrading to the status of republic, with same rights as other Yugoslav republics, was considered as the only scenario to end the Kosovo conflict. But the right of Kosovo Albanians for secession and self-determination was never considered by Serbia. This right was refused, on the grounds that self-determination was a right of republics and nations that built the Yugoslav Federative state, and not that of autonomous provinces and 'nationalities'. The idea for achieving the status of republic was in the reality the claim of people of Kosovo to exercise the right for self-determination; this idea was at the same time a claim for being a nation, not a nationality inside Yugoslavia (Brunner 2000: 117-119). However, after break up of the Yugoslav multi-ethnic state and installation of the Serbian apartheid system in Kosovo in the 1990s, the willingness of Kosovars to live within Yugoslavia, with the status of a republic, was gone. Since then they have demand full independence of Kosovo. (Zajmi 1997: 5-100, 143-182).

There is no doubt that the idea of statehood developed as a reaction to 'ethnic cleansing', forced mass-population transfers, authoritarian hegemonic controls, discrimination and assimilation during the twentieth century. In addition, this idea was strengthened by international negligence of Albania as a central actor when it came to resolution of Kosovo's status. The idea of independence was the implications of constitutional changes from 1968 to 1974, when Kosovo based on new Yugoslav

Constitution *de facto* got the same rights equal to other republics. It was built a new institutional reality and new Kosovar political collective identity.

The last and intensive phase of Kosovar secessionism happened in the context disintegration Yugoslav Federation of the 1990s. When Milosevic started systematically burying this institutional reality and the Serb Parliament on 26 June 1990 – in violation of the constitution - declared a state of emergency over the Province, on 2 July of the same year, 114 Parliament members of the Province of Kosovo, the absolute majority, proclaimed its independence. The creation of dual governance structures followed: on one side Milosevic established an apartheid system exercised and maintained by the Serbian police and Yugoslav military; on the other side, the Kosovars gradually built parallel state institutions of the Republic of Kosovo. On 7 September 1990, 111 Parliament members of the Province of Kosovo promulgated the ‘Constitution of the Republic of Kosovo’ and reconfirmed its independence. A referendum on independence was held in September 1991, where 87% of citizens with a right to vote participated and 99, 87% voted for full independence. These parallel state structures succeeded in maintaining education and health services, collecting taxes and producing printed media, which meant Kosovars could avoid Serbian institutions, and could contribute internationalization of the Kosovo issue in the world stage (Clark 2000: 46-151, Judah 2000b: 61-98, Cohen 2002: 230-244). However, as the strongest demand for exercising the right of self-determination was the birth of KLA in 1992 as citizen liberation movement and its fight for Kosovo’s independence in 1998/99.

#### **4. 4. Integration and /or assimilation**

Integration and/or assimilation intend to eliminate differences between ethnic groups in conflict, and to promote the rights of some groups as against others. Both of these strategies have proved successful in managing/resolving conflict in the case of immigrants to liberal and democratic western states but have rarely worked within indigenous communities. Both techniques support the notion that multiethnic political parties would lessen ethnic differences between groups. There are frequent examples of these assimilation or integration being used by majority ethnic groups to secure economic privileges or power. Assimilation politics goes beyond this, replacing the existing identity with a new one, or creating a new identity derived from all ethnic groups (such as the Soviet or Yugoslav identity).

Both integration and assimilation have been used as strategies for managing/resolving conflict with varying degrees of success. There are instances when a particular ethnic group is dissatisfied with their civil rights and opportunities, and requests autonomy or self-governance. Integration and assimilation are destined to fail if groups that experience these strategies consider themselves ‘native and first nations’. Neither will assimilation policies applied on geographical areas subject to dispute between two or more ethnic groups, who consider these areas their homeland, be accepted easily. Language, culture, religion and national myths are a fundamental part of their identity, and an ethnic group subject to assimilation by another ethnic group will consider this as ethnocide. Attempts to impose artificial multiethnic identities, or to establish pan-ethnic identities, have been perceived as culture annexation and as such unacceptable. Therefore, the conclusion is



that such policies can be only applicable to ethnic groups that are ready to acquire a new civic identity, and to modify their old ethnic identity (McGarry and O'Leary 1997: 16-22).

In the case of Kosovo, both the strategies have not been effective and/or failed. After 'ethnic cleansing' during the Balkan Wars and the partial flight of Albanians and Muslims from Kosovo, Belgrade pursued a systematic assimilation strategy. This policy was inconsistent with the Saint Germaine Agreement that Kingdom of Serbs, Croats and Slovenes had signed, in order to protect and promote the rights of ethnic minorities according to international covenants (Mitrovic 1969: 200). But the protection of minority rights in Kosovo had never been a characteristic of Yugoslav/Serbian governments during this period and the state elite was acting against the League Nations Treaty on the Protection of Minorities (Malcolm 1998: 265-299).

During 1920s, assimilation policy towards Albanians in Kosovo became the priority of the Serbian governments. Additionally to the colonization this has been supported through "serbization" of the public life. After the end of the First World War, 300 Albanian schools were closed, Albanian language was banned, cultural activities were proclaimed illegal and the creation of Albanian elite was made impossible. The reaction to assimilation was a boycott of Serbian schools, which resulted in a population that was 90% illiterate. In defiance, Albanians continued to speak their language in public, a punishable act under the Serbian regime (Banac 1984: 55, 66, 298-299 Bartl 1994: 191; Malcolm 1998: 266-269).

In the end, it was parliamentary participation and the guerilla movement that foiled attempts at assimilation. The Albanian elite, which was already established and consisted of local leaders educated under the Ottoman Empire, promoted the rights of the Albanian population through parliamentary participation (Zajmi 2001: 53-75). Considering the fact that Albanian population had almost no rights as minority, its representatives created their own party in 1919, with religious background, called Xhemijet (Turkish: Cemiyet-society). The term 'party' is not to be equated with western notions of political parties; it was an interest group but it took part in the first elections where it won eight seats and created a coalition with Prime Minister Nicola Pasic's party. But this collaboration was brief, because Pasic needed only a majority for the Constitution of 1921, which would establish Serbian hegemony over other nations within Yugoslavia. After Ferhat Draga, brother of the party's first leader Nexhat Draga, became the leader, the party won 14 seats in the elections of 1923. At the same time, a significant change inside the party structure took place: it was modified to become an explicitly Albanian party, with the aim of achieving autonomy, re-opening Albanian schools and returning confiscated lands to local inhabitants that had been taken during the colonization period (Pirraku 1978: 356-370).

After the refusal by Serbian state elite to accept these requests, the party turned to opposition and its leader was imprisoned for life, based on allegations of being connected to the Kaçak Movement (Malcolm 1998: 270-272). After the party was banned, guerrilla war became the only way of fighting the Serbian state and its policy of assimilation. This movement was very well organized under the charismatic leader Azem Bejta and his wife Shote Galica, and was very active throughout the 1920s until the beginning of the 1930s in the central and western parts of Kosovo (Banac 1984: 303-5, 308, 326; Malcolm 1998: 273-278).<sup>20</sup>

In socialist Yugoslavia, the integration of Albanians has been officially propagated. However, there have been various obstacles to this policy: legally Albanians enjoyed their rights as a minority, but the Belgrade elite was not at all interested in supporting the process of integration. Albanians were characterized as non-trustworthy, as collaborators and cowards based on Serbian perceptions of their role during the Second World War. Furthermore, for Serbian society, Albanians were a 'foreign body' occupying the 'cradle' of their nation. Instead of integration, Albanians experienced state-sponsored terror and discrimination at all levels, until the removal of the Head of the Secret Service, Aleksandar Rankovic (Reuter 2000: 147-148, Cohen 2002: 65).<sup>21</sup>

After this period, the communist leadership condemned the acts of the secret service in this province, and proper conditions for integration were created. At the end of 1960s and in beginning of the 1970s, Kosovo increased its autonomy gradually, with changes to the Yugoslav constitution, which enabled active participation in leadership, administration and economy. It started an Albanization of public life, where the Albanian language became more prominent than Serbian (Motes 1998: 111-198, Judah 2000a: 151-153). Because they began to migrate from Kosovo, process catalyzed by the rise of Albanian demands for status of the republic for Kosovo during 1970s and 1980s.<sup>22</sup> Because of the awful economic situation and the rise of the nationalism in Serbia after Tito's death, ethnic relations worsened within Kosovo. In 1981 it came to the demonstrations of students of the University Prishtina for achieving status of republic supported by many citizens, which were violently quelled by the Yugoslav army and police. Under the pretext of preventing 'counterrevolution', how these events were called by Yugoslav elite, Kosovo was put under a state of siege and the process of integration of Albanians was ceased forever (Ramet 1992: 197; Bennett 1995: 89, Meier 1996: 43-65; Mertus 1999: 29-46).

#### **4. 5. Hegemonic control**

Another strategy for ethnic conflict regulation is hegemonic control, which was also applied in the Kosovo conflict. Historically, this undemocratic method was frequently used by empires and authoritarian regimes to control different ethnic groups and cultures within their territories. In most of the cases, hegemonic control was in hands of the most powerful ethnic group, which had control over security and the police system. This dictatorial power, which effectively emasculates the power of subordinate ethnic groups, makes equality impossible. Hegemonic control is not only a characteristic of authoritarian or communist systems; it can occur in democratic states as well, where institutions formally open to all groups, can be controlled by a minority, which in this way assumes power. It can occur also in states where citizens that form the majority have direct access in institutions, and decisions are taken on the basis of majority. In the majority of western liberal democratic states, where the electoral system gives substantial power to stronger parties of a larger ethnic group, there is no guarantee of equal representation for other ethnic groups. In fact, states with two or more ethnic groups that do not create democratic institutions with equal representation lay the basis for a powerful struggle and ultimately hegemony. In these cases, the police force and the judicial system are monopolized by the

dominant ethnic group, and discrimination in employment, education, culture and other fields is likely (McGarry and O'Leary 1997: 23-27).

Serbs were the most powerful nation and perceived themselves as the *Herrenvolk* in Yugoslavia, exercising hegemonic control over the Albanian majority in Kosovo, which endured until recently. This hegemony was justified with the myth of 'Albanian inhumanity', which permeated twentieth century Serbian society: Albanians were hostile and inhuman foreign elements who belonged to an under-developed civilization; and they were guilty of barbaric acts against Serbs.<sup>23</sup> This style of governance, exercised through police terror, allowed for the 'stabilization' of multi-ethnic Yugoslav state; for Albanians it meant discrimination in all spheres of life and no chance of participating in politics. The most brutal form of this hegemonic governance occurred 1913-1940 (Hoxha 1970: 309-333, Judah 2000b: 18-26, Bajrami 1981).

After 1945, Albanians gained recognition as an ethnic minority, but for the next two decades their rights remained on paper only. Serb repression and the politics of fear accelerated after the Cominform in 1948, in the wake of which Yugoslavia severed its ties with the USSR and then with Albania (Reuter 2000: 148). Tirana's response- a hostile stance towards the Yugoslav leadership provided the excuse for Rankovic and his secret police (UDBA) to declare Albanians the most dangerous nation in Yugoslavia. From that point, terror and police violence pervaded every day life in Kosovo and until 1966, 120, 000 dossiers of "suspicious" Albanians were opened by the secret police, 50.000 of which were explicitly with political background (Reuter 1987: 133-134).<sup>24</sup>

The longest period of hegemonic control started with the declaration of the state of siege after the demonstrations of 1981, a period that lasted for two decades until the end of Serb rule in Kosovo. After these demonstrations were suppressed, army and police forces began systematic 'cleansing' of those deemed ideologically unsound; in reality these communist-style purges were ethnically targeted. This cleansing was directed primarily against education and media professionals, and many intellectuals lost their jobs. The general population suffered systematic suppression too (Reuter 1987: 134-139). After Milosevic came to power, hegemony took on another, more devastating form. In the summer of 1988, the use of Albanian in public life was banned and Serbian became the official language once again. On 24 March 1989 Kosovo's autonomy was eliminated by a coup d'état; on 5 June 1990 the police and army put an end to the Kosovo Parliament and Government; and after Serbia's new constitution was approved, the term 'Kosovo and Metohija' came into usage (Meier 1996: 168, Malcolm 1998: 343-353; Stavilevci, 1998: 69-158). The new constitution *de facto* enshrined political and judicial policies that justified the discrimination of the Albanian majority. Albanians were evicted from all spheres of life, politics, the economy, public administration, the health and education systems, and the media. Albanian-language media was forbidden, and the University of Prishtina, the Academy of Sciences and Arts, and the majority of schools were closed. An Apartheid system was installed, which was characterized by a horizontal division, with Milosevic's forcefully installed administration above, and Albanians below, forced to build their own shadow institutions of Republic of Kosovo and later to organize their liberation movement led by KLA (Reuter 1994: 18-30, Troebst 1999: 156-190; Mertus 1999: 198-204, Schmidt 2000: 187-201; Sell 2002: 80-94, 262-278; Clark 2000: 46-121).

#### 4. 6. Cantonization and/or Federalism

These methods of conflict management are based on territorial and ethnic principles and are compatible with democratic and liberal standards. In reality, they represent a form of internal secession. In case of cantonization, a multiethnic state is divided into small-homogenized political and ethnic units that enjoy mini-sovereignty. Majority power is exercised through self-governance, but most important decisions are taken at the lowest level of administration in the cantons. In practice, cantonization is hard to achieve due to the difficulties in governance and disagreements between cantons. If, for example, police and the judiciary body are cantonized, these institutions might be used by paramilitary groups to take the control of the territory and declare the canton a 'liberated zone'. On the other hand, this method is much better than any other form of bloody partition. 'Pseudocantonization' is another method of conflict resolution, allowing power sharing between different ethnic groups through territorial decentralization.

Federalism is also a form of conflict resolution based on territorial principles within multi-ethnic states, similar to cantonization. However, states, republics, or *Länder* in federal states, are much larger than cantons. In properly applied federalism, central and provincial governments have divided spheres of governance and both enjoy separate domains of power. Additional constitutional changes and amendments have to be approved by both governments. Federalism can become an effective method of conflict regulation if federal units mirror ethnic, religious or lingual boundaries and if ethnic communities are geographically segregated. Yugoslav federalism was ineffective as a means of conflict regulation because its federal units contained ethnic diversity. Federalism has not been effective in regulating ethnic conflict elsewhere in the world. After the Cold War and the fall of communist empires, disintegrating multi-ethnic states revealed the ineffectiveness of this strategy. The main reason for the disintegration of these states was the lack of representation of ethnic groups in the central federal government. Political frustration and the flow of significant institutional resources from their own province and/or republic, led to secession. Nevertheless, McGarry and O'Leary consider genuine democratic federalism, if properly applied, a good and attractive form of conflict resolution (McGarry and O'Leary 1997: 30-35).

Both strategies were applied to Kosovo. In the Socialist Yugoslav federation, which was modeled on the USSR, and in reality a form of pseudo-federalism, cantonization was *de iure* never considered as a strategy of conflict management. But *de facto*, Kosovo's was a 'pseudo-canton' because Serbia controlled power in Yugoslavia. According to the Federal Yugoslav Constitution of 1946 'Kosovo and Metohija' was an 'Autonomous Region' under the Republic of Serbia. Legally it had powers and competencies similar to a municipality. On the other hand, Vojvodina with its strong Serbian majority was in a better position, being considered an 'Autonomous Province' of the Republic of Serbia.

Only after Rankovic's fall gave way to the redistribution of power and recognition of Albanian rights, was Kosovo able to become an Autonomous Province. With the constitutional amendments of 1968, 1969, 1971 and 1974, the institutional structures and competence of both autonomous provinces were established and exercised in such a way that they were equal to other republics in the Yugoslav Federation (Beckmann-Petey 1990: 106, 180, 209, 232). Both Vojvodina and Kosovo enjoyed constitutional,

legislative and budgetary sovereignty; and the organizational structures of the executive and judiciary was similar to other Yugoslav republics. Provinces were equal to republics when it came to decision-making, because they were represented proportionally in the Federal Parliament and the Constitutional Court. Under the protection of the Yugoslav constitution, Kosovo's unity and borders were guaranteed. In the beginning of 1970s, the two provinces even gained the right of veto, giving them the power to block any decision brought by federal institutions (Brunner 2000: 117-135, Zajmi 1997: 45-53, 103-125).

Constitutional changes at the end of the 1960s and in 1974 sparked heated discussion in Serbia about Kosovo and Vojvodina. The recognition of Albanian rights, seen by Tito as key to their integration in Yugoslav society, was frustrating for Serbian nationalism (Dragovic-Soso 2002: 195-206; Cigar 2001: 9, 19, Dimitrijevic 2000: 399-425). There was great resistance among the Serbian elite to territorial autonomy as a form of conflict resolution. Even today, in the eyes of Serb nationalists, the 1974 Constitution is considered one of the main causes of the Yugoslav conflict. In its Memorandum, the Serbian Academy of Sciences and Arts viewed this autonomy as following: The 1974 Constitution was the first step to secession of Kosovo and union with Albania, it diminished perspectives of local Serbs in the province; with this constitution Republic of Serbia lost control over the province and it divided Serbia into three parts; only the Serbs, which were the nation that sacrificed mostly during "liberation" of South Slavs in the Second World War, hadn't the sovereign republic encapsulating all Serbs inside its borders (Mihailovic and Krestic 1995: 125-127, 139). Even for Serbian officials, those were the main reasons for the abolition of the autonomous status of Kosovo, and for the violent re-composition of Serbia and Yugoslavia, in order to accomplish the Greater Serbian project, which ultimately brought about the disintegration of multi-ethnic Yugoslav federation.

## **5. Strategies of ethnic conflict regulation under the UN Mission**

### **5.1. UN Mission as Third-Party Intervention (Arbitration)**

Third-party intervention became the main strategy of conflict resolution after June 1999. The application of various undemocratic methods by Serbia/Yugoslavia since the rise of the conflict due to occupation of Kosovo (1912/13) was the reason for failure to achieve resolution. After the Second World War Socialist Yugoslavia tried to manage its 'national issues' such as Kosovo, which became unsolvable riddles. The Kosovar aspiration for secession was recognized neither by Serbia nor supported by the international community. Secession was not allowed even after the break-up of Yugoslav Federation, when new states were born and Serbia still called itself 'Yugoslavia'. Even after massive violation of human rights and the installation of an Apartheid policy in Kosovo, the international community showed no interest in the resolution of the conflict. NATO intervention came only after beginning of the Kosovo war on February/March 1998, a period characterized by systematic 'ethnic cleansing' of enormous proportions, which was considered a threat to regional security.

According to McGarry and O'Leary, the main goal of this form of ethnic conflict regulation is securing the stability in a region. Groups in conflict have minor roles during a third party intervention and it represents a 'neutral', bi-partisan and multi-partisan

authority in conflict (McGarry and O'Leary 1997: 27–30). It consists of two broad types, an 'internal' and/or 'external intervention'. Third-party intervention acts as self-appointed arbiter, and attempts to gather support from both parties in conflict, in order to put an end to violence. To make war or anarchy impossible, the arbiter makes political decisions, creates governmental institutions, represent of the interests of groups in conflict and manages political communication between them. It also mediates between the elites of ethnic groups and attempts to make them responsible and cooperative, in order to prevent the collapse of government institutions. However, the chief responsibility of third-party intervention is the creation of stability and the preconditions for a long-term democratic solution. This could be secession, consociation, power sharing or even peaceful integration/assimilation of hostile ethnicities. In the past, third party intervention has served to recreate the old system of hegemonic control. On the other hand, the external form of third-party intervention was very useful during the process of decolonisation. A bi-partisan authority can carry out this form of arbitration and/or multi-partisan force, which is known today as 'international cooperation'. Today, the usual form of third party intervention is peacekeeping troops under a UN umbrella.<sup>25</sup>

This form of external arbitration happened in Kosovo under a UN mission, established by Resolution 1244.<sup>26</sup> Third party-intervention was made possible by the NATO campaign against Yugoslavia in March/June 1999 and it followed the entry of KFOR peacekeeping troops and establishment of UNMIK in the region. Thus, Kosovo came under UN protection. According to Resolution 1244, the UN mission was tasked with: the creation of substantial autonomy and self administration until the resolution of Kosovo's final status; exercising administrative and civil functions throughout Kosovo; organizing elections, managing, supporting and monitoring the Provisional Institutions of Self-Government (PSIG); transferring competences from UNMIK to PSIG and providing support to PSIG for the peace creation process; the initialization of the political process to determine final status; the revival of infrastructure and the economy; the establishment of the rule of law; the stationing of international police forces and creation of local police structures; the support and development of human rights; organizing the safe return of deported people and refugees etc.<sup>27</sup> In order to fulfill these requirements UNMIK comprised four parts: (1) humanitarian issues, (2) civil administration, (3) democracy building and elections, and (4) reconstruction and economical development.

Since UNMIK's establishment there have been successive Special Representatives of Secretary General (SRSG). In the beginning, it was Sergio Vierra del Melo, then Bernard Kouchner, Hans Haekkerup, Michael Steiner, Harri Holkeri and most recently Søren Jessen-Petersen. Naturally, the personal profile of the SRSGs has played at the perceptions of local population about the UNMIK an essential role.<sup>28</sup> Notwithstanding their diverse backgrounds and experience, the UN representatives share one characteristic: their adherence to Resolution 1244. They began political processes outlined in this resolution, and made steps for their implementation. This happened in consultation with the Office of Legal Advisors (OAL) in New York and Prishtina.

During its early years, UNMIK concentrated on the consolidation of its authority and creation of administrative structures. Humanitarian aid, the return of refugees and reconstructions of houses were the highest priorities. This period has been understood as the 'emergency phase'. In order to involve Kosovars from the beginning and gain their support, they were integrated in advisory roles in political and executive areas of the

UNMIK administration. Under Bernard Kouchner's mandate, the Kosovo Transitional Council (KTC) was created, which was composed of significant leaders of the most important political parties, ethnic groups and representatives of civil society.<sup>29</sup> Due to pressure from Serbian government in Belgrade, Kosovo Serbs ignored the KTC and later other international or local governing institutions. The "Serbian National Council" led by bishop Artemije of the Serbian Orthodox Church, and parallel structures of the Serbian State within Kosovo that were becoming increasingly active in northern Kosovo, followed an openly nationalistic Serbian agenda rather than interests of their national community. The local leadership exacerbated this situation too, by underestimating the miserable situation of the Serb minority in Kosovo.<sup>30</sup>

In addition to KFOR, which was responsible for internal and regional stability, UN Police were responsible for the maintenance of security. Despite the presence of KFOR and the UN police, killings, systematic attacks and ethnic incitement created a climate of fear, especially among the Serb and Roma populations. In order to enforce the rule of law, the Kosovo Police Service (KPS) was created, and thanks to international training and support from UNMIK, developed effectively. At the end of 1999, the Kosovo Liberation Army (UCK) was demobilized and restructured into the Kosovo Protection Corps (KPC).<sup>31</sup>

However, stability in Kosovo was endangered by external threats, because of armed conflicts in South-Serbia and Macedonia, which put UNMIK in difficult position. First, the conflict between Albanians from region of Presheva and Serbian State security forces broke out because of Serbia's failure to recognize the rights of Albanians.<sup>32</sup> Second, Macedonia, which had been considered a 'multiethnic oasis' in ex-Yugoslavia, came embroiled in conflict. The two largest ethnic groups, Macedonians and Albanians were unable to lay the foundations for a civic state and identity based on citizenship. Due to the mediation of the international community, both conflicts were ended under the Covic Agreement (2000) in Serbia, and Ohrid Agreement (2000) in Macedonia.<sup>33</sup> Nonetheless, the conflict regulation process in postwar Kosovo was influenced in a negative way by these events. This happened because of the connections between the Albanian population in Macedonia and Serbia and that of Kosovo, and because Kosovars participated in these conflicts.

Within Kosovo, the establishing of rule of law and creation of social services were priorities for UNMIK. This Mission effectively supported the creation of political parties, the revival of the economy and assisted the re-emergence of civil society, the media and a climate of tolerance. In the first two years after 1999, political communication between Albanian, Serbian, Bosniac, Turkish and Roma groups was made possible. Kouchner, who initiated many activities, was the best arbiter of all the UN special representatives, and enjoyed strong support from the population. He acted as an intermediary between hostile elites of the Albanian and Serb population and encouraged cooperation between them. In January 2000 the 'Joint Interim Administration' was formed, comprising 20 departments that functioned like ministries. Each was staffed with local and international personnel and lead jointly by one international and one local person. Department heads participated in the 'Interim Administration Council' (IAC) that acted as the Council of Ministers.<sup>34</sup>

As the new SRSG and Kouchner's successor in Prishtina, Hans Haekkerup's period of office was focused on the preparation and running of parliamentary elections, and other

steps designed to strengthen government structures. Although Haekkerup was the head of UNMIK at a time of important political developments, he was perceived by the local population as playing a less significant role compared to his predecessor. In particular, he was criticized by Kosovar leadership for two matters: the “Constitutional Framework for Provisional Self-Government in Kosovo” and the agreement called as the Common Document negotiated by him with the Serbian Vice-Minister Nebojsa Covic regarding the position of the Kosovar Serbs in Kosovo.

His first important task was to prepare and approve a political framework for future governing institutions, which was decreed in May 2001, the “Constitutional Framework for Provisional Self-Government in Kosovo”.<sup>35</sup> Local and international experts created the outline of this framework but its contents were the focus of controversial public debate. Those ranged against the Constitutional Framework included the second strongest political party, the Democratic Party of Kosovo (PDK), and many powerful representatives of civil society and influential scholars. Many Kosovars believe this framework was a key obstacle to future political developments and today; requests for a revised framework and real constitution are becoming stronger.<sup>36</sup>

The overall aim of the Constitutional Framework was the enforcement of the PSIG. But at the same time the powers and responsibilities in most important spheres remained the preserve of the SRSG. These included the protection of rights and interests of all communities, the right to dissolve the assembly and call new elections; the establishment of financial and policy parameters of the Kosovo Consolidated Budget, monetary policy, exercising control and authority over customs, appointing judges and prosecutors, control over the Kosovo Protection Corps and Police Service, external relations, property rights, and preserving the existing boundaries of municipalities (Schlütter 2001: 303-323, Schwarz 2002: 527-542).<sup>37</sup> In close coordination with KFOR, SRSG conducts border-monitoring duties; regulates possession of firearms; enforces public safety and order; and exercise functions in the domain of defense, civil emergency and security preparedness. However, the Constitutional Framework reserves for PSIG the following responsibilities: economic and financial policy, trade and industry, agriculture and forestry, education and health, environment, labour and social welfare, transport, post and telecommunications, public administration services, tourism, and youth, sports and culture.<sup>38</sup> The clear conflict of interest between UNMIK and the PSIG caused immense difficulties and distrust in Kosovo. However, the importance of the Constitutional Framework lay in its creation of first democratic institutions after the November 2001 elections.

Haekkerup’s second task was to ensure the participation of the Kosovar Serbs in the political process even though the attention of their political and religious leaders was focused on Belgrade. On this issue, even the international community put pressure on Belgrade (Cohen 2002: 32). The SRSG’s efforts resulted in an agreement, the Common Document, negotiated with the Serbian Vice-Minister and Head of Coordinating Center for Kosovo, Nebojsa Covic.<sup>39</sup> This document allowed Belgrade to exert pressure on the Kosovar Serbs to participate in the parliamentary elections. It made Serbian government a central factor in Kosovar political life and reduced the influence of the local Serb population. One consequence was the first ‘war of words’ between UNMIK and the Kosovar leadership (*Koha Ditore*, 07.11.2001; *Zëri*, 07.11.2001). A year after the establishment of new government institutions, the Kosovo Assembly declared this



document illegitimate because it was signed ‘without the consent of the Kosovo people and their institutions’.<sup>40</sup> Since this time Kosovar Serbs have not taken any decisions without the consent of Serbian government and it is Belgrade which is deciding about their life.

## 5. 2. Consociationalism or power-sharing

The establishment of the PISG and its growing role seemed to be a challenging task for Haekkerup’s successor, the German diplomat Michael Steiner. None of the political parties won the majority needed to govern, and the political landscape was deeply divided in terms of ethnicity and politics. After the opening session in December 2001, Ibrahim Rugova, leader of the Democratic League of Kosovo (LDK), failed in his bid to become President of Kosovo, even after the third election round. After Steiner became the new SRSG, the three largest Kosovar political parties agreed to the creation of a government, on February 2002 (*Koha Ditore*, 01.03.2002). This happened as Steiner injected UNMIK with a new dynamism; he was a skilful arbiter and brought stability to the country. He convinced the Serbian coalition Return (*Povratak*) to participate in the government. Only then could power sharing, the model of conflict management laid out in the constitutional framework, be applied.

In the reality, the power sharing model had been previously applied by Socialist Yugoslavia. This happened in order to eliminate ethnic differences and ensure the participation of all Yugoslav nations in federal state institutions of ethnical mixed republics and provinces (Schöpflin 1997: 181–194). In this sense, power sharing was familiar to Kosovars. However, the difference after 1999 was that this strategy was used parallel with other form of conflict regulation, the third party intervention. But this parallelism created tensions on one hand between UNMIK and PSIG; and on the other between Albanian and Serbian leaders within the Kosovo’s political landscape.

Nevertheless, this strategy theoretically has been analyzed by McGarry and O’Leary. According to both scholars, power-sharing or consociation meets the requirements of liberal-democratic institutions. Although it has been unsuccessful in some cases, it remains one of the most effective strategies for conflict regulation. Consociational principles aim to secure the rights, identities, civic freedom and opportunities requested by all ethnic groups. Democracies based on this governing model are characterized by these four features: (1) *grand governmental coalition* with representatives from the most important parties of ethnic groups; (2) *proportional representation* in areas of political institutions, *public employment* and *allocation of services*; (3) *community autonomy* for ethnic groups and self-administration in most important areas, mostly relevant to their identity; (4) the right for *constitutional veto* from the minorities (McGarry and O’Leary 1997: 35–37). It has been successful as strategy mostly in those ideological, religious or lingual conflicts. The consociation governing model can work if three prerequisites are fulfilled: First, dominate ethnic groups should not dictate short-term integration and /or assimilation of other ethnic groups, or this should be done in the context of the creation of a new identity/nation-state. Second, the political leadership must have the right motivations and actively invest in this strategy, convinced of its final goal. Third, leaders of ethnic groups should be independent, have the ability to compromise and not be

vulnerable to allegations for treason by their members (see also Lustick 1979: 325–44). But this technique can be ineffective in deeply divided societies because of ethnicity and separate national identity.

In this paper I analyze the effectiveness of the power sharing in preventing conflict and creating a new civic identity in Kosovar society in political and legal terms. The political context and the outcome of both strategies of third-party intervention and power sharing I will evaluate in Chapter 5. 4. Here I will concentrate on the legal aspects of power sharing after the establishment of the PSIG (Assembly in December 2002, Government in February 2003; *Koha Ditore*, 05.03.2002, *Zëri*, 05.03.2002).

Based on the Constitutional Framework, the PSIG guarantees the rights and freedoms of all people according to the international norms and standards. In order to support consociational principles, the PSIG should fulfill these requirements and be guided by them in policy and practice: (1) by the need to promote coexistence and support reconciliation between communities; (2) to create conditions for preservation, protection and development of every community identity; and (3) to provide their necessary representation in public institutions.<sup>41</sup> UNMIK's adoption of the consociation approach was not enough, in itself, for the creation of a viable coalition government. However, two other factors were imperative for the application of consociational principles and for building of grand coalition government. First, it depended on the mono-ethnic structures of political parties that participated in the elections. Second, elections did not result in a majority of votes in favor of one party. Therefore, a grand coalition government became the only choice.<sup>42</sup>

According to the Constitutional Framework, the Assembly has 120 seats, 20 of which are reserved for non-Albanian minorities, 10 belong to Serbs and 10 to other minorities (four to Roma, Egyptians and Hashkali, three for Bosniacs, two for Turks, and one for Gorans). Of the eight members of the Assembly's Presidency, one is Serbian and one from each of the other ethnic minorities. The "Committee on Rights and Interests of Communities" is another important body of the Assembly that is composed of the representatives of all ethnic groups. It has the right of veto over any decision that is not supported by minorities and/or is against their rights. Every committee reserves the position of co-head for the minorities' representatives. Power sharing is introduced in Government as well. Members of ethnic minorities head the Ministry of Agriculture and Ministry of Health, two of a total of 10 ministries (*Koha Ditore*, 05.03.2002).<sup>43</sup> The participation of minorities was assured in judiciary institution, then largely in the KPS but much less so in the KPC.<sup>44</sup> Like in the central government, in local government after the elections (in 2000 and 2003) proportional representation of minorities and their interests was established.<sup>45</sup>

### 5.3. Standards before Status

*"One of my main responsibilities in implementing Resolution 1244 is to design a process to determine Kosovo's future status... This is why I have devised a series of benchmarks that will identify what needs to be done before we can launch the discussions on status. Kosovo can advance towards a fair and just society when these minimum preconditions are met. First standards then status... On the one hand they represent the*

*beginnings of an exit strategy for the international community, but they are also in reality an entry strategy into Europe".<sup>46</sup>*

This statement by SRSJ Steiner, of 24 April 2002 in his report to the Security Council, marked the start of the new policy of 'standards before status'; a policy, which was approved by UN and the international community.<sup>47</sup> Standards were applied in order to prepare the political process for the resolving of Kosovo's status. They aimed to measure results and identify spheres where increased commitment was required.<sup>48</sup> But they were created without prior consultation with local actors; no one from the Kosovar political leadership, local experts or representatives from civil society was consulted. Steiner's report sparked an intense public debate about the rights and wrongs of these standards, and much exchange between UNMIK, PSIG and civil society.<sup>49</sup>

Meanwhile it was clear to everyone that, in order to deal with the issue of status, eight standards had to be fulfilled: the functioning of democratic institutions, rule of law, freedom of movement, return and reintegration of refugees, economic development, property rights, dialog between Prishtina and Belgrade, and KPC reforms.<sup>50</sup> These standards were intended as a concrete roadmap for Kosovo and as a strategy for the exit of the UN Mission. But the lack of clear indicators meant they could not be operationalised, at least in the beginning. Fundamental elements regarding their implementation remain unclear, such as financial resources and deadlines. When a Security Council delegation came to Kosovo in December 2002, it recommended that UNMIK create an implementation plan to ensure active cooperation with PSIG in order to create a local 'ownership' of the political process.<sup>51</sup> Immediately after this visit, UNMIK presented a report (January 2003) that supplemented 32 articles to the original eight standards. However, these articles failed to make the standards operational. Despite constant pressure from international representatives in Prishtina, mostly American, it took almost two years for the UN mission to prepare a realistic implementation plan.<sup>52</sup>

In this time, the Kosovar leadership repeatedly showed only a rhetoric support for the standards, but not an intense political engagement on this political process. The standards were considered by some to be an obstacle to independence. A constant request was that implementation of the standards should be paralleled by resolution of the status issue.<sup>53</sup> PSIG continues to criticize the fact that all the responsibilities for the implementation of these standards lies with the SRSJ. On the other hand, in education and health spheres where the PSIG has the responsibility for implementation, its ability to realize these standards remains an open question.

A move from rhetoric to concrete steps regarding the implementation of standards came at the end of 2003, as a result of an American initiative. U.S. Deputy Secretary of State, Mark Grossman, visited Prishtina, Belgrade, and Skopje bringing with him three important messages from the Contact Group for Kosovo and its neighboring countries. First, he argued an operational plan for standards should be created as soon as possible. Second, an evaluation of their implementation would be undertaken in mid-2005, which would serve to initiate the process of the status issue. Third, Belgrade and Skopje should support this political process; otherwise Balkan integration into the EU would be impossible (*Koha Ditore*, 05.11.2003).<sup>54</sup> This American initiative convinced the Kosovar leadership to accept the standards and support their implementation.<sup>55</sup> In December 2003 Steiner's successor, Holkeri, and Kosovo's Prime Minister, Bajram Rexhepi, issued a

detailed document that was supported by all ethnic groups (except Serbs), which became known as the 'Standards for Kosovo'.<sup>56</sup>

There is no doubt that Grossman's visit incited hope for Kosovars and changed their expectation of the future. The violent events of March 2004 called into question the viability of the standards and their implementation. But Contact Group representatives, who visited Kosovo after these events, reiterated that they should be implemented (*Zëri*, 21.04.2004). At the end of March, due to the successful collaboration between UNMIK and PSIG, a detailed plan for implementation was presented, which contained concrete achievable goals for PSIG (*Koha Ditore*, 31.03.2004, 01.04.2004).<sup>57</sup> Because of the limited time before the deadline for the evaluation of achievements, the question still stands whether the international community will award Kosovars for their dedication, or will require the full implementation of all standards in political, economic and social areas, a feat which seems impossible to achieve until mid-2005.

#### **5. 4. A review of UN Mission conflict regulation strategies**

My analysis of third party intervention and consociationalism, and the policy of standards poses two major questions:<sup>58</sup> What can be improved in terms of the strategies for conflict regulation and achievement of a long-term peace? What lessons can be learned from Kosovo's case for other ethnic conflicts or international protectorates? After the violent events of March 2004, UNMIK created a Crisis Review Board, in order to analyze what had not functioned effectively (*Zëri*, 31.04.2004). SRSG Holkeri spoke in Kosovo's Assembly and reported to the UN Security Council about these developments; at the same time Kofi Annan presented a report, a part of which was concerned with this issue. Yet, both these reports only provided a general analysis of the situation without giving real answers to the strategies for ethnic conflict regulation used until now (*Koha Ditore*, 10.04.2004, *Zëri* 10.04.2004). Neither report grappled with the structural problems within UNMIK, which I classify in four main aspects:

1. The UN Mission has adhered to Resolution 1244 so strictly it has had implications for successful role of third-party intervention.<sup>59</sup> One example is the establishment of the PSIG based on the Constitutional Framework, in which UNMIK kept power and PSIG was dependent, producing high inequality.<sup>60</sup> These unequal relations mean that terms such as 'sustainable autonomy' and 'meaningful self-governance' included in 1244 remained ornaments for PISG.<sup>61</sup> The debate between UNMIK and PISG since 2002 around the issue of transfer of competences, which were not reserved for SRSG, should be understood in light of this interpretation.<sup>62</sup> It was a debate characterized by the use of the strong language, which was frequently aggressive and insulting.<sup>63</sup>

Besides the unclear mandate of this mission, UNMIK still don't have a clear timetable for its activities. There is a fact that the UN Secretary General in his report of June 1999 suggested a general strategy of UNMIK work in five phases, without giving a timeframe.<sup>64</sup> The issue of the deadline, which means exit of UNMIK, was not foreseen in 1244 either.<sup>65</sup> Since there was no timetable for the implementation of this Resolution and the pace of work depended largely on each SRSG; this was a real obstacle for the development of the PSIG. Since then, there have been repeated requests by the Kosovar

leadership for a well-defined UNMIK mandate outlining its role as a monitor, and setting a deadline for the end of its mission.<sup>66</sup>

2) Consociationalism or power sharing as strategy for conflict management was connected in many ways to the creation of weak institutions of PISG. There is no doubt that liberal-democratic principles of consociationalism are needed in Kosovar war torn society. Only these can guarantee the representation of minorities and their protection in all aspects of life. Nevertheless, it is debatable whether such principles can transform the conflict and build new society, as long as the status of Kosovo remains unclear, and ethnic identity and territory come before civic identity (*Koha Ditore*, 16.02.2004, *Zëri*, 11.04.2004). This happened because the politics is still driven by ethnicity and elites do not believe in the long-term effectiveness of power sharing.<sup>67</sup> Albanian representatives from PSIG and other political leaders have always supported Kosovo's independence, and undertaken few measures to support the interests of local Serbs. At the same time, for the Kosovar Serb leadership and Serbian local population, Kosovo was and will remain part of the Serbian state indefinitely. The Serbian leadership participated in the PSIG, but only symbolically, serving Belgrade's interests rather than that of the local population.

At the same time there is fact that the general population did not see power sharing as an effective model of governance either. Even the minorities considered power sharing incapable of protecting their interests and rights, because real power lay in the hands of the SRSG. The PSIG had its hands tied, and as a result its competence was limited in areas of executive, legislation and justice.<sup>68</sup> For the PISG it was not crucial to implement policies to improve the life of citizens, but to provide ethnic and political stability, and coexistence. The grand coalition government composed by all-important political parties was evidently more imperative in terms of stability than a effective government.<sup>69</sup>

3. UNMIK has failed in its mission to exercise authority and take control of the whole of Kosovo (including the north), thus allowing parallel Serb state structures and the partition of Mitrovica city. Therefore, implementation of Resolution 1244 became impossible in all parts of Kosovo. Kosovar Serbs neither recognized nor respected the UNMIK administration as an authority. Whereas the operation of parallel Serb state structures was justified after the war by arguments about poor safety conditions, which were true, these structures were perceived by Kosovar Serbs as their only real institutions. These parallel structures were supported actively by the Serbian Government in Belgrade as a part of its policy towards Kosovo after June 1999.

Various UN and western representatives have been indignant about these issues: the UN Council Mission, in its visit of December 2002, recommended the immediate and complete control of Kosovo by UNMIK, especially its northern parts.<sup>70</sup> In February 2004 Holkeri characterized these parallel structures as obstacles to his mission (*Zëri*, 07.02.2004, *Koha Ditore*, 07.02.2004). In reality, UNMIK has never recognized these structures, and has tried in turn to replace them with its own. A report issued by the OSCE has acknowledged the existence of these structures in areas of security, jurisprudence, administration, education and health, and has recommended their integration with UNMIK administrative institutions.<sup>71</sup> If they cannot be integrated or dissolved, the unification of Mitrovica will remain in doubt, a town that has been a nest

of violence since its division five years ago. The existence of Serbian state parallel structures made it easy for local Serbs to ignore UNMIK and the PSIG.

4. Additional factors include the lack of a long-term political vision for Kosovo and the inefficiency of dual governance structures in UNMIK and PSIG. They had a direct impact on the outcome of conflict regulation strategies of third party intervention and consociationalism, but not on the economic developments and reforms process. For this reason, in the fifth year of UNMIK's operation, Kosovo remains the poorest area in Balkans and Europe, and since 2002 UNMIK's reputation has diminished rapidly among the local population.<sup>72</sup> At the same time, the PSIG with its management and professional weaknesses, have not engendered hope among Kosovars. According to various surveys, they have lost their faith in politics and are deeply worried about unemployment, the economy and social issues.<sup>73</sup> This is surely a reflection of the absence of coherent strategy in the fields of economic development and social programs. UNMIK has always been able to create a myriad of political initiatives, but has lacked the necessary economic or professional means to achieve them.

In this context, the International Crisis Group (ICG) has concluded that UNMIK, as a peacekeeping mission, has not been able to fulfill its governing and development role, and additionally was unable to create a partnership with PSIG, thus resulting in an unsuccessful cooperation with locals for effective governance. Different initiatives by have been conducted in an *ad hoc* manner, without prior consultation with political leaders, and with the consequences only being revealed to the public through press releases and the media.<sup>74</sup>

### **5. 5. Kosovar self-determination: the option for long-term conflict resolution**

The self-determination actions of Kosovars happened in context of Yugoslav disintegration. The approach and agenda of this secessionism was similar to the state-making processes of state building experienced by other post-communist countries. According to McGarry and O'Leary, the fall of communism had as outcome many secessionist movements and wars, although secessionism was a feature of period of state-building process already during the decolonization (McGarry and O'Leary, 1997: 11–16). Only through this strategy are nations and/or different ethnic groups able to exercise their right of self-determination, and there are no doubts that corresponds to democratic and liberal norms. According to both scholars, the effectiveness of this strategy depends on the answers to four questions, which are important in the context of secession: Who are the people? What is the relevant territorial unit in which they should exercise self-determination? What constitutes a majority? Does secession produce a domino effect in which ethnic minorities within seceding territories seek self-determination for themselves? (McGarry and O'Leary, 1997: 12. See also Lustick, 1995: 53–68, Moore, 1998).

These main aspects – the Albanian majority of 90% in Kosovo, its territorial and administrative unity and independence as a factor of regional stability - have served as the key arguments since 1990 for the support of the right for self-determination. For political leadership there was determined political will for self-determination expressed

by the Albanian majority population in Kosovo; a will that has been growing stronger throughout the twentieth century, with help of different political movements.<sup>75</sup> Excluding initiatives taken before the Second World War, the secessionist movement started with Kosovar Albanians' attempts to be recognized as a nation (not 'nationality') in socialist Yugoslavia; and the main political claim was the status of republic for Kosovo within the Yugoslav federation.<sup>76</sup> Immediately after the breakup of socialist Yugoslavia the local communist elite declared Kosovo independent. The battle for independence continued with the creation of the 'parallel state' in the 1990s, which represented a form of peaceful resistance against Serbian state apartheid.<sup>77</sup>

As Serbian oppression increased and the international community continued to ignore the terrible situation in Kosovo, violence became the only means to challenge the Milosevic regime.<sup>78</sup> With conditions similar to those prior to the Second World War, the secessionist movement developed in two main directions: while one part of the political elite attempted to achieve secession by peaceful means, the other preferred violence; and by this means dominated the secessionist movement. This was the genesis of the Kosovo Liberation Army (KLA), one of the most successful liberation guerrilla movements during the last century. Today, although the various political parties point to different phases and/or events to legitimize their previous actions, they all portray the secession movement in the same way.<sup>79</sup> The current leadership perceives its efforts to achieve statehood through the prism of determinism, which sees Kosovo's twentieth century history as a march to independence.<sup>80</sup>

Inside the PSIG, this perspective was evidenced by the 'Resolution for Liberation War of People of Kosovo for Freedom and Independence', a document approved by the Assembly (*Koha Ditore* 16.05.2004, *Zëri* 16.05.2004).<sup>81</sup> SRSJ Steiner criticized this Resolution, saying was 'against the reconciliatory spirit enshrined in the Security Council Resolution 1244 and Constitutional Framework', asking whether 'Kosovar leaders have learned lessons from the past conflict' and declaring this document as non valid.<sup>82</sup> At the same time, EU also condemned it (*Zëri*, 20.05.2004).

Even though relations with the international community were becoming tense, the Kosovar leadership continued with such symbolic acts. For example, the NATO intervention in 1999 and UN mission afterwards served political leadership to justify in front of their citizens that Kosovo's independence is achievable.<sup>83</sup> Parliamentary elections, and the establishment of local and central arms of the PSIG, were portrayed as playing a key role in resolving Kosovo's political status (*Zëri*, 21.11.2003). Party programs and manifesto elections, even municipal ones that should focus on municipal politics, were permeated with independence slogans. All of this simply reflected public opinion. Surveys conducted since 2001 showed that the Albanian majority, and all other non-Serbian ethnic groups, wanted independence; they believed that the lack of progress on this issue was one of the main reasons for the region's under-development and tense multiethnic relations. On the other hand, the Kosovar Serbs minority wanted the reinstatement of Serbian hegemony in the region.<sup>84</sup>

The answer to the question of which nation constitutes a compact majority is not difficult too. There is a clear Albanian majority in Kosovo, which legitimizes its secession. But relations between Kosovar Albanians and Serbian minority still remain tense, and the position of Serbs within institutions and the economy presents a huge challenge for the local leadership. It is clear that the aim of the UN Mission is the

creation of a multi-ethnic Kosovo.<sup>85</sup> Kosovar leadership has to deal with some difficult issues including the poor economic situation and job market, insecurity and the return of Kosovar Serbs living in Serbia. The leadership, which has supported the power-sharing governance model since the creation of the PSIG, has consistently condemned acts of violence against minorities and tried to convince the Serbian minorities that the new political reality offers the best hope of their integration. The most significant political parties have not argued against the consociational principles. However, they have expressed disapproval of local Serb participation in Serbian state parliamentary and local elections: Due to the fact that UNMIK (under Resolution 1244) has not disapproved or approved of these elections, they have been organized systematically since 1999 throughout Kosovo where Serbian state parallel institutions exist. On 22 December 2003, the Kosovo Assembly declared the last parliamentary Serb elections held in Kosovo to be ‘unconstitutional’.<sup>86</sup>

The return and integration of minorities became a priority of UNMIK after the declaration of the standards policy, and was supported actively by the PISG and local leadership.<sup>87</sup> Prime Minister Bajram Rexhepi, through his activities on this issue has gradually won the respect of international community. The most important steps taken by local leaders were the Appeal, inspired by Hashim Thaçi initiative of July 2003, for the return of minorities, which was signed by all political leaders (*Koha Ditore*, 02.07.2003, *Zëri*, 02.07.2003). In the same month, this appeal was endorsed by the Assembly. Two important leaders, Thaçi and Rugova, along with U.S. representatives, visited local towns to show their support for the return of refugees, and tried to influence the attitudes of the Albanian majority (*Zëri*, 11.07.2003). However, the Serbs’ situation remains unimproved and individual cases of refugee return have only symbolic significance. Their return and integration is closely tied to insecurity, the lack of economic development and mainly the unresolved status of this territory.<sup>88</sup>

The issue of territorial sovereignty poses a threat to ethnic relations in Kosovo. It creates problems between, on the one hand, UNMIK and the PSIG, and on the other, between the PISG and Serbian government. Since the deployment of KFOR and establishment of UNMIK, which according to Resolution 1244 are responsible for the security of the territory and control of borders, this problem has been exacerbated. It is important to remember that the Kosovo conflict was a struggle for territory and power between the Serbian state and Albanian majority. After June 1999, responsibility for both territory and power passed to the UN Mission.

However, there is no doubt that the local population is concerned about the unification of territory because UNMIK has shown, contrary to its mandate, its inability to exercise its authority over the entire Kosovo.<sup>89</sup> The alternative, an ‘ethnic partition of Kosovo’ which would involve the detachment of the northern part of Kosovo, the continued division of Mitrovica, and the extension of Serb parallel state structures, is unacceptable to local leaders.<sup>90</sup> They have consistently criticized UNMIK for this situation and blamed Belgrade disrupting ‘multi-ethnic co-existence’.<sup>91</sup> There have been various plans for the gradual unification of Mitrovica.<sup>92</sup> But the problem was not ameliorated even after the establishment of UNMIK offices in northern Mitrovica. These new situation in northern Kosovo and Mitrovica, created by Serbian government after June 1999, seems to remain open as long as status issue is not resolved. However, the



events of March 2004, which began in Mitrovica, illustrate the inflammatory nature of this ethnic division of north Kosovo.<sup>93</sup>

Parallel to this Kosovo's internal ethnic division, it came to an external partition of the Kosovo's borders. In January 2001, Belgrade and Skopje signed, without prior agreement with UNMIK, and pushed by some Western diplomats, an agreement for 'regulating' 'an old border issue'. Officials of both states pointed out that they were very important for geo-strategic reasons. By contrast the Kosovar leadership saw this as a threat to 'Kosovo's land', because of the 2,500 hectares in southern Gjilan that were given to Macedonia under this agreement. Not only political leaders, but representatives of civil society, opinion makers and the public joined the debate on this issue. Even the Assembly issued a resolution for the 'protection of Kosovo's territorial integrity' and 'preservation of Kosovo borders'. Again, this resolution was its remit, as defined by the Constitutional Framework.<sup>94</sup> The residents of Gjilan and Kamenica protested against the Belgrad-Skopje agreement, for fear of losing their properties or having difficulties accessing them (*Kosova Sot*, 09.08.2003, *Koha Ditore* 10.08.2003, *Bota Sot*, 10.08.2003).

Such territorial issues pose questions about the sovereignty of the entire territory. In theory, Assembly members were right to quote the Constitutional Framework in their resolution, which in its first chapter says:

*“Kosovo is an entity with interim international administration which, with its people, has unique historical, legal, cultural and linguistic attributes”... “Kosovo is an undivided territory throughout which the Provisional Institutions of Self-Government established by this Constitutional Framework for Provisional Self-Government shall exercise their responsibilities”.*<sup>95</sup>

However, this document amounts to little more than an UNMIK regulation with the addition of some decorative constitutional language in its first paragraph. The most important responsibilities of the state, including territory, borders and the exercise of power belong to 'powers and responsibilities reserved to the SRSG'.<sup>96</sup> Members of the Assembly should also be aware that Resolution 1244 by UN Security Council is to the international community:

*“reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and other States of the region ...”.*<sup>97</sup>

Due to this legal situation and the unresolved final status of Kosovo, after governmental changes in Belgrade (October 2000) international community recognized the post-Milosevic state, the Union of the Serbia and Montenegro as legacy of Yugoslavia. When it was discussed the future of Kosovo's territory and its borders, its leadership faced another difficult task. But this leadership unilaterally declared that the creation of the Union between Serbia and Montenegro was their internal issue of the two nations; for them the inclusion of Kosovo in this Union was against the will of Kosovars for self-determination and is impossible after partial genocide over their citizens by Serbian regime.<sup>98</sup> So at the end of 2001, the Assembly approved a resolution against 'pretensions of so-called Union of Serbia and Montenegro that by its Constitutional Charta tends to create constitutional basis for annexation of Kosova'. Paragraphs

included in Constitutional Charter of Serbia-Montenegro concerning Kosovo's future status were declared 'unacceptable' and 'invalid'.<sup>99</sup>

To understand secessionism in current Kosovo the perceptions of the local leaders on the UN Mission are central. For them, from the establishment of the PSIG, Resolution 1244 was increasingly considered ambivalent.<sup>100</sup> They saw this document very differently from the UN, and not in the context of international relations and/or international law. For them it was a genuine obstacle, because it provided three "governmental structures" in Kosovo. First, UNMIK, which has the mandate of a peacekeeping mission but was acting as a government; UNMIK was responsible only to the Security Council in New York, and not to any democratic mechanisms and/or the people of Kosovo. Second, the PSIG has been created through democratic elections and is accountable to its citizens. Thirdly, Serbian state parallel structures that function as a government institution for the Kosovar Serbs. However, this situation of parallel states authorities of UNMIK, PISG and Serbia can be best understood by Max Weber's definition of a state. In his lecture about 'Politics as a Vocation' the state is:

*"a human community that (successfully) claims the monopoly of the legitimate use of the physical force within a given territory"* (Weber, (1918) 1997: 78).

Therefore, what Kosovo's leaders are realistically dealing with is competition for power and legitimacy over its territory and political future. Due to this situation, consequently, there are continual complaints and accusations between UNMIK and PSIG, regarding transfers of powers and responsibilities. On the other hand, since June 1999 it is an 'unfinished political war' between the Kosovar and Serbian political leadership about Kosovo's final status. According to the perceptions of the Kosovar leadership, this country is in nation or state-building process and both UNMIK and Serbia, with its parallel institutions, will leave after the status settlement. They claim that the PSIG are a 'legitimate institutions' and represents the 'political will' of the people.<sup>101</sup> At the same, citizens share these strong perceptions about this nation or state-building process too.

## **5. 6. The need for a state-building process and civic contract**

The resolution of the Kosovo's status issue, an effective state-building process, and the building a new society based on the civic identity is becoming more difficult because of the lack of political and social vision of political leadership about its future. Since June 1999 it was not able to answer the following main questions regarding its post status future: What kind of a state structure will be the best for Kosovo? What kind of parliament should be designed? Which kind of electoral system should be built? How should the structure of the executive in the central government look like? How should the minorities be accommodated within Kosovo's institutions and how could human rights be protected? At the same time, this leadership lacks a vision on key issues like creating an independent, professional justice, policy and economy in post status situation. It has paid attention to relations with neighboring countries, promoting the idea that Kosovo's independence would be the crucial factor for regional stability in the Balkans.

In this context, AAK leader Ramush Haradinaj made repeated requests for a regional conference for Kosovo, and Ibrahim Rugova said constantly that: “*The independence of Kosovo would stabilize other places with Albanian populations, like Macedonia, Montenegro and neighboring countries like Serbia and Albania.*”<sup>102</sup>

Kosovo’s leaders understood that the only way to achieve independence is the close cooperation between official Prishtina and international community, about all with the EU and the USA. Yet, when required to show partnership in international talks and that independence through support of the international community will be accomplished, they are divided.<sup>103</sup> When, in October 2003 in Vienna, a meeting between representatives of the Kosovo and Serbian governments, under the auspices of the international community was convened, only a small delegation, consisting of president Rugova and Assembly President Nexhat Daci took part.<sup>104</sup> The idea of the meeting was symbolic nature, in order to have picture from gathering of the representatives of the former enemies. However, Prime Minister Bajram Rexhepi used the lack of authorization from the Assembly (that in other cases he would define as an essential precondition) as an excuse for not attending the meeting (*Koha Ditore*, 14.10.2003, *Zëri*, 14.10.2003). Hashim Thaçi, and his party PDK, declared beforehand their support, whereas Ramush Haradinaj and his AAK, were against the Vienna meeting.<sup>105</sup> Local leaders have perceived the role and importance of this meeting in different ways. In this context, it is important to recognize that unilateral politics have great significance in a deeply divided society, especially for internal stability, status resolution and cordial relations with neighboring states.

All political parties see independence as the only way to resolve the Kosovo conflict and return of Serbian state authority as a sign of a new war.<sup>106</sup> On the other hand, they have not taken any joint steps to realize their goal. The only area that is common to all of them is that none of these parties or PSIG representatives has presented a practical roadmap how to achieve independence. Instead of this, they present their views in electronic media and press, or in form of concept letters that differ only in the manner of presentation. Rugova, for example, in his speech commemorating 14 years of LDK existence, said that “*LDK has created [1990s] a functional state of Republic of Kosovo, which the world has called a parallel state or Albanian state of Kosovars*”. Again he has been asking, in his quasi-religious mantra statements ever since for: “*formal and direct recognition [of Kosovo] by USA, EU and its formalization by UN*” (*Koha Ditore*, 24.12.2004). The conclusion here is that, in his view, the state already exists and it only needs only formal recognition (*Zëri*, 28.02.2003).

In the beginning of 2003, an initiative taken by the AAK, the third largest party in Kosovo, caused turmoil by requesting a ‘Declaration of Independence’ from the Assembly (*Koha Ditore*, 22.12.2002; 04.02.2003). This request, which was supported by 43 members, including PDK party members, was postponed by the President Daci for a ‘better a time’ (*Koha Ditore*, 14.02.2003). Then in April 2003, PDK leader Hashim Thaçi issued a proposal completely at odds with AAK and LDK ideas. He proposed a moratorium on the status issue for two or three years, in during which Kosovars would take their own political, economic and social initiatives and focus on the state-making process. The idea was supported by Steiner and some other representatives of the international community in Prishtina, but opposed by the LDK and AAK.<sup>107</sup>

Later, the Assembly President Daci and Prime Minister Rexhep gave ‘verbal support’ for the independence, which made headline news. At the end of 2003 Daci claimed that

‘during this legislative period, independence of Kosovo act would be declared’ from Assembly even though his party, the LDK, was against the AAK proposal (*Zëri*, 31.12.2003). In March 2004, Rexhepi declared that Kosovars would wait for progress towards implementation of standards before status and positive evaluation of them by the UN until September 2005. However, if this would not happen, a unilateral ‘referendum for independence’ would be held or ‘declaration of independence’ would be made (*Financial Times*, 19.04.2004). Although such statements and proposals can be seen as attempts to pressure the international community, they had another effect – of worsening inter-ethnic relations in Kosovo, according to many public opinion surveys.<sup>108</sup>

Kosovo’s leaders have demonstrated similarly confused vision regarding the question of Kosovar identity. Since the end of the war, Rugova has attempted in a systematic way to stimulate a unique Kosovar identity, using a national flag, anthem and festivities connected to the Albanian history; symbols that he uses frequently as a part of his presidential mandate. This construction of identity is based on projections of statehood and nation-state, when Kosovo after the partition of the Albanian speaking areas in 1912/13 followed its own path and after achieving autonomy in the 1970s disassociated itself from the Albanian state. The concept of a civic identity, which would be supported by principles of common territory, citizenship, interests and rights of all ethnic groups, has in reality yet not been proposed by the local elite (Smith 1991: 116–122). Kosovars have created their own collective conscience, probably a result of Kosovo’s autonomy after 1968 and as reaction to the discrimination of the Milosevic regime. However, this collective conscience has not been supported by all parts of society, and not at all by the Kosovar Serbs. On the other hand, the creation of a civic identity would assist the integration of all ethnic groups, represent their interests and protect their other identities (Bugajski, Hitchner and Williams, 2003: 17–19).

In the light of events in March 2004, there was much talk about the necessity for internal dialogue between all ethnic groups. These discussions led Hashim Thaçi to propose the idea that some parts of the Macedonian model of the Ohrid Agreement could apply in Kosovo, which would introduce administrative autonomy for municipalities as an important step to achieving minority integration (*Neue Zürcher Zeitung*, 27.05.2004: 5). This idea can be seen in the context of the Serbian government initiative for cantonization and/or partition of territory, because Belgrade, from March 2004, insisted that the Kosovar Serb situation could be solved only with a territorial solution. Thaçi’s proposal presents a necessary framework for building a ‘civic nation’ based on a ‘civic contact’ between Albanian majority and other minorities and Kosovo as territory would remain whole and undivided. Nevertheless, the dilemma, if Kosovo will present in the future a country based on citizenship, it depends on the attitude of the majority population in Kosovo, as well as local Serbs and the Serbian government in Belgrade.<sup>109</sup>

The issue of civic contract and civic identity will presents a new challenge for the future, but here I can make some preliminary conclusions on current situation. On one hand, the Kosovar leadership and PISG representatives, despite their various symbolic acts, have done little to protect, integrate and represent the interests of the local Serbs. It was not able until now to make a real offer to Kosovar Serbs how to accommodate them within Kosovo public life and protect their rights as community. On the other hand, local Serbs, despite their symbolic participation in the PISG, were not willing to recognize Kosovo’s institutions as their own government, although these were democratically

elected. They don't have a real leadership who is working for the interests of their community and not a vision about their future position within Kosovo's institutions and society. A final status settlement would create another environment towards building a new society, where the concept civic nation will be possible. This can happen only then if territorial external partition of Kosovo or its internal ethnic and territorial division will be excluded as solutions.

### **5. 7. Serbian Federalisms: from cantonization to Kosovo's partition**

The position of the Serbian governments on Kosovo after June 1999 has been not only an obstacle for the integration of Kosovar Serb, but has influenced even the effectiveness of UNMIK as third-party intervention actor and power sharing governing model applied by PISG. The fall of Milosevic in October 2000 did not alter the regulation of the ethnic conflict or bring about new developments regarding Kosovo (Cohen 2002: 29–38, 351–366). Even though DOS (Democratic Opposition of Serbia) leadership was internally divided, they were unified when it came to Kosovo and shared similar attitudes. The government's takeover by DOS coalition and the existence of UN Mission in Kosovo has raised two questions for new Serbian leadership: What kind of state is Milosevic's legacy, and where are its borders? The majority of the Serb population was not satisfied with the status quo and saw the so-called final borders as unresolved. For them relations between the Serbia and Montenegro, and between Serbia and Kosovo, which was under international administration, were not clear. At the same time, in Serbian public life, the possibility of the annexation Republika Srpska in Bosnia was frequently debated (Cigar, 2001: 40–43, 59–62). The issue of borders showed that the new Serbian political leadership failed to answer these questions, and it continues its traditional policy, this time with peaceful means. In this context, Serbia remains a destabilizing factor in the Balkans once again.<sup>110</sup>

Yugoslav sovereignty, guaranteed by Resolution 1244, has allowed the Serbian leadership to argue for the inclusion of Kosovo in Serbia/Yugoslavia. This campaign was assisted, to some extent, by the international community, which neither challenged nor supported such populist and nationalistic statements by the post-Milosevic leadership. In contrast to the old regime, the new Serbian government established normal relations with the international community, was openly against the establishment of the PSIG and obstructed the integration of Kosovar Serbs into governing institutions. The new government in Belgrade was supporting the Serbian state parallel structures that remained from Milosevic time in Kosovo at the politically, financially and professionally level, which were controlling about 30% of Kosovo's territory.

It supported publicly the division of city of Mitrovica and ethnic partition of northern Kosovo. A campaign for a *de jure* partition and annexation to Serbia was mounted in the international media and debated in Serbia. Like Milosevic, the new leadership saw the resolution of Kosovo's status in connections with change of the Dayton Agreement regarding Republika Srpska; a possible solution for Kosovo's independence would have a direct impact in the changing the borders of the states in the Balkans and if Kosovo would have the rights on secession, the same should be accepted for Republic Srpska. The fact that this region was created as an outcome of "ethnic cleansing" had not any

importance for the discussions within Serbia. The leadership tried to give the status resolution from time to time a new dynamic, and in doing so injected an aggressive tone into the debate. Its nationalistic political discourse and diverse initiatives met with popular approval from Serbian voters and distracted their attention from economic and social problems (Calic, 2003: 352). Fearful that the democratization of society, political reforms and economic development will lead to the secession of Kosovo, the new leadership is determined to regain control over a particular part of the territory (even though this could mean only the northern part of Kosovo). As a counter-strategy against the various methods of ethnic conflict regulation, such as third-party intervention, consociation and secessionism, Belgrade initiated its ‘federalization or cantonization’ of Kosovo.

After the Serbian army and policy forces was forced to retreat from Kosovo in 1999 due to the Kumanovo agreement and Resolution 1244, a number of initiatives for the cantonization of its territory have been debated publicly. Nebojsa Covic, a member of the Milosevic regime and after his fall the Serbian Vice-Prime Minister, gave a speech to army officers in May 2001, where he proposed that Kosovo should be divided into two territorial entities, ‘Albanian’ and ‘Serbian’.<sup>111</sup> He argued that this would avoid the total separation of Kosovo from Serbia, and balance Serbian “historical right” and Albanian “ethnic” rights to the region. His suggestion is very similar to the Dayton proposal to for the division of ethnic groups in Bosnia. But in the eyes of UNMIK representatives and the Kosovar leadership the suggestion was unacceptable because it would separate a rich region around the town of Mitrovica. The international community paid little attention to Covic’s ideas, because he and his party had little power at that time in Serbia.

However, in August 2001, Covic became the head of the ‘Coordinating Center for Kosovo and Metohija’, which was created jointly by the Serbian and Yugoslav governments. This center acts as a Serbian government in exile of the Kosovar Serbs and became an important actor for UNMIK and the international community. In his position as head of this center, Covic signed the above-mentioned agreement with Haekkerup. The obligations that the Serbian government signed up to under this agreement have not been fulfilled: Serbian state parallel structures remain still in Kosovo;<sup>112</sup> land register that have been taken during the war from Milosevic regime from Kosovo have not been returned; and UNMIK license plates have not been accepted within Serbia territory, which would ease local Serb movements. Covic has not repeated his partition plan, but when a declaration of independence was suggested in Kosovo’s Assembly, he denied that independence would be possible for ‘entire Kosovo’.<sup>113</sup>

The idea of cantonization and/or ethnic partition was seriously considered in Serbia. Vojislav Kostunica, the Serbian president at the time and the most nationalistic leader when it came to Kosovo and Bosnia (unlike his colleagues in the DOS coalition) – said the proposal was Covic’s ‘individual position’.<sup>114</sup> Prime Minister Zoran Đindić, who was preoccupied with reforms and cooperation with the Hague Tribunal for War Crimes, said Kosovo was still a part of Yugoslavia and later, with approval of the Constitutional Charter, a part of the Union of Serbia and Montenegro.<sup>115</sup> After the fall of Milosevic Đindić tried to dispel the idea of a Western conspiracy against Serbia and claim that the Kosovo question could not be solved by emotions. But his later speeches and political views show a different picture:<sup>116</sup>

*‘International institutions are creating a fully independent Kosovo. By passing laws in Kosovo’s Assembly they don’t care what happens in Serbia.’*

So later, according to him, only if a ‘thousand or few hundred’ Serbian troops returned to Kosovo would the return of Serbian refugees be possible. In order to protect the interests of Kosovar Serbs, and avoid the re-emergence of nationalist elements in Serbian government, who accused his administration government for failing with of failure over the Kosovo issue, Đindić said:<sup>117</sup>

*“my proposal is to give the Kosovo Serbs constitutional rights and the institutional tools to protect their interests. As a first step it would be enough for the Serbs to be recognized like the Croats in the Bosnian federation”.*

Until his death in March 2003, Đindić continued to promote at emotional level and refine his argument. His final goal was the partition of the area into ‘two entities’ ‘Albanian’ and ‘Serbian’, and a substantial autonomy for Kosovo within the Union of Serbia and Montenegro. It seems that the Bosnian and/or Cyprus model of the ethnic conflict resolution that means cantonization inspired him.<sup>118</sup> The Kosovar leadership, UNMIK, and the international community were worried by his campaign for faster resolution of the status issue and partition idea (*Koha Ditore*, 18.01.2003, 03.02.2003, 25.02.2003; *Economist*, 15.02.2003). His project, in turn, had an effect on Kosovar Serbs: at the end of February 2003, the ‘Union of Serb municipalities in Kosovo and Metohija’ was declared. In this document the Kosovar Serb representatives requested the immediate return of Serbian forces and maintenance of ‘Yugoslav integrity and sovereignty’, ‘decentralization’, ‘self-administration’ and lastly ‘creation of a Serb entity’ in Kosovo (*Koha Ditore*, 26.02.2003; *Zëri* 26.02.2003).

Even though Đindić’s successor Zoran Živković promised that he would follow his predecessor’s politics, his main occupation has been fighting organized crime, which was responsible for Đindić’s death (*Economist*, 15.03.2003). Occasionally, he has spoken publicly about Kosovo, saying there is no international document that ‘justifies Kosovo independence’. According to his view, ‘such a scenario would create a precedent for dangerous future occurrences’ and, as stated before by Serbian officials, would jeopardize Republica Srpska and borders of the Balkans (*Der Spiegel*, 17.05.2003). After Đindić’s death, many Serbian refugees from Croatia, Bosnia and Kosovo complained about the slow pace of their return, which exerted pressure on the government.

In addition, return was hampered by ineffective cooperation between UNMIK and the Serbian government (*Economist*, 28.07.2003). Tensions between the UN Mission and Serbian government were born initially because of Steiner’s policy of ‘Standards before status’ and the process of the transfer of competencies from UNMIK to PSIG. The Serbian government was obstructive and outspoken against both these policy processes. Steiner’s refusal to hand over Shefket Musliu, from the ‘Liberation Army’ in Presevo, was enough of an excuse for the Belgrade government to end its relations with UNMIK. But they were restarted when Hary Holkeri became SRSG in 2003. Holkeri’s main responsibility was to initiate a dialogue between Serbia and Kosovo. Under such circumstances, Prishtina and Belgrade argued about their content, location and time.

In this situation, the Serbian Parliament issued a unilateral 'Declaration for Kosovo', which confirmed again that Union of Serbia and Montenegro had sovereignty over Kosovo, but if the Union split up then sovereignty would remain the responsibility of Serbia.<sup>119</sup> According to this document, the Serbian government declared their full support for the complete implementation of Resolution 1244, which would trigger the Coordinating Center for Kosovo to prepare a plan for negotiations with the Contact Group over 'substantial autonomy' for Kosovo within Serbia. On 4 September 2003, the Parliament of the Union issued a similar resolution, which in addition, contained an authorization for the Union to tackle the Kosovo problem with 'nonviolent' means.

Now, Serbian political discourse on Kosovo is a continuation of traditional policy. But it has regained a new dynamic through two other events: the December 2003 elections and violent events of March 2004. The Serbian Radical Party (SRS), led by Vojislav Seselj, won the elections and after long negotiations, a coalition created from nationalist, conservative and democratic parties had to cooperate with Milosevic's socialist party (SPS).<sup>120</sup> The restoration of the SPS and SRS in government reminded Albanians of the 'dark years' of the old regime and it has had a crucial impact on the perceptions of Kosovars about post-Milosevic Serbia. Even before the March 2004 events, Kostunica, in his speech after becoming Prime Minister, proposed his idea for the 'cantonization' or 'partition' of Kosovo. He claimed that if 'substantial autonomy' would be a suitable formula for the future self-administration of Kosovo within Serbia, then this would ensure the existence of the Serbian community in Kosovo, through territorial autonomy, in the form of cantons (*Zëri*, 03.03.2003).<sup>121</sup> Elsewhere he used the terms 'autonomy', 'cantonization' and 'decentralization', but always meant the same thing: the ethnic partition of Kosovo (*Der Spiegel*, 03.05.2004).<sup>122</sup>

In the aftermath of March 2004, the Serbian Parliament approved another resolution for Kosovo, repeating the aspirations for territorial autonomy of the Kosovar Serbs (*Politika*, 30.04.2004).<sup>123</sup> At the end of April 2004, the Serbian Parliament ratified a detailed plan for 'territorial autonomy' of Serbian municipalities, the realization of which required the formation of five independent administrative sectors.<sup>124</sup> In practical terms, the viability of this plan is questionable, because the creation of compact Serbian zones would mean the displacement of Kosovar citizens of different ethnic groups. It is clear that under 'territorial autonomy', 'cantonization' or 'decentralization', the Serbian government does not only attempt to protect the rights of Kosovar Serbs, but to realize Serbian state interests and revive traditional hegemonic control over the whole territory and its citizens.<sup>125</sup>

On the other hand, it is clear for democratic, nationalistic and conservative politicians, that the revival of Serbian state control over the whole of Kosovo is unlikely. Cantonization now serves for the Belgrade government as a first step to future final separation of these cantons of Kosovar Serbs and their incorporation into Serbia, when the process of the settlement of the final status will start (*Der Spiegel*, 03.05.2004). The northern part of Kosovo is now divided in ethnic terms, with parallel Serb state structures, and local paramilitary and security forces well established, thus creating an image of a 'liberated territory' for the local population. The Belgrade leadership, using euphemisms of various kinds, requests the legal and final partition of these parts and their inclusion in the Serbian state.<sup>126</sup>



## 6. Conclusion

The end of the war in Kosovo came largely thanks to NATO intervention and the establishment of the UN Mission. Both actions are no doubt the most important events in the history of the politics of ethnic conflict regulation. Under Resolution 1244, UNMIK was given the opportunity to play a vital role of third-party intervention. During the first three years, with the creation of its administrative structures, UNMIK made the revival of violence impossible and created conditions for a long-term solution. However, five years of UN Mission showed that the Kosovo conflict couldn't be solved through 'apolitical means' applied by UNMIK. This mission should have had a clear mandate and deadline, as well as a roadmap for the process and end of its activities. The roadmap should have contained a clear vision for the future solution of Kosovo's status and its economic and social development. It is well known that peacekeeping missions cannot isolate themselves from the larger regional and global context, as UNMIK did. A post status Kosovo needs to orientate itself towards future EU integration and for this reason until the issue of status is resolved UNMIK should create conditions for a stronger presence of the EU. Once status is agreed, an EU monitoring mission will be required for supporting Kosovo towards reforms, economic development and European integration process. The NATO peacekeeping forces should remain as long-term security forces. Such plans were discussed in many circles in Europe.<sup>127</sup>

This paper has shown that a third-party intervention should have the role of a monitoring body with a veto power for some main issues like minority rights, which was not the case with PISG. This would have lessened the tensions about responsibilities between UNMIK and PISG, thus creating the opportunity for effective self-administration by the local population. Kosovo's case illustrates that in a society divided by ethnicity and politics, consociational principles are very much required. These power-sharing mechanisms can only function if all ethnic groups and their leadership trust this form of governance. The largest ethnic group (in this case Albanians) has a heavy responsibility not to marginalize other citizens by exercising monopoly over democratic institutions, and to reach a civic contract with ethnic minorities in the region. Through this contract, considering the history of Serbian-Albanian relations, a constitutional and institutional space could be created, which would legally and practically protect the interests and the identities of the minorities groups in Kosovo.

Five years of UN mission have shown that 'political war' between democratically elected governments in Kosovo and Serbia cannot be solved by the application of third-party intervention and consociation. This study demonstrates that the international community cannot solve the ethnic conflict over Kosovo through an 'apolitical approach' or the strategies described here, if it will not tackle the real cause of conflict: Serbian state expansionism in the past and its continued desire for hegemonic rule over Kosovo's territory and citizens. If the international community does not focus on the present political reality, thus neglecting the possibility of secession based on the right to self-determination, it will deprive the local population of a long-term and democratic solution. As a result, the Kosovo conflict will be transferred to future generations and the events of March 2004 will represent only the first phase of a larger conflict. Ethnic partition, which has been proposed since October 2000 by the Serbian leadership and considered by some

Western countries after March 2004, will not solve the conflict and threatens a future armed confrontation.

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<sup>1</sup> On Belgrade views see: International Crisis Group (ICG). *After Milosevic: A Practical Agenda for Lasting Balkans Peace*. Balkans Report Nr. 108, Belgrade/Brussels, 26.04.2001; ICG. *Milosevic in The Hague: What it means for Yugoslavia and the Region*. Balkans Briefing Paper, Belgrade/Brussels, 06.07.2001.

<sup>2</sup> See: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2004/348, 30.04.2004, p.1.

<sup>3</sup> See: Abramowitz, Morton. 'Going Backward in the Balkans', *Washington Post*, 19.03.2004, p. A23; Hitchner, R. Bruce, and Paul Williams. 'A Defining Moment', *The Baltimore Sun*, 23.03.2004, pg. 5; United Institute of Peace. *Kosovo: Status with Standards*. Washington D.C., 26. 04. 2004. A thorough analysis see: ICG. *Collapse in Kosovo*. Europe Report Nr. 155, Pristina/Brussels, 22.04.2004.

<sup>4</sup> On Developments in Serbia see: Abramowitz, Morton. 'Snatching Defeat in the Balkans', *Washington Post*, 08.01.2004, p. 23; Public International Law and Policy Group: *Reversing the Decline in the Balkans: Recommendations for Western Policy*. Washington D.C., March 2004.

<sup>5</sup> See: UNDP/RIINVEST. Early Warning Report, <[www.Kosova.undp.org](http://www.Kosova.undp.org)>, and International Monetary Fund. *Kosovo: Institutions and Policies for Reconstruction and Growth*. Washington D.C. 2002; European Commission/Directorate-General for Economics and Financial Affairs. *European Economy. The Western Balkans in Transition*. Brussels 2002.

<sup>6</sup> Around the issue if Kosovo was liberated or occupied, see the discussion in Sundhaussen (2000: 67-69).

<sup>7</sup> For victim statistics see: Malcolm (1998: 252-255).

<sup>8</sup> Carnegie Endowment for International Peace Report: *Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars*. Washington 1914, p. 151.

<sup>9</sup> For victim statistics see: Vickers (1998: 98).

<sup>10</sup> Statistics and literature discussion can be found in Malcolm (1998: 311-313)

<sup>11</sup> For historical statistics of Kosovo's population and its change see: Clewing (2000: 25-63).

<sup>12</sup> Discussions about the role of some structures and actors during the Yugoslav conflict can be found in Popov (2000).

<sup>13</sup> The events and the statistics on the victims have been discussed in the following reports: Amnesty International, *Violence in Drenica*, February-April 1998. June 1998 (Document Series A # 2); *Human Rights Violation Against Women in the Province*, August 1998 (Document Series B # 1); „Disappeared“ and „Missing“ Persons: *The Hidden Victims of Conflict*. August 1998 (Document Series B # 2); *Orahovac, July-August 1998: Deaths, Displacement, and Detentions. Many Unanswered Questions*. August 1998 (Document Series B # 3); Human Rights Watch, *Humanitarian Law Violations in Kosovo*. October 1998; *Detention and Abuse in Kosovo*. December 1998; *A Week of Terror in Drenica*. February 1999; *Violent „Ethnic Cleansing“ in Dakovica*. 3. 4. 1999; *Refugees Recount Weeks on the Move*. 27. 4. 1999; *Separation of Men and Mass Killing Near Vucitern* 20.5.1999; „Ethnic Cleansing“ in the Glogovac Municipality. July 1999; U.S. Government: *Fact Sheet. Ethnic Cleansing in Kosovo*. 1. 4. 1999; U. S. Department of State, *Erasing History. Ethnic Cleansing in Kosovo*. May 1999.

<sup>14</sup> Best reflection about this issue can be found in Obradovic (1981).

<sup>15</sup> This document is translated in English and published by Elsie (1997: 400-425).

<sup>16</sup> Kaçak Movement fought for integration with Albania except the war against Serbia (Banac 1984: 302-305).

<sup>17</sup> The best discussion about secession during the Second World War can be found in Hoti (1997).

<sup>18</sup> On population's perceptions about this time see: Motes (1998: 5-215).

<sup>19</sup> On demonstration and perceptions of the people about these events see: Mertus (1999: 17-95).

<sup>20</sup> The best discussion about this movement can be found in Rushiti (1981).

<sup>21</sup> Regarding Serb perceptions and political life in Serbia before Ranković fall see: Sell (2002: 41-42).

<sup>22</sup> In detail have been discussed this issue in Clewing (2000: 53-63). Albanian's views are given in Islami (1997), while Serbian ones in Blagojevic (2000: 212-243).

<sup>23</sup> Compare as examples Georgevitsch (1913: 13), Balkanicus (1913). Also see analysis in Banac (1984: 293-295), Lutovac (1995: 141-3), Sundhaussen (2000: 74-78, 80-82, 88).

<sup>24</sup> For the number of dossiers see: Ströhm (1976: 228).

<sup>25</sup> Discussions about this method can be found also in Morgan (1992: 25-52), Carment and David (2000); Carment and James (2000: 173-202).

<sup>26</sup> United Nations S/RES/1244 (1999). Adopted by the Security Council at its 4011<sup>th</sup> Meeting, on 10 June 1999, <<http://www.un.org/Docs/scres/1999/99sc1244.htm>>.

<sup>27</sup> United Nations S/RES/1244 (1999), paragraph 9, 10 und 11, where have been described UNMIK responsibilities as third-party intervention. See also discussion in Pichl (1999: 646-673).

<sup>28</sup> About perceptions see: Mappes-Niediek, Norbert, and Beqë Cufaj. 'Ende einer unmöglichen Mission'. *Die Zeit*, 10.07.2003, <<http://www.zeit.de/2003/29/Kosova-Haupttext>>; Aliu, Lundrim. 'Harri Holkeri', *Koha Ditore*, 31.12.2003, p. 10. For official profile of PSSP see: <<http://www.unmikonline.org/srsg/srsg.htm>>.

<sup>29</sup> See: <http://www.unmikonline.org/1styear/ktc.htm>.

<sup>30</sup> For this phase, see: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/1999/779, 12.07.1999, pp. 1–25, <<http://www.unmikonline.org>>. Reports and Letters of the Secretary-General see: <<http://www.un.org/Depts/dhl/da/Kosovo/Kosovo3a.htm>>.

<sup>31</sup> See: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/1999/1250, 23.12.1999, pp. 3–4.

<sup>32</sup> About this conflict and its influence in Kosovo, see: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2001/218, 13.03.2001, pp. 3–4.

<sup>33</sup> See: ICG. *Peace in Presevo: Quick Fix or Long-Term Solution?* Balkans Report Nr. 116, Belgrade/Brussels, 10.08.2001; ICG: *Macedonia's Name: Why the Dispute Matters and How to Resolve It*. Balkans Report Nr. 122, Skopje/Brussels, 10.12.2001.

<sup>34</sup> See: <<http://www.unmikonline.org/press/reports/anniversary/jias.html>>.

<sup>35</sup> *Constitutional Framework for Provisional Self-Government in Kosovo*, UNMIK/REG/2001/9, 15.05.2001. About this document see: Hajrullahu and Michaela (2001: 122-151).

<sup>36</sup> Interview with Hashim Thaçin and Ramush Haradinaj in *Zëri* (31.12.2003). Both party leaders see new constitution approval as solution. See also *Zëri* (17.01.2004).

<sup>37</sup> In detail, see: *Constitutional Framework*, Chapter 6, 7 and 8.

<sup>38</sup> In detail, see: *Constitutional Framework*, Chapter 5.

<sup>39</sup> For UN view see: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2002/62, 15. 01. 2002, pp. 4–5.

<sup>40</sup> See: Kuvendi i Kosovës: *Rezolutë për ruajtjen e tërësisë territoriale të Kosovës*, 23.05. 2002.

<sup>41</sup> *Constitutional Framework*, Chapter 3 and 4.

<sup>42</sup> See interview with Bajram Rexhepi in *Koha Ditore* (31.12.2003).

<sup>43</sup> *Constitutional Framework*, Chapter 9.

<sup>44</sup> *Constitutional Framework*, Chapter 6 and 7.

<sup>45</sup> About the local government, see: UNDP. *The Kosova Mosaic: Perceptions on Local Government and Public Services in Kosovo*. Pristina, March 2003.

<sup>46</sup> UNMIK/PR/719, 24.04.2002.

<sup>47</sup> See: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/2002/1126, 09.04.2002. About the year 2002, see also Ernst (2002: 354–366).

<sup>48</sup> Other institutions suggested standards policy too, but they came with a crucial qualitative approach as they were proposing the idea of conditional independence for Kosovo, see: Independent International Commission on Kosovo. *The Kosovo Report: Conflict, International Response, Lessons Learned*. Oxford, New York 2000, and *The Follow-Up: Why Conditional Independence*. Stockholm, September 2001; ICG. *A Kosovo Roadmap I: Addressing Final Status*. Balkans Report Nr. 124, Pristina/Brussels, 28.02.2002 and ICG. *A Kosovo Roadmap II: Internal Benchmarks*. Balkans Report Nr. 125, Pristina/Brussels, 01.03.2002.

<sup>49</sup> As an example about this debate, see: *Koha Ditore* (08.12.2002).

<sup>50</sup> Concerning KPC reforms see interview with Lieutenant General Agim Çeku (*Koha Ditore*, 31.12.2003). See also *Zëri Javor* (31.12.2003). Even though they have a civil mandate, KPC is seen by locals as a future army. KPC is monitored by UNMIK through liaisons general from KFOR. Because of reform difficulties and small participation of minorities, KPC was included in standards policy.

<sup>51</sup> See: *Report of the Security Council Mission in Kosovo and Belgrade, Federal Republic of Yugoslavia*, S/2002/1376, 19.12. 2002, p. 14.

<sup>52</sup> See: ICG. *Two to Tango: An Agenda for the New SRSG*. Europe Report Nr. 148, Pristina/Brussels, 03.09.2003, p. 17.

<sup>53</sup> See: Bajram Rexhepi views in *Koha Ditore* (08.12.2002).

<sup>54</sup> U.S. press declarations in Beograde and in Skopje in 6 November 2004, [http://www.usembassy.it/file2003\\_11/alia/a3110609.htm](http://www.usembassy.it/file2003_11/alia/a3110609.htm), <<http://www.usembassy.mpt.com.mk/archives/archive2003/Grossman.doc>>.

<sup>55</sup> See: Interview with Bajram Rexhepi in *Zëri* (05.02.2004).

<sup>56</sup> United Nation Interim Mission in Kosovo. *Standards for Kosovo*. Pristina, 10.12.2003. For Holkeri and Rexhepi views see *Koha Ditore* (11.12.2003). This document was endorsed by Security Council, December 13 (*Koha Ditore*, 14.12.2003).

<sup>57</sup> See: <<http://www.unmikonline.org/pub/misc/KSIP-Eng.pdf>>.

<sup>58</sup> About both strategies used by UNMIK in the last years see: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/2003/113, 29.01.2003; *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/2003/421, 14.04.2003; *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/2003/675, 26.06.2003; *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/PV.4910, 06.02.2004.

<sup>59</sup> Interview with Bajram Rexhepi in *Koha Ditore* (31.12.2003).

<sup>60</sup> The relation between UNMIK and PISG has been frequently seen as a report between the servant and the feudal. See Palokaj, Augustin. 'Raportet mes UNMIK-ut dhe institucionve të Kosovës sikur të zotëriut dhe shërbëtorit' *Koha Ditore*, 02.02.2004.

<sup>61</sup> See: United Nations S/RES/1244, Premise and Paragraph 11.a.

<sup>62</sup> Forumi 2015: *Një agjendë të re për Kosovën*, Prishtina, 13.04.2004.

<sup>63</sup> For the transfer of competencies, Steiner formed a special committee, under suggestion of Prime-Minister Rexhepi, which met only two times (*Zëri*, 31.12.2003).

<sup>64</sup> See: *Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*. S/1999/779, 12.08.1999, pg. 21–22.

<sup>65</sup> United Nations S/RES/1244, Paragraph 11.e.

<sup>66</sup> Interview with Ibrahim Rugova and Ramush Haradinaj in *Zëri* (31.12.2003). Similar view also by Hashim Thaçi (*Die Presse*, 20.04.2004). For Nexhat Daci, UNMIK will be successful only when it will finish its work in Kosovo (*Zëri*, 31.12.2003).

<sup>67</sup> Kosovar leadership considered itself marginalized because of its rare involvement in international meetings. This was especially addressed around Security Council Meetings, where this leadership has not been invited and were SRSG rapports and additionally, Nebosa Covic as representative of the Serbian government is allowed to address.

<sup>68</sup> In the interview with *Koha Ditore*, 31.12.2003, Bajram Rexhepi criticized the large party effect inside PISG work.

<sup>69</sup> About different evaluation by the Kosovar leadership on grand coalition government, see: *Zëri* (31.12.2003), *Java* (25.12.2003), *Koha Ditore* (28.01.2004).

<sup>70</sup> *Report of the Security Council Mission*, p. 4

<sup>71</sup> UNMIK/OSCE. *Parallel Structures in Kosovo*. Pristina, October 2003.

<sup>72</sup> See: UNDP/RIINVEST. *Early Warning Report: Kosovo*. Raport 2, September–December 2002, p. 1. Interview with Michael Steiner in *Koha Ditore* (14.06.2003). Also see, *Unresolved and Left Behind in Economist* (28.06.2003: 33).

<sup>73</sup> See UNDP/RIINVEST. *Early Warning Report: Kosovo*. Raport 3, January–April 2003, pp. 1, 5–9. About population discontent and distrust in politics, see p. 11.

<sup>74</sup> Ad hoc initiatives examples: Steiner's "Seven point plan" for Mitrovica unification or dialogue between Prishtina and Belgrad during Holkeri time in October 2003, because agenda, time and location were notified in an ad hoc manner.

<sup>75</sup> About Nexhat Daci position in see: *Zëri* (31.04.2004).

<sup>76</sup> See Ibrahim Rugova testimony in Hague Tribunal for War Crimes in *Koha ditore* (04.05.2002, 05.05.2002).

<sup>77</sup> Ibrahim Rugova speech in commemoration of LDK anniversary (*Koha Ditore*, 24.12.2003).

<sup>78</sup> See Hashim Thaçi position in *Koha Ditore* (15.01.2003) and Ramush Haradinajt declaration in *Zëri* (25.03.2004).

<sup>79</sup> See Ibrahim Rugova interview in *Zëri* (31.12.2003), Thaçi, Hashim. "Kosova in The War Against Terror" (26.06.2002), <<http://opendemocracy.net/debates/article2-42-215.jsp#>>; Interview with Bajram Rexhepin in *Koha Ditore* (31.12.2003), Ramush Haradinaj position in *Koha Ditore* (27./28.11.2003).



<sup>80</sup> Concerning the usage of this term, see: Kaplan (2002: 70–77).

<sup>81</sup> See translated version in Clewing (2003: 149-156).

<sup>82</sup> UNMIK/PR/967, 15.05.2003.

<sup>83</sup> Interview with Ibrahim Rugovën in *Zëri* (21.11.2003).

<sup>84</sup> Continuous surveys have been done by RIINVEST inside *Early Warning Reports*; <[www.kosovo.undp.org](http://www.kosovo.undp.org)>. Press evaluation and personal conversations with the representatives of minorities in the Assembly confirm the same. Worth of mentioning is the fact that the interviewed gave more attention to unemployment than status, but political rhetoric did not serve the unemployment issue.

<sup>85</sup> See UNHCR/OSCE. *Tenth Assessment of the Situation of the Ethnic Minorities in Kosovo*. Pristina (Period Covering May 2002 to December 2002); UNHCR. *Minority Voluntary Returns to Kosovo*. Pristina, 22.10.2003; ICG. *Return to Uncertainty: Kosovo's Internally Displaced and the Return Process*. Balkans Report Nr. 139, Pristina/Brussels, 13.12.2002; Amnesty International. *We Are Prisoners in Our Own Homes*. London, April 2003; US Department of State: *Country Reports on Human Rights Practices. Federal Republic of Yugoslavia*. Washington D.C., 31.03.2003.

<sup>86</sup> See: <<http://www.assembly-kosova.org/common/docs/DeklarataPerZgjedhjet.pdf>>, and *Koha Ditore* (23.12.2003) *Zëri*, (23.12.2003). UNMIK position has been that it cannot halt Serb rights for voting.

<sup>87</sup> See: United Nations Interim Mission in Kosovo. *The Right to Sustainable Return* (Concept Paper). Pristina, 17.05.2002.

<sup>88</sup> Acts of violence were condemned by Rugova, Daci and Rexhepi (*Koha Ditore*, 20.03.2004). March events were condemned in letter, initiated by Hashim Thaci and signed by all-important governmental representatives, party ones and ethnic groups, except Serbs (*Zëri* 03.04.2004).

<sup>89</sup> For the possibility of ethnic partition and impacts in Macedonia, see: Surroi, Veton. 'Faktori M: Mitrovica-Maqedonia' in *Koha Ditore* (20.11.2003: 3).

<sup>90</sup> Interview with Ibrahim Rugova in *Der Spiegel* (17.04.2000), interview with Hashim Thaçi in *Die Presse*, (20.04.2004).

<sup>91</sup> See Hashim Thaçit position in *Zëri* (29.05.2003).

<sup>92</sup> Bajram Rexhepit plan was published firstly in *Koha Ditore* (26.04.2002). Steiner's "Seven Point Plan" for town unification was published in *Kosova Sot* (02.10.2002).

<sup>93</sup> The death of three children, killing of a Serb in village of Caglavica and blocking of the Prishtina-Skopje road were the most important causes for March 2004 violence (*Koha Ditore*, 18.04.2003). Validity of these events is still contested and requires objective research. The most important fact is that it all started in Mitrovica and spread throughout Kosovo, see: *Koha Ditore* (18.03.2004, 19.03.2004).

<sup>94</sup> Before approval of this resolution, Nexhat Daci received written disagreements from Steiner, UN Security Council and EU Commission. For more information about Resolution, content and debates see: *Koha Ditore* (24.05.2002) and *Zëri* (24.05.2002).

<sup>95</sup> *Constitutional Framework*, Chapter 1.

<sup>96</sup> *Constitutional Framework*, Chapter 8.

<sup>97</sup> See United Nations S/RES/1244, Preface.

<sup>98</sup> See Hashim Thaçit position in *Zëri* (29.05.2003) and Nexhat Dacit position in *Zëri* (18.08.2003).

<sup>99</sup> See Assembly of Kosovo. *Rezoluta për shpalljen të pavleshme të preambulës kushtetuese të Unionit Serbi-Mali i Zi për Kosovën*. Prishtina, 07.11.2002, <<http://www.assembly-kosova.org>>.

<sup>100</sup> This view is mostly the cause of rigorous following of this resolution by UNMIK and Office of Legal Affairs in New York (*Koha Ditore*, 14.04.2004).

<sup>101</sup> Interview with Nexhat Dacin in *Koha Ditore* (26.11.2003), and *Zëri* (31.12.2003). Interview with Hashim Thaçin in *Die Presse* (20.04.2004) and Interview me Ramush Haradinaj in *Java* (25.12.2003).

<sup>102</sup> Ibrahim Rugova: "we can ensure all ethnic group's security" Pledge for Kosovo Independence in *Budapester Zeitung* (16.04.2004). See interview with Ibrahim Rugova in *Zëri* (21.11.2003, 10.01.2004).

<sup>103</sup> Concerning independence and cooperation with the international community see interview with Bajram Rexhepin in *Koha Ditore* (31.12.2003) and *Zëri* (31.12.2003).

<sup>104</sup> For the position of Kosovo's delegation in Vienna, see Rugova speech given in meeting (*Koha Ditore*, 15.10.2003).

<sup>105</sup> For Thaçi position, Haradinaj and Daci see *Zëri* (31.12.2003) and for Rugova position see *Zëri* (21.11.2003).

<sup>106</sup> See interview with Ibrahim Rugova in *Der Spiegel* (17.04.2000).

<sup>107</sup> Thaçi meeting with Steiner, see *Zëri* (12.04.2003). Thaci persists that this “idea” is a part of a “the international community” and for the good of institutions and effective in standard implementation. See interview with Hashim Thaçi in *Java* (25.12.2003) and *Zëri* (31.12.2003).

<sup>108</sup> UNDP/RIINVEST: *Early Warning Report* 3, p. 20.

<sup>109</sup> See: ICG. *Kosovo's Ethnic Dilemma: The Need for a Civic Contract*. Balkans Report Nr. 143, Pristina/Brussels, 28.05.2003.

<sup>110</sup> In detail see: ICG. *Serbia After Djindjic*. Balkans Report Nr. 141, Belgrade/ Brussels, 18.03.2003, pp. 12–14.

<sup>111</sup> See Bjekic, Vesna. *Kosovo Plan Resurfaces*. Institute for War and Peace Reporting: Balkan Crisis Report No. 266, 27.07.2001, <<http://www.iwpr.net>>.

<sup>112</sup> UNMIK/PR/774, 11.08.2002.

<sup>113</sup> Interview with Nebojša Čović in *Vreme* (15.03.2003).

<sup>114</sup> *Glas Javnosti*, 24.05.2001, <<http://www.glas-javnost.co.yu>>.

<sup>115</sup> Constitutional Cart content in <<http://www.gov.yu/start.php?je=s&id=34>>.

<sup>116</sup> Djindjić (2002: 27–35).

<sup>117</sup> See interview with Zoran Đinđić in *The Times* (22.02.2003).

<sup>118</sup> More information about this project in *Večernje Novosti* (07.03.2003).

<sup>119</sup> See Parliament declaration context, 27.08.2003, <[http://www.srbija.sr.gov.yu/extfile/sr/3442/deklaracija\\_Kosovo\\_met.doc](http://www.srbija.sr.gov.yu/extfile/sr/3442/deklaracija_Kosovo_met.doc)>.

<sup>120</sup> In detail see: ICG. *Serbia's U-Turn*. Europe Report Nr. 154, Belgrade/Brussels, 26.03.2004.

<sup>121</sup> Koštunica inauguration speech <<http://www.srbija.sr.gov.yu/vesti/vest.php?id=4775>>.

<sup>122</sup> About Kosovars vision of this notions, see: *Koha Ditore* (24.03.2004), *Zëri* (09.03.2004, 24.03.2004; 03.04.2004).

<sup>123</sup> Resolution Text see: <[http://www.srbija.sr.gov.yu/extfile/sr/3444/rezolucija\\_o\\_kosovu\\_met.doc](http://www.srbija.sr.gov.yu/extfile/sr/3444/rezolucija_o_kosovu_met.doc)>. About the opinion of Kosovo's Assembly members, see: *Koha Ditore* (27.03.2004).

<sup>124</sup> See: <[http://srbija.sr.gov.yu/extfile/sr/3442/deklaracija\\_Kosova\\_met.doc](http://srbija.sr.gov.yu/extfile/sr/3442/deklaracija_Kosova_met.doc)>.

<sup>125</sup> See: Serbien und das autoritäre Syndrom. Gespräch mit der Belgrader Historikerin Latinka Perović, in *Neue Zürcher Zeitung* (02.03.2004: 7).

<sup>126</sup> Kosovar leadership astonished by these plans see, *Koha Ditore* (26.03. 2004) and *Zëri* (27.03.2004).

<sup>127</sup> Discussed in German Bundestag, proposed from liberal fraction (FDP) in April 2004, <<http://dip.bundestag.de/btd/15/028/1502860.pdf>>. The same was discussed in European Parliament too.