

FPC Briefing: The path to inclusivity and stability in Kosovo

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Last month saw Kosovo hold local elections in the north for the first time since the young state's inception in 2008. The polls actually took place twice, the first attempt on 3 November 2013 being so plagued by violence that it had to be called off, while the second round of elections occurred on 17th November in a marginally smoother manner.¹ The violence happened in Mitrovica, which is a town in northern Kosovo close to Serbia's southern border, home to a significant ethnically Serbian population. The central government in Pristina struggles to govern the north.² The core of the problem is that the minority Serb population does not recognise the Government of Kosovo³ as being legitimate,⁴ whilst the state 'lacks the necessary integrative ideology'.⁵ The context of this is important; only five years ago, in 2008 Kosovo officially ratified its constitution,⁶ becoming for a short while the world's youngest state and marking, for some, the end of a long and bloody conflict between the Kosovo Liberation Army (KLA) and Serbia. For others, in particular ethnic Serbs in the north, it was only the active warfighting that ended and the prevailing situation was a victor's peace enforced by the international community. A negative peace exists in Kosovo⁷—it was won by those who are currently in Government, and as a result, some do not feel that they have been able to participate in the crafting of that peace.

Kosovo is a multi-ethnic state, consisting of a number of different communities (Albanian, Serb, Turkish, Gorani, Roma, Ashkali and Egyptian)⁸ and the violence and boycotting has been related to the Serbs' refusal to recognise Kosovo's independence. This is not surprising; due to the failure of Kosovo's international governance to implement inclusive processes of education, decentralisation and the return of displaced persons, the state's multi-ethnicity has been labelled a 'façade'.⁹ The result has been that Kosovo's Serbian and Albanian communities alike have been hostile to each other.¹⁰ At the higher level, no institutional design has yet been able to accommodate Albanian and Serbian views with regards to territory.¹¹ However, it is inaccurate and counterproductive to frame the issue in such intractable terms. The implication of such a case of affairs is that there is no way to satisfy the Serbs' goals other than by abolishing Kosovo.¹² One recalls an example sometimes taught to trainee mediators, which goes as follows. Two parties are conflicting over an orange. On being asked their *positions*, both explain that they require the whole orange. At the level of positions, therefore, the conflict is intractable. Therefore, the mediator asks each what their *interests* are — what exactly it is that they want from this orange. The first party explains that they want to make orange juice, while the second states that they want to make marmalade. From this, the mediator is

¹ BBC (2013), 'Kosovo violence: Poll re-run is ordered in Mitrovica', *BBC News*, 6 November [accessed 11 December 2013], available from: <http://www.bbc.co.uk/news/world-europe-24841925>; BBC (2013), 'Kosovo's Serbs vote again after poll violence', *BBC News*, 17 November [accessed 11 December 2013], available from: <http://www.bbc.co.uk/news/world-europe-24976709>.

² Dimitris Papadimitriou and Petar Petrov (2012), 'Whose Rule, Whose Law? Contested Statehood, External Leverage and the European Union's Rule of Law Mission in Kosovo', *Journal of Common Market Studies*, 50(5), pp. 746-763: 749.

³ Hereafter referred to as 'the Government'.

⁴ Gëzim Krasniqi (2012), 'Overlapping jurisdictions, disputed territory, unsettled state: the perplexing case of citizenship in Kosovo', *Citizenship Studies*, 16(3-4), pp. 353-366: 354, 357-358, 360.

⁵ *Ibid.*: 359.

⁶ Kosovo declared independence on 17 February 2008, and this was judged to be compliant with international law by the International Court of Justice in July 2010; for more information on the aftermath of this decision, see Etain Tannam (2013), 'The EU's Response to the International Court of Justice's Judgment on Kosovo's Declaration of Independence', *Europe-Asia Studies*, 65(5), pp. 946-964; Stefan Wolff and Annemarie Peen Rodt, 'Self-Determination After Kosovo', *Europe-Asia Studies*, 65(5), pp. 799-822.

⁷ This negative peace is supported by endemic corruption; see Yuliya Zabyelina and Jana Arsovska (2013), 'Rediscovering corruption's other side: bribing for peace in post-conflict Kosovo and Chechnya', *Crime, Law and Social Change*, 60(1), pp. 1-24: 11-12.

⁸ *Ibid.*: 354. There is much more to be said about these other groups and their own issues, but this briefing paper will focus on the grievances of the Serb population.

⁹ Anna McKinna (2012), 'Kosovo: The International Community's European Project', *European Review*, 20(1), pp. 10-22: 12-16.

¹⁰ *Ibid.*: 19.

¹¹ Wolff and Rodt, 'Self-Determination After Kosovo': 818.

¹² For a variation on this example, see Peter J. Carnevale (2006), 'Creativity in the Outcomes of Conflict', in: Morton Deutsch, Peter T. Coleman and Eric C. Marcus (eds.), *The Handbook of Conflict Resolution: Theory and Practice* (San Francisco: Jossey-Bass), pp. 414-435: 417.

able to deduce each party's *needs*: the first requires the flesh of the orange while the second requires the peel, and thus their conflict no longer seems at all intractable. The same can happen with more contentious issues, including those surrounding political representation.

In the context of Kosovo, one must not see the Serb unrest as inevitable or unsolvable, it would be incorrect to see the protests as being indicative of a desire to destroy Kosovo altogether. Instead, one can more accurately understand the violence and boycotts as being reflective of the sentiment amongst the Serbs that the Government does not understand their problems or represent their views. Serb nationalism in the past has been demonstrated to surface as a consequence of conflict,¹³ and therefore it follows that the continued exclusion of the Serbs from the Kosovo community is likely to have a similar effect. This is especially the case as territorial disputes are on going in the minds of the Kosovar Serbs and Albanians.¹⁴ Feeling that their views cannot be articulated effectively through voting, the Serbs instead have chosen to communicate their displeasure with the current state of affairs through civil disobedience and political apathy. This situation is unsustainable but addressable and the onus is on the Government, with the support of the international community¹⁵ (particularly UNMIK¹⁶, KFOR¹⁷ and EULEX¹⁸) to work towards an inclusive politics in Kosovo. Indeed, there have already been attempts to do just this.

Indicating its willingness to normalise relations with Kosovo, the Serbian government similarly opposed the boycott. Indeed, Belgrade had encouraged Kosovar Serbs to take part in the elections.¹⁹ This at first seems bizarre, given that Serbia does not recognise the independence of Kosovo and instead claims sovereignty over it. However, a look at the wider context offers a more comprehensive explanation for these actions. In April 2013, Kosovo and Serbia reached a significant EU-brokered accord under which Serbs in the north of Kosovo will have a level of representation in the courts and the police force. Significantly, both sides agreed not to block each other's bids for EU membership.²⁰ It is worth noting the significance of this: not recognising one another's legitimacy is a major bar to EU membership, and while Kosovo has struggled with this, Serbia in particular has tended to derail its own attempts towards EU accession through its uncompromising stance on Kosovo.²¹ Importantly however, the April 2013 deal saw Serbia recognising Kosovo in everything but name.²² The Serbs in the north of Kosovo must be able to do the same, and furthermore, they must be able to identify with Kosovo, or elements within it, to the same extent that they identify with

¹³ Arman Grigoryan (2010), 'Third-Party Intervention and the Escalation of State-Minority Conflicts', *International Studies Quarterly*, 54(4), pp. 1143-1174: 1157.

¹⁴ Krasniqi, 'Overlapping jurisdictions, disputed territory, unsettled state': 359.

¹⁵ As the international community's intervention and presence in Kosovo has become normalised, greater responsibility has fallen on these actors to undertake governance functions; see Selver B. Sahin (2013), 'How Exception Became the Norm: Normalizing Intervention as an Exercise in Risk Management in Kosovo', *Journal of Balkan and Near Eastern Studies*, 15(1), pp. 17-36.

¹⁶ United Nations Interim Administration Mission in Kosovo: the UN's protectorate framework in Kosovo charged with the duty of facilitating a peaceful and normal situation for *all* inhabitants of Kosovo. For more information, see: <http://www.unmikonline.org/Pages/about.aspx> [accessed 3 December 2013].

¹⁷ Kosovo Force: the NATO-led security mission in Kosovo. For more information, see: <http://www.aco.nato.int/kfor/about-us/natos-role-in-kosovo.aspx> [accessed 3 December 2013].

¹⁸ European Union Rule of Law Mission in Kosovo: the EU's main effort at supporting Kosovo in its attempts at greater European integration, with a particular emphasis on the establishment of the rule of law in the north of the country. For more information, see: <http://www.eulex-kosovo.eu/en/info/whatisEulex.php> [accessed 3 December 2013].

¹⁹ Radio Free Europe / Radio Liberty (2013), 'Kosovar Serbs To Boycott Local Elections', *Radio Free Europe / Radio Liberty*, 16 August [accessed 11 December 2013], available from: <http://www.rferl.org/content/kosovo-serbs-boycott-local-elections/25077831.html>; Angelina Verbica (2013), 'Election violence in Kosovo hits Serbs hardest', *Deutsche Welle*, 5 November [accessed 11 December 2013], available from: <http://www.dw.de/election-violence-in-kosovo-hits-serbs-hardest/a-17206941>.

²⁰ Piotr Smolar (2013), 'Serbia and Kosovo sign historic agreement', *The Guardian*, 30 April [accessed 4 December 2013], available from: <http://www.theguardian.com/world/2013/apr/30/serbia-kosovo-historic-agreement-brussels>; see also European Union External Action Service (2013), 'Serbia and Kosovo reach landmark deal', *European Union*, 19 April [accessed 4 December 2013], available from: http://eeas.europa.eu/top_stories/2013/190413_eu-facilitated_dialogue_en.htm.

²¹ Jelena Obradović-Wochnik & Alexander Wochnik (2012), 'Europeanising the 'Kosovo Question': Serbia's Policies in the Context of EU Integration', *West European Politics*, 35(5), pp. 1158-1181.

²² Elizabeth Pond (2013), 'Serbia Reinvents Itself', *Survival: Global Politics and Strategy*, 55(4), pp. 7-30: 26-27.

Serbia. This might seem a tall order, but it is vital in a post-war scenario, with war fighting in most of the Kosovar population's recent memory, that those who feel like they have lost-out in the prevailing situation are accommodated properly even if this means ceding some authority from the state.

Devolution

Kosovo should investigate the further devolution of power as an option for improving the security situation in the north. As has been established, the Serb population in Kosovo will not be likely to accept their existence within the state until they feel that they can properly articulate their views. This is reflected in the leadership of the government: Kosovo's President Atifete Jahjaga, an ex-senior police officer, was selected as an interim compromise candidate as a result of the parliament's failure to agree on direct popular elections for the presidency. Meanwhile, Hashim Thaçi, the Prime Minister of Kosovo, represents the Kosovar Albanians' drive to become independent from Serbia, having previously been the political leader of the KLA.²³ It is unsurprising that, with a President representing the result of opposition frustration, and a Prime Minister who was a key anti-Serbian voice, the Kosovar Serbs do not feel that they are Kosovar at all. The Serbs must, therefore, be offered alternative means of representation that are also compatible with the current governance structure. This should be done in a way that does not compromise the integrity of Kosovo as a sovereign state.

Devolution must take place, but should be carried through carefully and cannot happen without the prior and sincere participation of the Serbs in local elections. This is vital for Kosovo as a whole, as without Serb participation in local elections prior to devolution, the state will appear to be losing control over its territory (a logic that already factors heavily in Kosovo's public administration).²⁴ The prevailing situation, where NATO forces are deployed in the north to prevent internal violence, is in no way sustainable for Kosovars of all ethnicities in their day-to-day lives, for the Government in its desire to preside over a secure territory, or for the international community in its mission to make Kosovo independently stable. Devolution inevitably leads to questions over the level of control maintained by the Government. Kosovo is young at only five years of age and devolving power at this stage may make it appear weak. However, in reality the state is less likely to have its authority challenged if it relinquishes some of its sovereignty than if it continues to maintain full control over an area housing a population that is not happy with this situation. It is important that hybridity is allowed to exist with regards to the Kosovar Serb population. Dual citizenship (Kosovar and Serbian) is something that can be expected and may be an option for the integration of the Serb population into Kosovo's state and society.²⁵ Therefore, hybrid identities must be accepted as legitimate, along with the fact that this acceptance will encourage the emergence of hybrid forms of governance through devolved institutions, if the state is to peacefully contain a multi-ethnic community.

Changing attitudes

In order for the Serbs to be successfully assimilated into Kosovo, the attitude of Kosovar Albanians must also go through a step-change. The claim that the Serbs initiated the conflict, and that they did so because they intended to cleanse the province of Albanians, is common in public discourse.²⁶ This accusation produces an impossible situation, associating an ethnicity with a negative past makes for unresolvable disagreements and resultant forms of exclusion. The primacy of ethnicity above common identity in Kosovo, therefore, should be dampened slightly. Serbs, for example, currently

²³ BBC (2013), 'Kosovo profile: Leaders', *BBC News*, 12 November [accessed 4 December 2013], available from: <http://www.bbc.co.uk/news/world-europe-18328867>.

²⁴ Roland Gjoni, Anna Wetterberg and David Dunbar, 'Decentralization as a Conflict Transformation Tool: The Challenge in Kosovo', *Public Administration and Development*, 30(5), pp. 291-312: 305.

²⁵ Krasniqi, 'Overlapping jurisdictions, disputed territory, unsettled state': 357.

²⁶ Grigoryan, 'Third-Party Intervention and the Escalation of State-Minority Conflicts': 1155.

see Kosovo as ‘an Albanian state’, and even the majority of Albanians see themselves as part of the Albanian nation at the same time as being citizens of Kosovo.²⁷ It is worth noting that ethnicity even supersedes religion as a form of identity in Kosovo,²⁸ there is no unifying identity above that of ethnicity at this time, and this is where the state must step in.

At the same time as making Kosovar Serbs feel more welcome within Kosovo, it is important that there are tangible incentivised efforts to bring them into Kosovo’s system of governance and integrate them into its society. For example, reports suggest that attempts to persuade Serbs in northern Kosovo to acquire Kosovo ID cards were relatively successful because they carried the inducement of eligibility to receive pensions from the Kosovo budget²⁹ (though it should be noted that many of these ID-carrying Kosovar Serbs still do not identify with Kosovo as a state).³⁰ Attempts, therefore, to include Kosovar Serbs in Kosovo’s politics must be combined with further efforts to deliver those Serbs the same benefits of being part of Kosovo as are enjoyed by their Albanian counterparts. In order to avert further violence and discontent amongst Kosovo’s Serbs, the Government must ensure that it provides this minority population with avenues for peaceful articulation of their political wishes and concerns. Furthermore, the Serbs must feel if not that the Government represents them, then at least that they are represented at the local level. Steps have been taken in this direction in the aforementioned April 2013 agreements, but more still has to be done.

Towards reconciliation

What exists in Kosovo today is a victor’s peace, as although the prevailing peace was enforced by outside powers, it belongs to certain groups in Kosovo but not others. Earlier this year, Kosovo celebrated its fifth year of independence from Serbia, with the streets of Pristina filled with jubilant Kosovar Albanians.³¹ This sort of ceremony only serves to compound the grievances of those who either do not accept Kosovo’s independence or who see it as a defeat or something to be ashamed of. This is the case for Kosovar Serbs. A state that celebrates a conclusion to a war that is a defeat for some of its population will inevitably have problems making the latter feel that their views are adequately represented. Therefore, Kosovo would do well to tone-down its independence celebrations, or at least to take more consideration of the views of those who it claims to represent. This should feed into a broader strategy of reconciliation.

Fundamental to Kosovo’s prospective reconciliation is flexibility: as has recently been found by Anna Di Lellio and Caitlin McCurn, the individuals in Kosovo who might be referred to or regarded as ‘victims’ in fact do not bear commensurate characteristics such as innocent and apolitical passiveness.³² Di Lellio and McCurn highlight the importance of projects such as the *Kosovo Memory Book*, which contains the details of those who were subjected to war crimes, displaced or killed between 1998 and 2000.³³ A further project to compile and publish the details of all of those killed

²⁷ Krasniqi, ‘Overlapping jurisdictions, disputed territory, unsettled state’: 360.

²⁸ Gëzim Krasniqi (2011), ‘The ‘forbidden fruit’: Islam and politics of identity in Kosovo and Macedonia’, *Southeast European and Black Sea Studies*, 11(2), pp. 191-207: 198-199.

²⁹ *Ibid.*: 358.

³⁰ *Ibid.*: 360.

³¹ Guy De Launey (2013), ‘Kosovo marks fifth year of independence from Serbia’, *BBC News*, 17 February [accessed 10 December 2013], available from: <http://www.bbc.co.uk/news/world-europe-21492473>.

³² Anna Di Lellio and Caitlin McCurn (2013), ‘Engineering Grassroots Transitional Justice in the Balkans: The Case of Kosovo’, *East European Politics and Societies*, 27(1), pp. 129-148: 143; for further details on Kosovar self-reliance and community solidarity, see Denisa Kostovicova, Mary Martin and Vesna Bojicic-Dzelilovic (2012), ‘The missing link in human security research: Dialogue and insecurity in Kosovo’, pp. 569-585: 576-581.

³³ *Ibid.*: 143-144; the official website of the *Kosovo Memory Book* is available at: <http://www.kosovomemorybook.org/> [accessed 11 December 2013].

during the conflict is currently underway.³⁴ It is through initiatives such as these that Kosovo may begin to lay the foundations for a more inclusive environment for reconciliation.

For Kosovo to move towards a sustainable, positive peace, it must continue to strive for reconciliation as well as accountability for past war crimes against Albanians and Serbs alike. Some progress has been made in this area,³⁵ but more effort is required as progress is slow and witnesses and journalists alike continue to risk maltreatment in pushing for the truth.³⁶ It is essential that Kosovo's Albanians and Serbs are able to communicate with one another and speak freely about their past experiences without fear of punishment. A recent study found that contact between these two groups reduced 'competitive victimhood' (a phenomenon whereby each group sees itself as having suffered more than the other has, leading to protracted conflict).³⁷ Therefore, the integration of these different groups' views and their externalisation in public fora should be a priority.

Given the current level of disengagement of Kosovar Serbs in Kosovo's politics, it is absolutely vital that the Serbs are brought meaningfully into a positive participation in public affairs post-haste. This means that the Serbs must be actively encouraged to take part in higher-level politics, that is, in the Assembly of Kosovo (parliament) as well as the executive. The Kosovo Assembly currently has a minority of elected representatives (known as 'Deputies') who are ethnically Serbian – ten, to be precise, while the other minorities combined hold a further ten seats between them.³⁸ Kosovo also has a number of ethnically Serbian ministers in the cabinet. Whilst this appears positive, and the Government's attitude towards inclusion seems to be relatively progressive, the overall culture needs to grow into one of more sensitivity towards the Kosovar Serbs, as was exemplified by the sacking of Kosovo's first envoy to Serbia after two days in post due to his controversial comments.³⁹ The senior civil service remains highly politicised,⁴⁰ meaning that it is unlikely to be representative of minorities, including the Serbs. Kosovar Serbs are not participating in local elections because they do not agree with the order under which they live and therefore do not identify with it. This must be the central issue borne in mind by the Government when it comes to address the issues laid out in this briefing. The Serbs and Albanians alike must be encouraged to put their differences behind them, to reconcile, and thus to assume a common hybrid Kosovar identity. Only then can Kosovo begin to build a sustainable future.

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³⁴ Daria Sito-Sucic and Matt Robinson (2013), 'After years of toil, book names Bosnian war dead', *Reuters*, 15 February [accessed 11 December 2013], available from: <http://www.reuters.com/article/2013/02/15/us-bosnia-dead-idUSBRE91E0J220130215>.

³⁵ Human Rights Watch (2013), 'Balkans: Rights Protections Lagging', *Human Rights Watch*, 31 January [accessed 10 December 2013], available from: <http://www.hrw.org/news/2013/01/31/balkans-rights-protections-lagging>.

³⁶ Human Rights Watch (2013), 'Serbia/Kosovo: Landmark Opportunity for Human Rights', *Human Rights Watch*, 23 April [accessed 10 December 2013], available from: <http://www.hrw.org/news/2013/04/23/serbiakosovo-landmark-opportunity-human-rights>.

³⁷ Luca Andrighetto, Silvia Mari, Chiara Volpato and Burim Behluli (2012), 'Reducing Competitive Victimhood in Kosovo: The Role of Extended Contact and Common Ingroup Identity', *Political Psychology*, 33(4), pp. 513-529: 513-514.

³⁸ Krasniqi, 'Overlapping jurisdictions, disputed territory, unsettled state': 359.

³⁹ Fatos Bytyci (2013), 'Kosovo's first envoy to Serbia quits after two days', *Reuters*, 19 June [accessed 10 December 2013], available from: <http://www.reuters.com/article/2013/06/19/us-kosovo-serbia-idUSBRE9511FV20130619>.

⁴⁰ Dren Doli, Fisnik Korenica and Artan Rogova (2012), 'The post-independence civil service in Kosovo: A message of politicization', *International Review of Administrative Sciences*, 78(4), pp. 665-691: 685-686.