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Kosovo:
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List of Acronyms

AAK	Alliance for the Future of Kosovo
ACA	Anticorruption Agency
ADK	Democratic Alternative of Kosova
AKR	New Kosovo Alliance
ALAC	Legal Advice Centre
CBM	Community Building Mitrovica
CEFTA	Central European Free Trade Area
EBU	European Broadcasting Union
EC	European Commission
ECSEE	Energy Community Treaty of South Eastern Europe
EU	European Union
EULEX	EU Rule of Law Mission
EUSR	EU Special Representative
FDI	Foreign Direct Investment
GDP	Growth Domestic Product
HPA	Housing and Property Directorate
ICJ	International Court of Justice
ICO	International Civilian Office
ICR	International Civilian Representative
ICTY	International Criminal Tribunal of the Former Yugoslavia
IDP	Internally Displaced Persons
IFI	International Financial Institutions
IMC	Independent Media Commission
KDI	Kosovo's Democratic Institute
KDP	Kosovo Democratic Party
KEK	Kosovar Energy Cooperative
KFOR	NATO Force in Kosovo
KLA	Kosovo Liberation Army
KPA	Kosovo Property Agency
KPS	Kosovo Police Services
KSF	Kosovo Security Force
KTA	Kosovo Trust Agency
KWN	Kosova Women's Network
LDD	Democratic League of Dardania Party

LDK	Democratic League of Kosovo
MEF	Ministry of Economy and Finance
MTEF	Medium-Term Expenditure Framework
NATO	North Atlantic Treaty Organization
NGO	Non-governmental Organization
NLM	National Liberation Movement
OSCE	Organization for Security and Co-operation in Europe
PED	Police Executive Department
PER	Project on Ethnic Relations
PISG	Provisional Institutions of Self-Government
POE	Publicly Owned Enterprise
RAE	Roma, Ashkali and Egyptian
RTK	Radio Television Kosovo
RTS	Radio Television Serbia
RWLSEE	Regional Women's Lobby for Peace, Security and Justice in Eastern Europe
SAP	Stabilization and Association Process
SCR	Security Council Resolution
SLS	Serb Liberal Party
SOE	Socially Owned Enterprise
SRSG	Special Representative of the UN Secretary-General
UN	United Nations
UNHCR	The UN Refugee Agency
UNMIK	UN Interim Administration Mission in Kosovo
UNSC	United Nations Security Council
USAID	United States Agency for International Development
ZES	"For a European Serbia" coalition

Kosovo



Introduction: Kosovo Report

I. William Zartman

Kosovo is a problem of many levels, and was arguably the most complex situation to grasp of all the SAIS Conflict Management Field Trips to date.¹ A group of 15 upper level graduate students and two professors visited Kosovo or, more properly, Kosóvë, on 17-23 January and held some three dozen interview sessions from the president to the local non-government organization (NGO) level.² The experience was moving and eye-opening.

The Kosovar conflict exists at different levels for different reasons. Each level of the conflict locks in the other levels and is hard to resolve because of them. There is an obvious place to start—on the highest or international level, whose solution would not unlock the other levels but would make them easier to tackle. Working from the bottom is necessary, but unlikely to unlock the top. The tragedy is that after the intense and sustained efforts by the international community to provide a satisfactory outcome to the Kosovar conflict, the remaining top level conflicts do nothing to address the bottom level problems and are pursued for the interests of particular international actors, with no concern for the Kosovar people or nation.

Today, 65 states recognize the self-proclaimed republic of Kosovo; five of the holdouts are in Europe, and are thus blocking European Union (EU) recognition of the country, forcing Kosovo to act internationally through monitoring international organizations. The five holdouts (Cyprus, Greece, Spain, Slovakia and Romania) withhold their recognition for reasons of feared precedent dealing with their own internal situations, not because of a reason directly referring to Kosovo. One would expect a state to put its own interests first, to be sure, but the notion of precedent is strained, even in the strongest case, Cyprus, which has not got its own act together.

¹ Cyprus, January 2009; Northern Ireland, January 2008; Haiti, January 2006 and January 2007. Reports from previous Field Trips are available at <http://www.sais-jhu.edu/academics/functional-studies/conflict-management/index.htm>.

² A list of interviewees is appended.

On the second level, the position of the four international organizations that continue to hold parts of Kosovo's sovereignty is ambiguous. The UN mission in Kosovo (UNMIK), the EU Rule of Law Mission (EULEX), the Organization for Security and Cooperation in Europe (OSCE), the NATO Force in Kosovo (KFOR), and the International Civilian Office (ICO) all perform useful functions in, to and instead of the Republic of Kosovo. UNMIK was expected to have left 120 days after the implementation of the Ahtisaari Plan but is still lingering because Russia blocks recognition in the UN. The Russian position, out of support for Serbian claims, is diplomatic doubletalk, since Russia used Kosovo's independence (which it does not recognize) to justify Abkhazia's and Ossetia's independence (which it does recognize). (The latter are closer to Northern Cyprus, with sovereign claims achieved and backed by a foreign army, rather than to Kosovo, backed by popular will). International Organizations' goals of peace and stability are still rooted in the pre-independence period (since sovereignty is still not consummated), not in the future challenge of state-building. Except for ICO, these organs are all status neutral, constrained by the interests of their home organization's membership, and have to tread a narrow path that limits their freedom of helpful action. They have, however, facilitated Kosovo's membership in the Central European Free Trade Area (CEFTA) and the IFIs (World Bank and IMF) and performed some other useful functions.

The third international level has to do with neighboring Serbia, still tenaciously clinging to its claim over Kosovo despite its own liberal reforms and renunciation of the hyper-nationalist goals of Slobodan Milosevic. Serbia continues to claim to be the patron saint of Kosovar Serbs, keeping many of them on state salaries and state health plans, and supporting parallel institutions of governance in the Serb enclaves and particularly in the north, northern Mitrovica and the area north (and east) of the Ibar River. But the situation is made murky and aggravated by the fact that the patronage is unstable and waning; Serbia's payments are diminishing, its services weakening, and its attention to the Kosovar Serb population declining, and only the rhetoric stays strong, feeding instability and frustration. The Kosovar government is working relatively sincerely on the ethnic split; its decentralization project has given a measure of self-rule to the Serb

enclaves, its long awaited Northern Strategy seeks to regain the allegiance of the Mitrovica region.

On the national level, Kosovo is a unique case in the contemporary Balkans (or more broadly, in Europe) and is closer to the experience of the developing world, notably Africa. It achieved its independence after a national liberation movement (NLM) pushed aside a moderate political nationalist movement, the Democratic League of Kosovo (LDK), and won independence with guerrilla violence (with a “little help” from NATO bombers). The radical younger generation of the Kosovo Liberation Army (KLA), now the Kosovo Democratic Party (PDK), has taken over government in an unstable coalition with the LDK, and relations between the two are tense. More importantly, the PDK carries with it a glass ceiling on political promotion; its members are now relatively middle aged, and chances for participation, recruitment and promotion of the youth are blocked. Added to the blockage in political promotion is blockage in economic opportunity because of the weak Kosovar economy. While the government has some good plans, parts of them are blocked by the sovereignty question.

But the government’s position is not secure under its glass ceiling. As with any NLM, KLA/PDK members have been quick to enjoy the independence dividends, legally or not. Both EULEX and ICO are charged with monitoring and enforcing the rule of law until the government is fully sovereign to do so, and they have the information necessary to call the government on serious corruption charges. If they have the moxie to do so, it can well blow up the glass ceiling and open Kosovo to stage two of self-rule (after stage one, independence), electoral opportunities for a wide representation of the population.

The bottom level is the people themselves. Emerging from the decade of repression 1989-1998, locally referred to as The War, they have shown a national solidarity, a reconstructive energy, and a will to overcome its ethnic pluralism—substituting the term “communities” for the touchier term “minorities”—with the idea that “we don’t want to subject our minority to the treatment that Serbia gave to us.” Kosovo has tremendous hurdles of economic underdevelopment to overcome. After a decade of promise and uncertainty, 1998-2008, independence has been finally adopted as the clear international option, through the Ahtisaari Report of 2007, and, it has clearly been the internal option since the 2008 declaration of independence. That is the

beginning of the tunnel of reconstruction and development; there is light at the end but the tunnel is long.

Part I: Ethnicity

Community Relations

Aysha Rajput

The conflict between the Kosovo and Serbian governments is often attributed to the long history of ethnic and cultural conflict between Albanians and Serbians. Decentralization of Yugoslavia, which reinforced ethnic identities and Yugoslavia's subsequent political and economic deterioration, reignited open conflict between the Kosovo Albanians and the Serbian government. Under the Ahtisaari plan, the international community has pushed the Kosovo government to implement decentralization in order to maintain stability between Kosovo Albanians and Kosovo Serbs. Decentralization entailed giving municipalities more political power and autonomy. The rationale for decentralization, according to the Ahtisaari Plan, was "to promote good governance, transparency and effectiveness in public services, recognizing the concerns of the Kosovo Serb community." This paper will argue that decentralization exacerbates ethnic tensions in Kosovo and therefore will not provide security and peace in the long-term.

Kosovo's Ambiguous Status in Yugoslavia

In order to understand how political institutions contributed to ethnic conflict in Kosovo, one must examine its political status under the Federal People's Republic of Yugoslavia. The federation was composed of six federal republics: Croatia, Bosnia, Macedonia, Montenegro, Slovenia, and Serbia. Kosovo along with Vojvodina were granted autonomous status within the federal republic of Serbia. There are several reasons why Kosovo received a provincial status rather than a republican one. Noel Malcolm makes the distinction between the 1943 Communist definition of a nation and a nationality. "A nation was potentially a state-forming unit—or at least, its 'working people' were—and therefore retained some ultimate right of secession when it formed a republic in a federation" (Malcolm 1999, 327-28). In contrast, "a nationality was a displaced bit of a nation, the main part which lived elsewhere" (Malcolm 1999, 328). Therefore, "the Kosovo Albanians were a nationality, because the 'nation' of Albanians had its own state in Albania" (Malcolm 1999, 328). In addition, there was a fear of Kosovo joining

Albania and another fear that a republican Kosovo would create a Serbian political backlash against the national Yugoslav government. Thus, within the structure of the Yugoslav government, Kosovo's status in relation to Serbia was never clearly defined. Both Serbian and Kosovo governments can make legitimate arguments to support their positions.

Serbian Political Dominance in Kosovo during the Yugoslav Years

Under both the Serbian and the Yugoslav constitutions, Kosovo was granted rights “to direct its own economic and cultural development, prepare a plan for its own budget, protect the rights of its citizens, and so on”(Malcolm 1999, 316). Despite these rights, Kosovo Serbs and Kosovo Montenegrins, though only accounting for a minority of the population, dominated political, bureaucratic, and economic positions. “Albanians there still had a very much second-class position,”(Malcolm 1999, 314) and “resentments created by this initial imbalance of power set up an oscillating dynamic of reaction and counter-reaction—Albanian reaction to the Slavs after 1966, and Slav counter-reaction in the 1980s—which made Kosovo's internal politics all the more bitter and intractable” (Malcolm 1999, 314). This fight for political and economic power would continue throughout the Tito years. Slowly, Yugoslav policies began to liberalize toward Kosovo Albanians compared to the years between World War I and II when Serbs controlled the area. For example, the Yugoslav government worked with the Albanian government after World War II to recruit teachers and to purchase textbooks in order to establish Albanian language schools in Kosovo. Previously, only Serbian language schools existed. Gradually Kosovo Albanians were able to advance in society. By the 1970s, they were well represented in municipalities, the police force, and the Communist Party. However, Kosovo Serbs and Kosovo Montenegrins still were overrepresented in the top positions in both the political and economic sectors.

Tito's Decentralization Policy

As Kosovo Albanians were able to participate more in their society, Tito changed his policy of promoting the hierarchy of a national government to promoting a policy of decentralization, giving more independence initially to the republics and eventually

extending this policy to the provinces as well. He established a new Yugoslav constitution in 1974, giving Kosovo almost equal status to that of the republics. For example, Kosovo had direct representation in the Yugoslav federal bodies. It also had its own parliament, government, national bank and police. In addition, more Albanians now participated in these institutions, giving them more political power and governmental control over Kosovo. The combination of more political participation by Kosovo Albanians and decentralization encouraged a push for Kosovo to become an independent republic within the federation.

Yugoslavia's Deterioration

Beginning in the early 1980s, following Tito's death, the economic climate began to deteriorate rapidly in Yugoslavia. Kosovo, the poorest territory, had widespread unemployment. During more prosperous times, the Yugoslav Republic exploited Kosovo's mines, selling coal and other minerals to other parts of the republic below the selling price. The national government also failed to develop labor-intensive sectors such as agriculture, despite Kosovo having high unemployment and despite the environment being conducive to farming. In 1981, riots at the University of Prishtina broke out against the disorganization of the Yugoslav government. This riot turned into a pro-Albanian demonstration. "Although, Albanians were still in charge in Kosovo, there was a perception that Serbia remained the real power, and thus the Serbs were exposed to increased harassment and hostility" (Judah 2008, 58). Due to the economic situation and the Albanization of Kosovo, Serbs emigrated to other areas within the Serbian republic. The plight of the Kosovo Serbs provided the perfect situation for Slobodan Milosevic to launch his extreme nationalistic policies. The combination of economic decline and decentralization contributed to an increase in ethnic-based politics and nationalist sentiments within the Yugoslav republics.

The Milosevic-Rugova Years

In the late 1980s under Milosevic, Kosovo Albanians lost their economic and political power in mainstream society. He abolished Kosovo's autonomy, and the power was transferred to the Serbs. Milosevic tried to push Albanians out of Kosovo. He withdrew

funding for Albanian schools and fired Albanian teachers, miners, doctors, and bureaucrats. Albanian cultural heritage sites were destroyed. Milosevic tried to pressure ethnic Albanians to move to Albania and tried to encourage Serbs from Croatia and Bosnia to immigrate to Kosovo in order to bolster the Serbian population there. However, these attempts were unsuccessful. The majority of the population remained ethnically Albanian, and in response to Milosevic's policies, parallel Albanian structures formed. These policies and structures provided schools, health services, and political representation through a parliament and president via secret elections. In order to provide these services, a tax system was implemented, including a 3 percent income tax and a 10 percent corporate tax. The shadow Kosovo Albanian government also received money from its diaspora.

With the disintegration of the Yugoslav Republic, nationalism rose in both Serbia and Kosovo. Once Croatia and Slovenia became independent, attaining a republic status within the Yugoslav federation was no longer possible for Kosovo Albanians. Independence was the new goal. The desire for independence and the rise in Serb nationalism led to extreme repression of the Kosovo Albanians. At first, the resistance to Serbian oppression was through peaceful means. Ibrahim Rugova and his Democratic League of Kosovo (LDK) party had three goals: "to advocate Kosovo independence abroad, to use peaceful means of resistance, and to deny systematically the legitimacy of Serbian rule" (Malcolm 1999, 348). The failure of the international community to intervene in Kosovo's plight and continuing Serbian suppression caused more extremist groups to form. The Kosovo Liberation Army (KLA) used violence and specifically targeted Serbian police and paramilitary. Haunted by the massacres in Bosnia, the Western powers finally decided to engage the Kosovo and Serb leadership in peace talks. However, once the Rambouillet discussions failed, the Western powers had no choice but to send NATO forces to bomb strategic targets in Serbia, Kosovo, and Montenegro.

Kosovo and the International Community

Under the UN Security Council Resolution 1244, the war ended in 1999 with the withdrawal of Serbian troops from Kosovo. Twelve Forty-Four established a UN administration and a peacekeeping force led by NATO known as KFOR. Though not

publicized as much as the atrocities committed against Kosovo Albanians, Kosovo Serbs faced reprisals after the war—people disappeared and property was vandalized. Ninety-seven percent of the pre-war Serb population left. Many of the Kosovo Serbs that remained moved to Serb enclaves including Gracanica, Strpce, and Gorazdevac.

Once the war was over, the UN Interim Administration Mission in Kosovo (UNMIK) acted as a transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo. By 2000, national elections were held in Kosovo.

In 2004, ethnic riots between Albanians and Serbs occurred across Kosovo. The international community was unsettled by these incidences. Kofi Annan issued a mission to investigate “whether or not it was time to begin talks on the final, or at least future status of the province” (Judah 2008, 111). From this mission, the Ahtisaari Plan eventually emerged. Its aim is to define the provisions necessary for a future Kosovo that is viable, sustainable and stable. Specific provisions included the establishment of a democratic multi-ethnic society, a constitution that protects human rights and minority communities, protection and promotion of the rights of members of communities, decentralization specifically in regards to the Kosovo Serb community, repatriation of any refugees who wish to return and reclaim property, a multiethnic judicial system, and a multiethnic police force.

The Implementation of the Ahtisaari Plan

The Kosovo government is slowly addressing these provisions with the guidance of the International Civilian Office and EULEX. Kosovo Albanians decided to accept the main points of the Ahtisaari Plan because “they would get recognition from the bulk of EU states and support, including money, so long as they incorporated the main provisions of the plan into their law” (Judah 2008, 115). Therefore, Kosovo has one of the most liberal constitutions, regarding minority and human rights in Europe. For example, parliament with its 120 seats has 100 seats secured through direct vote and 20 seats reserved for ethnic minorities: 10 for Serbs and 10 for other ethnic minorities. The constitution was adopted in June 2008. While the constitutional provisions provide for ethnic participation

in the government, Serb voter turnout in national elections has been very low with higher voter participation in local elections. Moreover, Albanians continue to dominate the highest positions in government, including the Prime Minister and President.

In addition, the Kosovo government through the Ministry of Community and Return and in cooperation with UNHCR is working to repatriate refugees who want to return. Nonetheless, many Kosovo Serbs do not want to come back. They either fear for their safety or more likely cannot because there are no employment opportunities. Other deterrents include problems with integration and lack of public infrastructure. For example, there are no schools taught in the Serbian language in Prishtina. There are no statistics available on how many Serb returnees actually stay once repatriated, but some returnees either go back and forth between Serbia and Kosovo while others go back to Serbia for good due to unemployment and/or integration problems. The number of families repatriated last year was only 1,300. However, this number reflects all ethnic groups such as Albanian, Serbs, Turks, etc.

The Kosovo government is following the Ahtisaari Plan's provision for decentralization on the local level. Serb majority municipalities have autonomy in the areas of education and health as well as in finance and budgeting. In the 2009 municipal elections, voter participation was 25-30 percent in the southern Serb enclaves compared to zero Serb participation in past elections. According to Pieter Feith, head of the ICO, this shows that Serbs are willing to trust the institutions because they have no other alternative. While the 2009 Serb voter turnout is a positive sign, it does not guarantee peace or stability in Kosovo. More southern Serbs turned out for the past elections because they were at the local level, which more directly impacts daily lives compared to national elections. Those political leaders in southern Serb enclaves who work on both the national and local levels are dedicated to improving the lives of Serbs in Kosovo. They do not openly accept the independence of Kosovo, but they are realistic as to their situation as an ethnic community. All the Serb leaders we met with belonged to Serb affiliated parties.

The Argument against Decentralization

Despite Serbian representation in Kosovo institutions on both the national and municipal levels, parallel Serbian government institutions also exist. These institutions still provide healthcare, education, and wages to past civil servants to Serbs living in North Mitrovica. Decentralization is distinct from parallel structures. It gives more political power to the local government and municipalities, which often have a strong ethnic base. However, the combination of parallel Serbian government structures and decentralization create an environment for future instability. The existence of parallel structures in the north delegitimizes the Kosovo government because it provides state services and prevents the Kosovo government from functioning there. Serbs run the parallel institutions, and the Kosovo government is seen as an Albanian representative. Therefore, an ethnic division is formed between the two groups. Decentralization also creates divisions by separating communities from each other because they are organized around ethnicity. Decentralization of government structures along with mandatory minority representation in parliament promotes ethnic politics rather than integration. In some cases, decentralization works because of the demography of the country and because it allows ethnic groups to have equal political and economic power in segregated enclaves. However, in the case of Kosovo, decentralization does not guarantee equity between ethnic groups. It is rather a temporary solution to ease tensions and a way to allow Serb enclaves to have some political and cultural autonomy separate from the Albanian dominated national government. In the long run, decentralization will not provide security and stability in Kosovo. Having separate schools for Albanian students and Serb students will be detrimental to the Serb population more than the Albanian population. Serb students will not be able to communicate outside the Serb enclaves. Therefore, they will not have the same access to jobs as Albanians because of the language barrier. Thus, they will not be able to fully integrate into society. In addition, Albanian and Serb students learn different histories, which impact their view of Kosovo and of each other. Furthermore, Albanians and Serbs in Kosovo will face problems of interaction since they are constantly segregated from each other. While integration does not necessarily insure a ready peace or stability it does create conditions that necessitate capacities for dialogue, between both every-day people and their representatives in government. In this way,

integration, over time can necessitate new priorities for fostering mutual engagement instead of reinforcing prevailing and minority power relationships.

In contrast, ethnic-based politics arises when political parties are organized around ethnic groups. With decentralization, Kosovo political parties are organized according to ethnic groups, and ethnic enclaves form local communities. Citizens look to their political parties rather than the national government as advocates of their particular interests. Thus, politics and the fight for political power take on an ethnic perspective.

Ethnic-based politics can catapult to violence easily when economic resources are scarce. Ultimately, this is what happened during the break-up of Former Yugoslavia. Under Tito's 1974 constitutional reforms, a pan-Yugoslav state was no longer pursued and decentralization was implemented. Once the economy declined, the republics turned inwards and nationalism rose in each of them. Arguably, ethnic violence arose not just because of long-standing historical legacies but because a decrease in economic resources already unevenly distributed. Moreover, Tito's death created a political vacuum. Although, each republic took turns as leader of the federation there was no longer the authoritarian threat of Tito or the strong central government to keep the republics together.

The same situation has occurred within Kosovo throughout history. Both Albanians and Serbs have competed for political and economic power. The lack of economic resources and the lack of equal access to political power have served as the spark, igniting incidences of violence between the two groups. The current dire economic situation in Kosovo could cause ethnic violence once again. There is no forum that empowers people mutually to express their complaints. Considering the fragile government and the slow reconciliation process ethnic violence is possible.

Recommendations

In order to end the cycle of ethnic violence, **political institutions need to change**. While decentralization is giving some sense of autonomy to minority communities it also encourages ethnic-based politics, which leads to conflict during tough economic periods. In the short-term, the Kosovo government has no power to change the structure of political institutions due to its constitution and due to its promise to adhere to the

Ahtisaari Plan. However, it can take steps to mitigate the potential long-term problems that can arise from decentralization.

Short-Term

Though the war ended ten years ago, the process of reconciliation has not begun or greatly impacted either the Albanian or Serbian communities. With the presence of the international community, each ethnic group tolerates the other in order to maintain a semblance of stability. However, there has not been an open dialogue about the past on a large scale. **Leaders of both communities on the local level should facilitate more dialogues about how the two ethnic groups can reconcile.** Discussions could first start out on practical matters in which cooperation is required such as on utilities.

In addition, **local mayors can reach out to their minority communities by forming a committee of minority community representatives.** This tactic has proved successful in Gjilan. Mayor Qemajl Mustafa reached out to the Serb community. He first invited all Serb workers to return to government work post-conflict and set up an informal committee for ethnic minority leaders in Gjilan to voice their concerns directly to the mayor. Moreover, the mayor has an open-door policy in which anyone can come and voice their concerns to him no matter their ethnicity. While some Kosovo Serbs are hesitant to participate in these forums and have not returned to their former government jobs, there is a channel of communication established and a means of transparency between some members of the Serb community and the municipal government.

The national government should also take the lead in supporting projects that promote discussion between communities on the local level. For example, the Kosovo government along with the international community could support NGOs such as Community Building Mitrovica, which sponsors inter-communal dialogue between the inhabitants of South and North Mitrovica, as well as programs that promote inter-communal activities for children. During the war, children from both ethnic groups saw atrocities committed by the other side. With decentralization, Albanian and Serbian children live segregated from each other and learn different histories in school. Without interaction, these children will grow-up fearing and stereotyping each other. More

interaction between children of these communities needs to happen in order to discuss their violent past and how they can work together as a united entity in the future.

Medium-Term

The national government needs to demonstrate its sincerity in incorporating ethnic minorities in its state identity. Equality under the law and guaranteed political representation for Serbs are not enough to quell their suspicions or fears of the national government. In order for the government to build trust with the Kosovo Serbs, **it needs to show that it is looking out for the interests of all its citizens. By actively encouraging repatriation, the government demonstrates this intention.** As previously mentioned, the Ministry of Community and Return has only repatriated 1,300 people of various ethnic backgrounds this year. About 2,000 people have returned to Kosovo without the support of the ministry. The main problem of repatriation is there are no economic incentives for Serbs to return. Families are given a house and a six-month supply of food. Often there are no jobs in repatriation areas. **The government can provide job training programs and loans to entrepreneurs** in order to encourage more Serbs to repatriate. Moreover, the government could also promote repatriation in Prishtina. Currently, there are hardly any Serbs living in the capital city. There is no incentive for them to move back because there are no Serbian language schools or universities. The Kosovo government can provide a Serbian language school giving Serbs an incentive to return.

The national government needs to have a dialogue with Serb political parties about the future of the nation. Slowly, Serbs are starting to participate more in Kosovo institutions. Many Serbs did not support Kosovo independence but have now faced that reality. Required is multiple and ongoing dialogue between Albanian and Serb politicians on reconciliation and on how they will together build one nation rather than two. They should discuss for example how to create a national school system that provides equal access to higher levels of education for all ethnic groups. **They should openly discuss how to increase Serb participation in the government** as well. Presently, there is Serb participation in the parliament and two Serb ministers, but the **government should advocate for more Serb participation in the national bureaucracy.** The Serb minority must have some power and stake in the national government in order for it to feel like it

is part of the Kosovo state. From the Serb perspective, they are forced to deal with the Kosovo government rather than willing. By giving Serbs a way to discuss how they can participate in the future of Kosovo, the government will slowly building trust with the Serb community. Presently, the Democratic Party of Kosovo (PDK) party has the majority in parliament and is affiliated with past KLA leaders, including the current prime minister. Therefore, **the government should take extra steps to reassure the Serb minority about its intention to include them in the government.**

Long-Term

The government should build its capacity to allow equitable access to political and economic power for all individuals. In the short-term, decentralization gives each ethnic group local power; nevertheless, in the long run it will only promote ethnic-based politics. This article asserts that the combination of ethnic-based politics and poor economic and political environments are major factors contributing to the expressed violence between Kosovo Albanians and Kosovo Serbs. The only way the government can get rid of ethnic-based politics is if it provides **equal access to economic and political power.** In addition, **all Kosovo citizens need to have equal access to health, education, and employment.** Quality of these services is also important. Decentralization may provide access but does not ensure equal quality. **Kosovo Albanians, Serbs, and other minorities must see evidence that the government is promoting an equitable society based on merit rather than based on ethnicity, social status or past political affiliation.** If the Kosovo government were free to deviate from the Ahtisaari Plan, then it could create a strong central government in order to promote a united state. Due to the overwhelming Albanian population in Kosovo and given the tension between Albanians and Serbs, however, a majority-rule system is also not a viable solution. Moreover, a majority-rule system does not necessarily guarantee equitable access. **The most viable solution is a consociational form of government, which favors a strong central government and gives proportional political power, access to state resources, reassurance of a coalition government, and veto power.** Consociationalism has been used in other European countries such as Belgium and Northern Ireland. This system of government would ensure that that Albanians, Serbs,

and other ethnic groups would be proportionally represented in the government and would also be forced to work together within the political system. While consociationalism does not remove ethnic cleavages it does force ethnic groups to work together as oppose to decentralization, which further segregates them from each other and does not promote cooperation. Therefore, **consociationalism can lead to a more cooperative process and equitable access to political power and thereby equalizing economic opportunity.**

Comparison of Perspectives on Kosovo Inter-Ethnic Integration

Mari Tanaka

In 1999, nearly 90 percent of Kosovo Albanians had strong feelings of hatred towards the Serbs (Summerfield 2002). Now in 2010, two years after Kosovo declared independence, while inter-ethnic relations between Kosovo Albanians and Serbs have improved, the integration of its Serb minority remains a key challenge (ICG 2009, 1). Based on interviews during the SAIS Conflict Management Kosovo Field Trip, I will examine why integration is important for Kosovo and how each stakeholder views the issue. After comparing the actors' perceptions of inter-ethnic integration, I will make some policy recommendations.

Defining Inter-Ethnic Integration in Kosovo and Understanding its Importance

In the Kosovo setting, "inter-ethnic integration" refers to the integration between Kosovo Albanians and Kosovo Serbs. Particularly, Kosovo Serbs in the north are considered radicals who refuse to cooperate with government institutions in Kosovo. Inter-ethnic tensions and issues do not tend to apply to other ethnic communities. For instance, a Turk leader in Gjilan clearly stated that everyone should accept the independence of Kosovo regardless of their ethnicity.³ A Roma leader also said that the Roma do not involve themselves in inter-ethnic issues. In addition, depending on who is interviewed, where they live in Kosovo, and their goals, the meaning of "inter-ethnic integration" varies from "co-existence" (no-tension, business cooperation) to "reconciliation" (emotional level).

Why is inter-ethnic integration important? On a practical level, it is extremely inconvenient for Kosovars if the country is not integrated. In Mitrovica, where the Albanian community in the south and the Serb community in the north are divided by the Ibar River, the mayor explained how difficult it is to live in a non-integrated society. In the city, there is a Serb cemetery in the south and an Albanian cemetery in the north.

³ He also mentioned that the Turk community celebrated the independence together with Albanians.

Since the Kosovo water supply goes only to the southern part of the city, the north is forced to get water from Serbia. Heating systems are only available in the north. Albanians avoid going to the nearest hospital in North Mitrovica because people from the south who have gone to the hospital have been harassed.⁴ Instead, they go to Prishtina, an hour drive from Mitrovica. Therefore, inter-ethnic integration in Mitrovica is not only an official political goal, but is also in the common interest of local residents, at a practical every day level.

Stakeholders' Perspectives on Inter-Ethnic Integration

Conditionally Optimistic

More people held more optimistic views about future inter-ethnic integration. Because integration is a national goal for Kosovo and encouraged internationally, the government and international organizations need to be optimistic about the objective regardless of its feasibility. Therefore, politicians and international leaders are considered conditionally optimistic about integration.

International organizations strongly promote the stance that inter-ethnic integration must be achieved by the Kosovo government. Roy Reeve, Acting Head Mission of EULEX, said that they want to reintegrate the area north of the Ibar River to the “main body.” No EU institution respects the northern strategy of dividing the region by partition. The European Union Special Representative and head of the International Civilian Office (ICO), Pieter Feith also said that the idea of partition is unnecessary, since Serbia is becoming closer to EU membership. The ICO’s strategies for integration are improving the services, including governance capacity, election process, and other social benefits to citizens in the north; encouraging Kosovo Serbs to vote so that the north can be emancipated from the pressure of Belgrade; and building up new multi-ethnic municipalities in the country. Since they see that hostility among people has decreased as the new generation comes of age, they strongly believe that integration is feasible.

Khaldoun Sinno, the Head of the Political, Economic and European Integration Section of the European Commission Liaison Office to Kosovo mentioned reconciliation

⁴ The hospital director is a radical and his policy is not accepting people from the south.

as a tool for inter-ethnic integration. His hope came from the fact that the Kosovo Serbs' voting rate in last year's municipal election was higher (25 percent) than was expected in the light of the total abstention in the previous election. The Organization for Security and Co-operation in Europe (OSCE) also considers reconciliation a necessary condition for integration. The Head of Mission, Ambassador Almhofer, mentioned that the OSCE's goal is mutual understanding and reconciliation. Although there is no organizational definition, the OSCE has the desire and will to attain reconciliation. Currently, it is supporting small scale projects that create the conditions for reconciliation. For example, it is giving financial support to a Serb monastery to employ Albanian language teachers and financing an inter-ethnic football game to bring both ethnic communities together.

The President, Fatmir Sejdiu, insisted that the Kosovo government works hard to provide and protect the rights of Kosovo Serbs. In his phrase, "regardless of genocide," the government forgave Serbs, and thus, Kosovo Serbs should be equal under the constitution. Unlike the president's strong tone, the Prime Minister, Hashim Thaçi, rather insisted that integration through reconciliation is possible because, "people do not want revenge anymore." Even though there is some "hesitation" about integration in the north, he said that people's mentality has changed from being focused on the past to looking toward the future. The Kosovo government works to convince people who still harbor animosity not to hate people from other ethnicities.

For integration, politicians think that implementing economic development projects is a key factor. Edita Tahiri, a Member of Parliament, said that it is more important to integrate the region by economic cooperation⁵ because political integration is much harder.⁶ Looking at the situation on the ground, citizens do not oppose integration. The Chairman of New Kosovo Alliance (AKR), Behxhet Pacolli, also took account of integration through economic projects, though he is skeptical about the full political integration of the north. He referred to re-activating industries north of the Ibar River.

As Kosovo politicians insisted, economic development is one piece in the process of integration. Local residents are concerned more about their economic situation than

⁵ Bringing both ethnic community back and make them work together.

⁶ The Serbs opposing integration are either politicians or radical activists.

high-level politics. Once the Kosovo government succeeds in its economic development plans and in satisfying the people, especially Kosovo Serbs, there is no reason for them to remain in opposition to its institutions. People's concern about the economy might provide a chance to build trust and overcome politicized inter-ethnic tension. The main concerns of Kosovars, regardless of their ethnicity, are unemployment (46 percent), followed by poverty (18 percent) and lack of electricity supply (9 percent) (UNDP 2009, 4). In addition, because of the economic crisis, Belgrade is not considered to be in a position to provide enough incentives to Kosovo Serbs. Since Serbia supports Kosovo Serbs financially, decreasing this benefit would encourage Kosovo Serbs in the north to participate in and cooperate with Kosovo institutions.

Optimistic Views

NGOs are even more optimistic about inter-ethnic integration. Valdete Idrizi, Director of Community Building Mitrovica (CBM), is very optimistic and strives for community integration in Mitrovica. Her organization is enhancing "co-existence" and trying to make Mitrovica a role model for reconciliation. CBM focuses on restoring one identity, "MITROVICA," formerly known as a city of culture (a former center for rock music) and searches for common interests to help overcome the language barrier by creating common feelings. Based on her field experience, she said that integration is possible. She admitted that it is much more difficult to convince the older generations in the north than the younger generation. However, there are linkages to the older generations, since permission from parents and teachers is sometimes needed for youth to participate in the integration project.

The Kosovo branch Director of the Project on Ethnic Relations (PER), Leon Malazogu, pointed out that Kosovo Serbs have come to grips with reality and Kosovo Albanians understand that without making Serbs feel at home, they cannot begin the process of state-building. He said that problems were caused by politicians; not by citizens. Both Serbs and Albanians have become more moderate. This can be seen in the results of the municipal election in November 2009. Increasing the Kosovo Serbs' participation in the municipal election shows that "Belgrade's policy of opposing all

engagement has proved unrealistic for Serbs in the south, who, living among Albanians, have found there is no choice but to deal with the society around them” (ICG 2009,1).

Igballe Rogova, the Director of Kosova Women’s Network (KWN), is very optimistic about integration. She identified herself as a Kosovar because if she said “I’m an Albanian,” it would immediately create conflict among ethnic communities. Rogova further argued that “working together,” which is her term for reconciliation, is essential for integration. She said that Albanians forgave faster because they are seeking a better future. For her, the healing process started in September 2006. As a part of KWN projects, 40 Serbians, including men, apologized to Albanians for their behavior during the war, and they asked forgiveness one by one. It was her first time to hear a Serbian say, “I’m sorry.” She also said that justice, including forgiveness, is important for reconciliation (KWN 2008, 17), which can be defined as the last stage of the Kosovo integration process.

In addition to the voices from NGOs, there are optimistic public views about inter-ethnic integration. UNDP Early Warning Report (EWR) provides the results of face-to-face interviews from 1,291 randomly selected local residents⁷ in Kosovo. According to the report, the percentage of Kosovo Serbs who are willing to work with Kosovo Albanians has increased from 24 percent (May 2008) to 48 percent (April 2009) (UNDP 2009,7; 2008, 7). When they were asked about factors influencing tensions in inter-ethnic relationships, the percentage of Kosovo Serbs who answered “the attitude of Albanian leaders” has decreased from 58.7 percent to 42.9 percent (UNDP 2009, 7; 2008, 7). Kosovo Albanians’ responses assigning blame to Belgrade have decreased from 53.8 percent to 44.4 percent. The report also said that “public opinion on Kosovo is realistic and as a result political elite is starting to relax attitudes” (UNIFEM 2008, 9). Kosovo Serbs have moderated their political stance. This can be a “signal for cooperation and inclusion within the institutional framework of Kosovo” (KIPRED 2009, 11).

⁷ 841 Kosovo Albanians, 226 Kosovo Serbs, and 224 from other communities.

Relatively Optimistic Views

The Albanian Mayor of Gjilan and the Serb Deputy Mayors of Gracanica and Gjilan are relatively optimistic about integration. Although all of them admitted the difficulty of inter-ethnic integration, they said that in contrast to the situation in Mitrovica, there are more Serbs who are cooperative with the Kosovo institutions in their municipalities. Their municipalities have already succeeded in reaching the “co-existence” level of integration. They are now working for full integration including a reconciliation process.

The Deputy Mayor of Gracanica personally identified himself as a Kosovo Serb, not just Kosovar nor Serb. He said he has no official contact with Belgrade nor threats from them. Of course, Kosovo Serbs in the region will always have an emotional attachment to Serbia. However, Serbs in Gracanica are different from those who are in northern Mitrovica. By his analysis, people in Mitrovica are radical and they do not communicate with Albanians, which is not the case in Gracanica. For example, in the Gracanica municipality, language is no longer a problem once they get started with municipal projects. He often sees people using three languages: Albanian, Serbian, and English.

The Mayor of Gjilan, a city that was known as the city of good inter-ethnic relationship, first acknowledged that he has seen large positive improvements in ethnic relations since 1999. Whereas the municipality was totally divided into Serbs and Albanians in 1999, the situation has improved. There are no public signs of hatred, freedom of movement is permitted everywhere, business cooperation takes place, and there is peace among ethnic communities. The only inter-ethnic problem now, however, is that they have not yet achieved the full integration of the Serb community. Here, what he means by “integration” is paying taxes and participating in the electricity and telecommunication systems. The mayor explained the current situation in Gracanica, where doctors and teachers do not want to become Kosovo citizens because they do not want to lose their salary from Belgrade. He thinks that some Kosovo Serbs in Gracanica receive benefits from Kosovo, but they do not fulfill their responsibilities.

The Deputy Mayor for communities of Gjilan, Srdjan Jovanović, a Serb, also agreed that people in the region have no problem with communication, but integration is

a significant remaining task. Because of his cooperation with Kosovo institutions, he was criticized by Belgrade. However, he thinks he is doing the right thing for the community. In addition, he had just heard criticisms from a few local Serbs', meaning that other Kosovo Serbs in the region appreciate his hard work for the municipality.

Relatively Pessimistic Views

Since Mitrovica faces inter-ethnic tension, the mayor in the southern part is relatively pessimistic about future integration. He said that the main problem of the municipality is that the Serb minority would not participate in the political process. Serbs have rights, but they do not exercise them because, "they are manipulated by Belgrade." He continued his explanation by saying that large numbers of Serb citizens in the north came from different parts of Kosovo and took over houses in the north without any permission. If they accept integration, they might have to give up those properties. According to him, that is why local residents in northern Mitrovica are against integration.

However, the mayor expressed his high expectations for the coming municipal election in North Mitrovica in May 2010. This is because currently there is an "illegal mayor" in the north, who is not recognized by the Kosovo authority and who has refused south-north cooperation. Thus, if the "legal election" is successful, there would be a possibility of future cooperation and integration between them.

In addition, the UNDP Early Warning Report also mentions relatively pessimistic public opinion data regarding integration. In April 2009, 26.5 percent of Kosovo Serb respondents selected further aggravation of inter-ethnic relations as the main threat to Kosovo's stability (UNDP 2009, 5). There is still a perception gap between Kosovo Albanians and Kosovo Serbs about the causes of inter-ethnic tensions. For Kosovo Albanians, the two major factors seen as impacting inter-ethnic relations are the "influence from Belgrade (44 percent)" and "the lack of readiness of Kosovo Serbs to be integrated in the Kosovo society (27 percent)" (UNDP 2009; 7). Kosovo Serbs answered that the "attitude of Albanian leaders (43 percent)" and "insufficient efforts of Kosovo Albanians in view of integration of Kosovo Serbs (31 percent)" were the two main factors that affect the relationship (UNDP 2009, 7).

Pessimistic Views

Shpend Ahmeti, Director of the Kosovo think tank, the GAP Institute for Advanced Studies, has the most pessimistic view of inter-ethnic integration. He was the only one who firmly used the word “partition” when speaking of the situation north of the Ibar River. He thinks that although it is a taboo topic, the only solution for the northern Kosovo issue is a formal partition. He even said that borders should be redrawn along ethnic lines. This is because the political situation in this area is volatile. He raised the example of a total boycott of the municipal elections by Kosovo Serbs in northern Mitrovica. The results of the election are derived from three factors: threats by Serbian security forces; the mobilization against the election by a radical political group from Serbia; and the low participation of legitimate Serb political bodies in the election. In the region where Belgrade threatens local Kosovo Serbs continuously, the participation of Kosovo Serbs in the Kosovo elections was very low. “At best, only 5 percent of the Serbs in northern Mitrovica would currently participate in Kosovo organized municipal election” (KIPRED 2009, 13).

A Serb resident in northern Mitrovica who identified herself as a Serbian living in Kosovo explained how she feels about the independence as follows: “one day when you get up in the morning, your country became another country. The government pressures you to find this new country wonderful, but you are confused because your identity is connected to the previous country.” Although she said that Albanians are neighbors and not enemies, for her, the *Republika Srpska* in Kosovo would be ideal, as it is in Bosnia.

Like the Serb resident, for locals, self-identification is important to decide whether they should cooperate with Kosovo institutions. The segregated education system between Kosovo Albanians and Kosovo Serbs, which discourages communication among communities and mutual understanding between them, could be a potential cause of future tension. Although “multi-ethnic schools” exist in Kosovo, the schools become a mere façade. Without having a common language or understanding of each other’s language, it is difficult for the government to encourage communication between the two communities.

In addition, the different interpretations of their history written in their textbooks could cause future tensions between the two groups. History is a significant part of

personal identity. If history were taught differently to two groups, students could consider only their own historical representation to be correct and could misunderstand or discriminate against the other side forever. In fact, Kosovo Albanian history text books indicate that Serbs have come to “Albanian lands” where “they fought, pillaged, destroyed and assimilated proto-Albanian tribes” (OSCE 2009, 18). On the other hand, Serb history books explain Kosovo as the “Cradle of the Serbian Nation” and underline that “Kosovo Albanians came from Albania” (OSCE 2009, 18).

Recommendations

Based on the comparison of actors’ perspectives on inter-ethnic integration, there are four main driving forces to achieve that goal:

It is important to include cooperative Serbs in southern Mitrovica and other enclaves in Kosovo institutions and social life in order to avoid partition. To achieve this strategy, the Kosovo government needs to continuously insist on “the unity of all the people and communities of Kosovo” (KIPRED 2008, 11).

For future Kosovo generations, **it is important to establish a system of inter-ethnic education**, “where the identity of each group is preserved, the identity of other groups is learned and acknowledged, and mutual understanding, acceptance and tolerance are promoted” (OSCE 2009, 18). The OSCE made policy recommendations for the Kosovo educational system to promote inter-cultural education, encourage interaction among communities, and prevent acts of discrimination, hostility or violence based on their ethnicity, language, religions, and culture at the school level (OSCE 2009, 24-25). In addition to the OSCE recommendations, **Kosovo should learn the case of successful language education such as practiced in Singapore** which succeeded in language integration though English while maintaining the language identity of the communities.

Although Belgrade is able to provide financial benefits to Kosovo Serbs, they cannot implement development projects in Serb enclaves in Kosovo (KIPRED 2009, 3). Thus, **Kosovo institutions should offer a better living environment in terms of infrastructure and social services** in order to gain the trust of Kosovo Serbs and greater cooperation from them. **Kosovo institutions should pursue gradual northern integration through the strengthening of economic ties.**

Although there are people, such as Valdete Idrizi from CBM and Leon Malazogu from PER, who think that gestures will not change the past, **“reconciliation” or an “apology” is definitely necessary for the future.** Without these, the political relationship between Serbs and Albanians might remain mired in historical issues, like the relationship between China and Japan. In order to prevent the politicizing of integration, **the Kosovo government should make efforts toward an inter-ethnic dialogue, truth seeking, and reconciling views of their recent past.**

The Reintegration of Prishtina: Obstacles to Creating a Multi-Ethnic Capital

Katherine Carson

Reintegration is the largest challenge that post-conflict societies face and is the most essential aspect of rebuilding a coherent, tolerant and multi-ethnic society. As Kosovo embarks upon its third year of independence, it is a good moment to examine its reintegration efforts and discover how much progress it has made in returning to a multi-ethnic society. If Kosovo wants to become a multi-ethnic society, this transformation must start with its capital city. Prishtina can and should serve as an example for the entire country and the world. This paper will examine the status and question of reintegration in Prishtina through the lens of minority returns to the city. This lens is important because returns are one of the first and most complex steps in the reintegration process and can provide key lessons for future reintegration efforts. It is important as Kosovo looks towards the future, that Prishtina become the symbol of the multi-ethnic and modern society that the country hopes to become.

Four Main Challenges

While the exact ethnic breakdown in Prishtina since 1999 is unknown, the city has doubled in size due to an inflow of Kosovo Albanians from throughout the country. As their numbers have grown, the presence of the minority communities has steadily decreased. According to a long-time Serbian resident of Prishtina there are only 14 Serbs that still live in the city. However other estimates claim that the number is closer to 200. Equally small numbers of the Turkish, Bosnian, and Roma, Ashkali and Egyptian (RAE) communities currently live in the city. These small numbers are not unsurprising since many of the Kosovar Serbs and RAE fled the area during and after the 1999 bombing campaign. However in the intervening years very few of these former residents have returned. Today there are approximately 19,700 internally displaced Kosovars (over half are Serbs) and approximately 230,000 former Kosovar residents who are currently living

in Serbia. Many of these internally displaced persons (IDPs) are former Prishtina residents, but they have been reluctant to return to Prishtina and to Kosovo. A reluctance that is evident in the declining rates of return to Kosovo in the past few years. In the past this reluctance has stemmed mostly from security concerns, but today the challenges for returnees also include access to housing, education and jobs.

Housing / Property Rights

Perhaps the biggest challenge facing people who wish to return to Prishtina is the question of housing. For many people this is not simply a question of having a place to live when they return, but their ability to reclaim the houses, apartments or property that they left behind. Over the years, practitioners and scholars have recognized the importance of property rights as an essential aspect of peace-building. This was reflected in the decision by the United Nations Interim Administration Mission (UNMIK) to establish early on the Housing and Property Directorate (HPA). This agency was in charge of overseeing property claims stemming from the unfair treatment of Kosovars during the 1990s, the bombings in 1999 and the fighting during that same period. Over time this agency has been phased out and the Kosovo Property Agency (KPA) has taken over its roles and responsibilities.

Despite the immediate attention the international community gave to property rights, the situation is still quite horrible. The KPA currently has over 40,000 outstanding claims and there are between 40,000 and 50,000 property claims awaiting adjudication at the civil court level. But an even bigger tragedy is that in many instances neither the HPA nor the KPA have carried out their duties in a fair and equitable manner. This failure is particularly apparent in Prishtina where Kosovar Serbs and other minorities have encountered systematic problems in reclaiming their property.

One of the largest problems is that there has been widespread illegal occupation and expropriation of abandoned houses and property. Illegal occupation is a large problem in Prishtina as a result of the movement of rural Kosovo Albanians into the city and also because many former Kosovo Liberation Army (KLA) members took over empty properties. So many of the flats in Prishtina that belong to IDPs are currently

occupied by ethnic Albanian citizens, some of whom are either current or former government officials or who are well-connected. These individuals often have significant power and leverage and are able to use that power to hold onto the apartments even if the HPA or KPA have found that the Serb IDPs actually have legal title to the property. For example, Radmilla Vulicevic, a Serb IDP, who has a flat in a lucrative part of Prishtina that was appropriated by a former minister of transport and telecommunications, has been waiting for years to get her property back. Unfortunately her story is not uncommon.

Many IDPs face seemingly endless legal battles to retrieve their property. These battles are made more difficult by the fact that IDPs are usually unable to track the progress of their claims because they are not in Kosovo. In addition, the KPA has been reluctant to provide status reports to IDPs or to provide them with any information about the counter-claims to their properties so that they can present additional information to support their cases. Even when they win their cases, IDPs often struggle to evict the illegal occupants. Reoccupation of apartments is extremely common after eviction notices have been served, forcing owners once again to embark upon time-consuming litigation.

The Kosovo Police Services (KPS) are often unwilling to become involved in property cases, especially when they are forced to evict Kosovar Albanians from IDP's apartments. As a result numerous IDPs have reported that the police have not fully evicted the illegal tenant or have been unresponsive when IDPs report the reoccupation of their apartments or damage to their property by the illegal occupant. All of these difficulties are perhaps why, when asked about return programs to Prishtina, the Minister of Communities and Returns noted that there were no programs and that really there were no returns (of IDPs) to Prishtina. The situation is simply too complicated and too politically precarious to broach.

However this should not be the case, and indeed it seems special efforts should be in place to bring minority communities back to Prishtina. The Kosovo government should be making extra efforts to ensure that property restitution is equitable since it is a very visible indication of government transparency. In addition, the treatment of minorities continues to be an area of concern for the international community. For a country that is

still struggling to achieve recognition, it should be vital to ensure that minorities are being treated equitably in all matters.

Access to Jobs

Another key consideration for returnees is their ability to find employment. In Kosovo where unemployment is over 40 percent, the question of employment is critical for returnees from minority communities who often encounter more difficulties in finding employment. This is due to ethnic and linguistic discrimination and the lack of opportunities in both the public and private sector. Within Prishtina the government and the international community are major employers. While the international community hires people regardless of their backgrounds, these positions are limited. With the government the situation is more complex. For many Serbs working for the government is still unacceptable because they have yet to reconcile themselves with Kosovo's independence. It is hopeful that this attitude will soon change and that Serbs will take a more active role in government following the lead of Serbian politicians like Slobodan Petrovic. However the government should also be actively trying to recruit the minority community to work for the government. Currently the government has only reached 10 percent of the 16 percent target they have for hiring minority employees.

It is also difficult for Serbs and other minorities to work in the private sector in Prishtina because of the language barrier that exists. While older Albanians frequently speak both Serbian and Albanian, this is not always the case with the Serb minority, and so they are often incapable of effectively working in the private sphere. While there is a trend among the younger generations to communicate in English, this is not yet a viable option for the private sector. So in a country that is officially bilingual, it is clear that there is actually an invisible language barrier that prevents many minorities, like the Serbs or Roma (who often learn Serbian in school) from accessing the private job market.

The lack of employment opportunities and the 'invisible' language barrier explains why most Serbs are more interested in remaining in their 'new homes' or retaining their positions within the parallel institutions which are funded by the Serb government. In addition, many Serb IDPs and returnees are supported by Serbian and

Kosovar social institutions. However these are not sustainable solutions. Unemployment is a serious challenge not only for returnees, but for the young and growing population of Prishtina as a whole.

Access to Education

The question of education is a key variable not only in getting people to return, but will in the future also affect the interest and ability of minority communities to live in Prishtina. Recognizing the importance of education Kosovo's legislation provides for comprehensive educational rights for the non-majority communities. This includes the right to receive public education in one of the country's official languages (Albanian and Serbian) and, in areas where other minority communities reside, the option to receive primary and secondary education in their mother tongue. However despite the existence of such broad, inclusive, almost 'perfect' legislation, the reality is quite different.

Today in Kosovo there are essentially two educational systems. One is run by the Kosovo government and is primarily for Kosovo Albanian students, but does provide for some primary and secondary mother-tongue education for the Turkish, Bosnian and RAE minorities. The other is the parallel education system which is run and funded by the Serbian government. Although the Kosovo government is obligated to provide a Serbian curriculum, it has not yet developed one. As a result, Serb students who wish to continue learning in Serbian and other minority communities (like the RAE) who wish to pursue an education in Serbian are forced to turn to the parallel system which is accessible only in the Serbian enclaves.

This means that Kosovo Serbs who wish to return to Prishtina are often unable to because there is nowhere for them to send their children to school. During a conversation with a representative of a U.S.-based NGO, he mentioned that he had tried to persuade the Mayor of Prishtina and the Ministry of Education to provide at least one Serbian teacher at the primary school level. The request was denied. This one event highlights a worrying lack of will on the part of the government to make any attempt to ensure that Serb children can learn in Serbian in Prishtina. It is a very clear indication that the Serb community is not truly welcome to return and live in the city. Other minority

communities, like the Turkish, are not faced with quite the same challenges because they are usually able to continue their education in Albanian or at private institutions.

This difficulty in accessing education for Kosovar Serbs and some of the other minority communities also extends to the university level. If a student is able to study in Albanian then he/she can access all of the University of Prishtina's programs, but if he/she wants to study in another language then the options are either quite limited or non-existent. The University has some programs in Bosnian and Turkish, but there are few places available and in many cases the quality of the teaching is second-rate. In addition, these programs are often based outside of Prishtina, creating a perception that the programs and the students are less important to the university. This often leads students to seek opportunities for higher education abroad.

Currently the only option available for Serbian students who want to continue their higher education in Serbian is to go to Mitrovica. After Kosovo's independence, the Serbian part of the University of Prishtina essentially separated itself and relocated to North Mitrovica. This separation means that there are no real opportunities or paths for Serbian students to study at the University of Prishtina in Prishtina. While there are hopes that in the future the two parts of the university will rejoin, at the moment there is a need to establish some options for Kosovar Serb students at the University in Prishtina.

The lack of a Serbian educational system provided by the Kosovo government is a huge obstacle to both returnees and to the country's overall reintegration efforts. Without a cohesive educational system students from the different communities are not interacting in an educational setting and are often still learning conflicting stories about Kosovo's recent history. In addition, the lack of coordination means that the two communities are also not learning one another's languages. So an entire generation that is being raised in the same country will be unable to communicate with one another. It is clear that the government must pay some attention to improving the educational structure in Prishtina and throughout Kosovo if it wants to overcome the obstacles to further integration.

Personal Safety

For many returnees the question of safety is often of paramount importance. This is not surprising given that many people are returning to places which they originally fled due to concerns about their personal safety. The concept of safety extends beyond the question of whether or not there have been any ethnically motivated crimes in recent years, but also addresses people's perceptions of their own safety. Both of these issues continue to be problems in Prishtina for the minority communities.

While representatives from the Kosovo government and the international community are often quick to point out that there have not been any real incidents of ethnic violence in the past few years (since the March 2004 riots) as proof that ethnic relations are improving, this is not the entire story. Despite the lack of reports or news stories, minority communities continue to face harassment, threats and violence throughout the country. Even in Prishtina, minority communities are not safe from open harassment. Only two years ago, a young Albanian-Serb girl walking on the city streets was hassled and yelled at by a group of Albanians after they somehow discovered that she was half Serb. She left the country two days later because she and her family felt that it was no longer safe for her to stay in the city.

Many of the minority communities, especially the Serbs and Roma, remain distrustful of the police and the judiciary. This is partly due to the lack of representation of minorities in either institution; indeed a significant majority of the Kosovo Police Service is former KLA members. This makes it difficult for many of the minority communities to trust them. The minority communities are also concerned about apparent ethnic biases in the judiciary and the evidence of a culture of impunity when it comes to prosecuting ethnically motivated crimes committed by Kosovar Albanians. This distrust has increased since the March 2004 riots and the feeling that not much has been done to prosecute the Albanian citizens who committed crimes against Serbians during the riots. These concerns mean that it is unlikely that the minority communities from the Serbs to the Roma will actually report any cases of mistreatment or harassment because they feel that nothing will be done.

The distrust of the police and judiciary that exists is connected to people's perceptions of their own safety. For years, Serbs have been afraid of venturing into

Prishtina, but this fear is slowly dissipating. A young Kosovar Albanian who works for the International Civilian Office noted that his Serbian friends no longer feel uncomfortable meeting him in the center of the city for drinks and openly speaking Serbian. This is something that they would not have done three to four years ago. For him this is a sign of the slow, but remarkable progress that has occurred in recent years. However, it is unclear how far this perception of safety extends. For many Serbs, Prishtina is still not a safe or comfortable place to go. So while people are willing to work there and travel through the city during the day, many Serbs are still unwilling to spend any significant time in the city. The lingering perception that Prishtina is unsafe for minorities is a real obstacle not only to getting former minority residents to return to Prishtina, but will also be an obstacle in the future to attracting any significant minority communities to live and work in the city.

Recommendations

It is clear from the discussion of the current situation for returnees to Prishtina (and to Kosovo more generally) that there is still a lot of work to be done. The Kosovo government cannot continue to assert that Kosovo is moving towards being an integrated multi-ethnic society, when it is clear that even the capital city itself cannot claim that distinction. However, as noted there are some small improvements occurring and these should be built upon. Some concrete steps need to be taken to build a real approach to reintegration, so that Prishtina can actually become a place where former residents want to return and so that in the future it will truly deserve to be called a multi-ethnic city.

The policy recommendations that follow are broken up into four components—housing, jobs, education and safety—and are suggestions for the short-, medium- and long-term. They are goals that should help guide the development of a new approach to returns and reintegration efforts in Prishtina, which at the moment are sorely lacking.

Housing/Property Rights

- **Strengthen and develop the capacity of the Kosovo Property Agency.** This process will require a strong commitment on the part of the international community

and the Kosovo government to improve the organization's capacity to carry out its duties. One possible solution is to put the agency under the supervisory authority of European Union Rule of Law Mission (EULEX). This would improve the restitution and claims process by allowing the KPA to open up, under the EULEX umbrella, offices in Serbia so that they could deal directly with the IDPs based there. In addition, it would give the KPA access to EULEX's resources to investigate and determine the legitimacy of people's claims. Finally it could help ensure that there is no ethnic bias or corruption in the decisions made by the KPA. This is especially important in Prishtina where often the IDPs are struggling to regain their apartments from former or current members of the government or other well-connected individuals.

- **Improve the responsiveness of the Kosovo Police Services to property cases.** The KPS have not always been helpful or responsive to property crimes, including illegal reoccupations or assisting with court ordered evictions. The international community, especially EULEX, should work with the Ministry of Internal Affairs to apply some pressure and incentive to ensure that the police are more responsive in dealing with property crime.
- **Improve legal services for IDPs.** Most IDPs are submitting their claims from outside of the country, and especially for Kosovar Serbs it is difficult to travel back and forth to monitor the progress of their claims. The Danish Refugee Council has established a program to provide legal aid to IDPs and other vulnerable groups from Kosovo to protect their property rights. **The rest of the international community should support these efforts.** In addition, the Kosovo Ministry for Communities and Returns should work with the Danish Council and local NGOs to improve the legal process for IDPs so that they can monitor their claims more easily.

Jobs / Employment

- **The government should work to meet its goal of 16 percent minority employment.** The government should actively try to recruit qualified members of the minority community to work in the government. This process should be aimed not

only at potential returnees, but also at the younger Serbian, Turkish and Bosniak populations that might be interested in working for the government and are the real future of an integrated civil service.

- **Returnee programs should focus on job provision in Prishtina.** Currently the majority of internationally sponsored returnee programs have focused on rural areas throughout Kosovo. It is clear that the international community in conjunction with the Ministry of Communities and Returns should start a program to foster returns to Prishtina. The program should, in particular, assist with job creation in the city. These efforts could include **language training, technical courses or grants** to help returnees start individual businesses.

Education

- **The Kosovo government should create and establish a curriculum in Serbian.** In accordance with its own laws, the Kosovo government should create a curriculum for primary and secondary education in Serbian. While the Ahtisaari Plan allows the Serb minority to continue using the Serbian curriculum, it is essential for Kosovo's future to create a single, unified curriculum that could be taught in both Albanian and Serbian. In addition, this curriculum should require students to learn both of Kosovo's official languages.
- **The Mayor of Prishtina in concert with the Ministry of Education should establish a Serbian-language primary and secondary school in Prishtina.** The lack of any educational programming in Serbian is a huge deterrent for potential returnees or to any other Serbs who might contemplate moving to Prishtina. Offering a primary and secondary school education in Serbian, which could initially be based upon the Serbian curriculum utilized by the parallel system, would be an essential and very visible first step that indicates that the Serb community is truly welcome in the city.
- **The opportunities for minority students to study in their mother-tongue should be expanded at the University of Prishtina.** Currently the available seats for minority students who wish to continue their studies in their mother-tongue are quite

limited. The University, with support from the international community, should work to expand the opportunities for students to continue their studies within Kosovo. It is also important that the university work to house all of these various programs in Prishtina and not segregate them by language or ethnicity.

Safety

- **Develop public awareness campaigns to improve the reputation of the KPA and judiciary within minority communities.** One way to combat the minority community's fear and distrust is to create public awareness campaigns that would introduce the KPA and its responsibilities to the minority communities. These campaigns could include visits between the KPA and the various communities' leaders to expose both sides to one another. A similar effort could occur with the judiciary, perhaps in conjunction with some of the work that EULEX is doing in Kosovo.
- **Recruit more minorities into the KPA.** The KPA should place an emphasis on recruiting more members of the minority communities. In a post-conflict setting, it is not surprising that members of different ethnic groups are wary of being supervised by members of another ethnic group. It is important to ensure that representatives from these various ethnic groups are included in the patrols that are assigned to cover the neighborhoods where minority communities live. These integrated patrols will help build confidence in the KPA and foster a sense of trust between them and the community.
- **The international community should put pressure on the Kosovo government and judiciary to end the culture of impunity that exists around ethnic crimes.** After the March 2004 riots, the government and the judiciary did not take quick enough or strong enough action against the perpetrators who were responsible for destroying both Serbian and Albanian property. The international community should not allow the government to create a culture of impunity with regards to ethnically motivated crimes. Instead it should pressure the government to take swifter action and make it clear that ethnically motivated crimes are not tolerated in Kosovo.

It is clear that there is a long way to go in creating an integrated and multi-ethnic Prishtina. While some efforts have been made to reintegrate minority communities in Kosovo, until now those efforts have been limited and mainly focused outside the capital. While it is politically sensitive and contentious to broach the topic of returns to Prishtina, it is a necessary step to illustrating that the Kosovo government and society are truly open to being integrated. The issue of returns and reintegration is one of the most challenging for many post-conflict societies and without government commitment and resolve it cannot be accomplished. This commitment appears to be lacking within the Kosovo government. It is important that the government really address the question of reintegration in Prishtina because one has to ask—can you have an integrated country without an integrated capital? An effort must be taken to open the doors to returnees today, so that in the future the city can welcome the younger generations of Kosovars, both Serb and Albanian who are the true future of the country. While no immediate solution presents itself, small but notable changes give a glimmer of hope that if the government truly commits itself to reintegration, the establishment of an integrated Prishtina is not a pipe dream.

Where Are the Women?

Annie Magnus

This report focuses on the involvement of women in political processes after the 1999 war and addresses the increasing marginalization of women during political decision-making, peace negotiations and post conflict reconstruction efforts in the newly independent state of Kosovo. Questions that will be examined are, among others “How gender balanced is the government today, and what importance does balanced gender participation in politics play for the consolidation and further development of the state?”, “What role did women have in the peace negotiations?”, “What has the international community done to improve gender equality?” Finally, a series of policy recommendations will try to answer the question “How can women become more present in political life?”

When looking at gender in the context of post-conflict Kosovo, I started out with a set of preconceived notions. The image that had formed in my head was based on previous discussions with young Kosovo Albanian students who were now studying in the United States, and from readings I had come across on the subject matter—all of which described Kosovo as a traditional society where men were the ones running the country while the women were in charge of running the household, but where things were changing rapidly as the society was becoming more and more modernized. I had chosen the subject matter mainly due to the inherent lack of any gender awareness during talks and seminars on the Kosovo issue prior to the trip. I had also become increasingly interested in the importance of gender-balanced participation during peace-building and post-conflict reconstruction efforts. I hoped my stereotyped patriarchic society would not be as present or self-evident, and that I would see a society where women were emerging from the lower ranks and where gender was no longer a silent issue. However, attending meeting after meeting, I quickly realized that this was not the case.

The majority of the meetings we attended during our week-long stay, whether with a politician or an international organization, were male dominated. And in almost every meeting where we spoke with a male politician, a young, beautiful woman would greet us as his secretary. Now, this could be purely by coincidence, but it could also be a reflection of how the political and professional society is still constructed—men at the top and women at the bottom ranks.

I asked some of these male politicians if they were actively addressing what I perceived as a clear gender unbalance in government in favor of men. They would squirm a bit in their seats, or give a weak laugh, and then say that yes, there were laws in Kosovo that guaranteed women a place in parliament. As long as there was a law, the problem was solved it seemed. Asking the internationals the same question, I was not given any more satisfactory responses. I got the feeling that none of the international organizations were really concerned with the problem of female marginalization per se. Was it perhaps me who was creating more of a problem than what was the case in reality? Was I seeing things just because I wanted to see them?

“No”, Igballe Rogova told me when we talked to her at our final meeting. Rogova is head of the Kosova Women’s Network (KWN), an umbrella organization that works extensively to promote and protect women’s rights and gender equality throughout Kosovo and the broader Balkan region. During the two hours we met with her, I got more information about the status of women and the situation they face today than I had from all the other meetings combined.⁸ As a result, this report is mainly based on this last meeting and the stories Rogova shared with us.

The Presence of International Organizations

During the war with Serbia, there was no room for a traditional, patriarchic society. Everyone was against Milosevic’s army, and women picked up arms and fought alongside men in the quest for independence. Female politicians held important positions in the only political party that existed at the time, the Democratic League of Kosovo (LDK) and the party even had its own women’s forum. Edita Tahiri, for instance, who

⁸ One exception was the meeting we had with a community building center in Mitrovica. I will return to this later in the paper.

headed the forum, was one of the leaders of the party and in charge of foreign affairs from 1991 to 2000.

After the NATO bombings in 1999, international organizations began to appear on the scene and soon took over most of Kosovo's official governance. Lamentably, one area where these organizations fell short was in bringing women into their work.

According to Rogova, UNMIK and the wider international presence have to take a substantial share of the blame for bringing back the patriarchal society that Kosovo once had. With mainly male heads of office, the international organizations failed to include women into higher positions. The men in these positions had little, if any, formal gender awareness training and were as a consequence frequently insensitive to gender specific issues, despite the fact that the UN had at around the same time implemented resolution 1325– the first resolution that directly targeted women and war and sought to ensure their participation in any conflict resolution and decision making process after a war. There was also a general ignorance of the new circumstances and subsequent challenges women faced in post-conflict Kosovo. Many families were now headed by women (because their husbands had died during the war), many were victims of war crimes through rape and sexual harassments (and were still being subject to sexual abuse both at home and by international soldiers), and an increasing sex trafficking of young women was happening across the border. Above all, women had been as committed to the fight for independence as their male counterparts and had as much of a right to take part in the post independence phase as well. Trying to solve the ethnic conflict, there was a lot of concern among the international community of ensuring minority rights and providing a voice for them so that they would not remain marginalized groups. Ironically, this concern overshadowed the fact that women were becoming a marginalized group themselves, yet were never recognized as such.

An example that might shed light on the very male dominated mindset and hierarchy of the international presence in Kosovo is the story of Lesley Abdela, who worked at the OSCE mission in Kosovo. She was able to get three female representatives from the Kosova Women's Network to attend a conference headed by the UN where Kofi Annan would be present. The conference was intended to be a meeting between the UN and civil society, but no representatives of any women's organizations had been invited,

despite the fact that they were the strongest part of civil society. The KWN representatives made good use of their time at the meeting and asked several questions directly to Mr. Annan. Shortly after the conference, Lesley Abdela was fired from her position. She was told that she had “broken the protocol” by writing a fax to Annan asking to invite the women to the conference without consulting any of her male superiors.

Post-Conflict Reconstruction

While Edita Tahiri was the only female participant of the Rambouillet negotiations during the 1990s, where a proposed agreement drafted by NATO called for Serb forces to leave Kosovo, the composition of the negotiation team for the Kosovo status talks led by Ambassador Ahtisaari, was entirely male dominated. From the time the talks started in 2006 and to the final plan was presented in Vienna, not one single woman was invited to be present at any of the official meetings. The negotiations thus completely lacked any female perspective or input. In protest, Kosovo and Serb women started a “Women in Peace” network, composed of women representatives and leaders from civil society. This network met every other week and discussed the same topics that the men were discussing at the official negotiation table, albeit with a woman’s perspective. To give a brief example, when the negotiations centered on the question of cultural heritage, the official negotiators were talking about specifically *Serbian* churches. To the women however, ethnic denominations of such cultural and religious sites should be left out of the discourse. Calling places of worship Serbian or Albanian would only politicize the issue further and harm any effort at reaching an agreement.

What impact did their parallel meetings have on the outcome of the official negotiations? None explicitly, as the group was never invited to attend any of the Ahtisaari-led meetings or go to Vienna to be part of the signing of the peace accord. The women were, in essence, unable to influence the dialogues in any substantive way. Nevertheless, their efforts did prove that women from civil society would not sit back and watch as they were sidelined, but instead would do what they could to become part of the political process.

Civil Society

The KWN has been a driving force in voicing women's rights and pushing the agenda forward for a more equal treatment between women and men. This includes lobbying and monitoring activities to increase women's participation in politics, to ensure that women's health issues are properly handled and not overlooked by the government, to raise awareness about domestic violence and trafficking, and to empower voters and inform citizens about the work they are doing. Furthermore, although the KWN is a woman's organization, it is not only working with women. Two men working in the government are also part of the KWN, and use their positions to lobby for more female representation. One is working on border issues and tries to push for more female representation in the Council of Security, while the other works for the office of legal support of the Prime Minister and makes every effort to ensure that new laws have a gender component to them.

Almost every international organization we met with in Kosovo described civil society as weak. Yet this statement is not capturing the whole picture. The flourishing network of women's NGOs has only increased over the years, starting from only a handful before the war and branching into 88 today, including a few Serb groups. Thanks to the persistent and intense work of these organizations, gender equality has been firmly placed on the political agenda and will not be left alone.

Inter-Ethnicity

The women's networks have developed cross ethnic ties in a move for future collaboration and friendly coexistence. Already during the ethnic fights in the mid 1990s, regular meetings between women's organizations from Kosovo, Serbia and Bosnia Herzegovina were being held, showing how women were willing to let go of ethnic hatreds to work together for peace. In the midst of war, collaboration was taking place across national borders. Women in Black, a Serb organization, quickly became a leading voice of women in the region. Rogova told us several touching stories about the friendships formed between Serb and Kosovo women in these organizations. The one that moved me the most was the story of when women from The Women in Black organization formally and collectively apologized on behalf of Serbia for the atrocious

war crimes committed by Slobodan Milosevic at one of the initial meetings of “Women for Peace”. One by one they came forth and asked forgiveness to the Kosovo women present. It was an act that allowed the healing process to begin right from the start. While Kosovo has been waiting for the Serbian government to come with an official apology about the war crimes, this has so far not been given. But the Women in Black, they gave it without hesitation.

A more recent women’s network that brings women from mixed ethnic backgrounds together to work for gender equality and peace is the Regional Women’s Lobby for Peace, Security and Justice in Eastern Europe (RWLSEE). The RWLSEE was set up in 2006 in a response to what they felt was a growing marginalization of women in political life in the whole Balkan region and a subsequent return to more “traditional” values. Realizing that women were excluded from decision-making bodies and peace negotiations (such as the Ahtisaari talks), female politicians and activists from seven Balkan countries—Albania, Macedonia, Bosnia and Herzegovina, Serbia, Kosovo, Montenegro and Croatia—decided to take matters into their own hands. The RWLSEE works through lobbying and advocacy, participating at meetings with politicians, organizing regional seminars and roundtables, and publishes joint statements on present issues that discriminate against women and their legal rights. Edita Tahiri, one of the co-founders, is currently Chairwoman of the network.

Another avenue for inter-ethnic cooperation can be seen at the community level where grass roots organizations such as the Community Building in Mitrovica (CBM), the northern municipality that is currently split between a Kosovo Albanian and a Serb side. We visited the CBM and heard about their work in setting up an ethnically mixed woman’s center for the municipality, intended for women from both sides of the dividing Ibar River. Not only were they promoting women’s issues, but also using women as a bridge to peace.

The Present Situation

Achieving gender balance in government is a process that takes time and requires minds to be changed. Steps towards a more equitable gender representation have been taken, but the question that now prevails is whether these steps are big enough to really be moving

the agenda forward. The new government that was established after the war set up a national action plan in 2004 calling for a more balanced gender representation within the government. A Law of Gender was formed along with an agency specifically given the task of making sure this law was followed. Sadly, efforts have so far only served as formal mechanisms that have less significance in practice. Although there is positive discrimination that requires a minimum of 30 percent female representation in the government, few women are found at the top level. There are only two female ministers (which is an increase from zero during the last administration), but there are still no women judges or elected mayors. Perhaps most pressing is the nearly complete lack of female party leaders. Without female representation within the parties themselves, it is hard to promote women as government officials. An exception to this rule is Edita Tahiri, who is not only head of her own party, the Democratic Alternative of Kosova (ADK), but also its founder. A former member of the LDK, she broke with the party in 2008 and decided to start her own. She is the first woman in Kosovo to start a political party. Within the Assembly she is furthermore a member of the committee on European Integration. While Ms. Tahiri didn't consider herself a woman's representative at the time she was foreign policy advisor to Ibrahim Rugova, but rather one of the leaders of the peace movement, she has now changed her outlook on her role and actively uses her position to promote women's representation in government.

There are other positive developments as well, and these are important to highlight in order to keep them going in the right direction. A vital sign that women are feeling they can compete at the same level as men was seen during the local elections in November 2009, where for the first time a woman ran as a candidate for mayor. Although she did not win, she got a high percentage of votes, signifying that the population is ready to accept a female mayor. Some parties are showing signs of running a progressive stance on gender issues, such as the ADK and the LDK. The Vice Minister of the LDK is currently a woman, and she is also minister of justice in the Kosovo government. These parties not only differ with the other political parties by having female politicians at the leadership level, but they also visibly place gender as part of their agenda. According to the head of the LDK, women are important to the party because they promote peaceful issues. What exactly peaceful issues constitute, or if such a statement is rather an example

of how women are stereotyped and used, is hard to determine. Nevertheless, it may well be that women are more prone to discuss practical solutions to issues rather than becoming hung up in details and take incompatible positions.

Private and Public Concerns

Taking a look at the private sector, the percentage of women working there is even smaller than what it is in the public sector. According to the director of the Institute for Advanced Studies GAP, one of the leading think tanks in Kosovo, only about 11 percent of the ownership of private firms has female participation. While the public sector has implemented rules that require a minimum threshold for female inclusion, the lack of such a rule in the private sphere demonstrates that there is still a long way to go for balanced opportunities between men and women.

A current concern in Kosovo is the high unemployment rates, which affects especially the younger population. In Mitrovica we would see young men and women in the streets, walking around in the midst of day with no apparent place to be. In Prishtina, we would frequently see young adults sit and drink coffee and smoke cigarettes at coffee shops during the day. According to a 2008 World Bank report, females are worse off than males when it comes to getting employed. Underemployment rates of young females are higher than those of young males, and the employment outcomes are lower for females than for males, indicating that women have a harder time getting employed. Furthermore, the World Bank finds that a male worker will likely get a 10 percent higher wage than a female worker. (World Bank 2008) The report also states that school enrollment decreases substantially between ages 15-19, especially among females. The data thus illustrates a common occurrence in poorer countries when times are hard and money scarce: boys are kept in school while the girls leave and help out at home instead. With lower education, females will inadvertently not be able to compete at the same level as their male counterparts.

Recommendations

What can be done for Kosovo women to fight for better representation at the top political structures?

First of all, those **women who are in government have to make sure the rest of the population hears their voices**. This will attract and inspire the younger generation to follow in their tracks, and help raise awareness among the youth that they have an important role to play in forming the political agenda. Edita Tahiri is an exemplary case of a female politician who is working hard to empower women. Asking her what she saw as a solution to the problem, she answered firmly that strengthening inner party politics and becoming more democratic would be necessary in order to prevent women from being pushed down the ranks. A vital step towards more democratic participation within the parties would be to allow open list systems, she asserted. With closed lists, women are too easily pushed aside and have a difficult time taking up higher positions within the party. When the lists are open and thus more transparent, women have a better chance of moving to the top.

Below are some additional policy recommendations I have gathered as a result of what I learned and heard in Kosovo:

- **Civil society, and especially the strong women's networks, should continue to work actively to support women's rights and participation in democratic governance.** New initiatives, such as a calling center the KWN recently established, where citizens can call in and voice their complaints and recommend solutions, which the KWN will then try to lobby for, should be continued, encouraged and supported.
- **Specific health issues for women need to be tackled more comprehensively,** and with an understanding of the needs of the female population. Initiatives such as the Mitrovica community center's fundraising for a mammography machine at the municipal hospital, and their program to educate young girls on health issues, are good examples that need to be followed up at the governmental level as well. These issues are easily forgotten, or dismissed, when men run the business.
- **The international organizations present in Kosovo should do more to promote gender equality both at the government level, but also within their own ranks.** EULEX should incorporate gender in their monitoring work, and there should be even tighter collaboration between the government and the EU special representative on promoting gender equality.

- **Gender needs to be part of a strategy to combat unemployment.** In a country where there is 40 percent official unemployment, and with huge economic problems, women are hit especially hard. They may be discriminated against in the fight for the few jobs available, or forced to stay home with the children because of a lack of options for childcare or early schooling. Violence against women may also become more prevalent when unemployment is high and depression more common, a serious problem that has to be addressed.
- **Girls' education needs to be promoted.** During hard economic times, girls are not sent to school or university at the same rate as boys, and thus do not get the same opportunities as males in obtaining a higher education, or in finding jobs. This will inhibit any ambitions, or chances, of launching a successful political career.
- **Public institutions are not sufficiently supported by the government,** and this affects health services, which in turn have repercussions for women. When the government says it will not be creating more public sector jobs, but instead cut down on them and focus on expanding the electricity market and coal power plants, this could be a serious threat to female participation in the work force, as well as diminishing the quality of the health and education services.
- A free and independent media that will bring the topic to the public attention is important. **The media should be more vigorous in holding the government accountable for the actions they take** and furthermore **be used more actively as an instrument by the civil society** in voicing their demands.

Part II: Politics

Corruption and Development

Olga Lucía Murcia P.

In talking with international organization representatives, political party members, and NGOs, the issue of corruption is a recurring theme, giving the impression that it is of the utmost priority to all parties. Furthermore, the Kosovar population, through polls, has indicated that corruption and unemployment are the biggest challenges to the country's future. Although the very nature of corruption makes it impossible to assess its precise magnitude and impact, its ubiquity and its impunity are great hindrances to Kosovo's progress and to its prospects towards accession into the EU. Corruption has been detrimental to the functioning of many areas of life in Kosovo. It impinges upon healthcare, land management, property rights, procurement procedures, taxation, and the independence and effectiveness of the legislative, judicial, and executive branches of government, to name but some of the affected institutions. Given the grave concerns over corruption, why has the fight against it shown no progress? Indeed, the European Commission's 2009 Progress Report has revealed deterioration in multiple domains. Local government actors, international organizations, and Kosovar civil society each confront impediments to dealing with corruption. But the problem of corruption must be combated, because, whereas before, the immediate need for stability fostered complacency, the growing dissatisfaction with the current situation portends the unraveling of any advancement on this front.

Land Management and Property Rights

Agriculture suffers because of, among other things, arable land use for construction and nontransparent valuation of land. Since property records are unreliable, the illegal occupation of property is common, and illicit construction continues. The people most affected are internally displaced persons, because of falsification of documents such as authorizations for forced evictions and contract sales. Some unlawful expropriations have been carried out by municipalities themselves. The transition of communal to private lands has in some instances been corrupted. Cadastral office positions are highly

sought because of the lucrative possibility of taking bribes for construction permits. Even municipalities with good inter-ethnic relations could see tensions mount. The perceptions of lack of transparency and of inefficiency with respect to the functioning of property law have both economic and social consequences in terms of reconciliation. Take, for example, the case of Strpce. Serbs say they were expropriated of their lands leading to Strpce's Weekend Zone in the 1970s. Legal proceedings remain unresolved. This is a common situation throughout the country, where property rights cases are clogging the court system, leading to increasing frustration on the part of the inhabitants. In the municipality of Strpce, this frustration is aggravated by the fact that illegal construction in the Weekend Zone continues. The International Crisis Group reports that allegations of corruption allowing this construction appear to be well-founded. Their report cites, for example, instances of municipal officials asking for bribes ranging from € 700,000 to over € 1,000,000 for allowing construction on properties, even where the necessary paperwork was already in good order. The report also mentions the illicit expansion of property owned by cadastral officers in the zone, and even unlawful commercial developments, such as a restaurant—also owned by municipal officials. The beneficiaries of this land management corruption in Strpce are primarily internationals and the Albanian political elite, who are the owners of villas in the Weekend Zone.

The situation of property rights in the north is yet more complicated. One of the officials interviewed in the administration of southern Mitrovica emphasized the importance of resolving property claims of Albanian families displaced from the northern part of the city. This issue presents a difficult dilemma; while there is a need for restitution on behalf of all communities, the issue of property rights deepens the divide between the southern and northern parts of the city. According to some accounts, among the reasons why Serbs are unwilling to cooperate with the Kosovar authorities is the fear of being expelled from their dwellings. The difficulties posed by lack of records, lack of harmonization between the ones that do exist in the different municipalities, and by deficient communication between the municipalities and the central government are intensified by the deep mistrust within the community. People are worried whether, if they are forced to evacuate their current dwellings, their property rights elsewhere will be enforced.

There are bases in reality affecting all communities that substantiate the perception of property right mismanagement at the municipal level. The Commission's Report for 2008 cited cases of municipalities engaging in expropriation for the construction of public works while not complying with the law, and there have been several cases where property owners were neither informed nor compensated. One of the cases cited in the report is Mitrovica Municipality's claim to two former residential areas in the "Roma Mahala" area as public property. The report also asserted that delays in implementing legislation, and obstruction with regard to property rights, caused increased tension across communities. The Commission's Report for 2009 on this issue acknowledges some improvement in the legislative and institutional framework, but also states that there has been very limited improvement in the area of implementation. Property owners, whose claims have not been solved, however, are not the only ones to suffer from a weak legal system, lack of transparency, and limited enforcement of the rule of law. Weak protection of property rights has very real adverse consequences, dampening a positive outlook for the future of Kosovo.

Corruption and Economic Development

In our interviews, when we asked party leaders about the possible strategies for development, most of them emphasized the need to attract foreign direct investment (FDI) as a key element in their proposed strategy for encouraging economic growth. The economic consequences for the future are substantial. A climate characterized by corruption, organized crime, and lack of independence between the public and private sectors creates an unstable environment politically, socially, and economically, which is unnerving for potential investors who want to diversify by betting on developing Balkan economies and may consider candidates such as Macedonia and Croatia less volatile. A representative of the Alliance for the Future of Kosovo (AAK) expressed precisely this concern, stating that the two biggest challenges for Kosovo were foreign investment—because the country would need a growth rate of 7 percent a year for social stability—and fighting corruption. He said that attracting foreign investment is a challenge because neighboring countries present a more investor-friendly atmosphere, including tax incentives, less risk of conflict, and a growth-oriented legal framework. Corruption in

procurement has been a particularly worrisome concern because it hurts economic growth on many fronts. It prevents society from obtaining the best quality/price ratio from its funds, and it scares away honest foreign investors because it so undermines their profit margins, while encouraging unscrupulous investors to cut corners to maintain theirs. Procurement corruption presents the long-term cost to society of maintaining the resulting inferior infrastructure development projects. According to an analysis performed by the GAP Institute for Advanced Studies, the 2009 procurement situation has regressed, negating the progress made in 2007 and 2008. The 2009 Commission's Report indicates that one of the contributing factors is that procurement officers in Kosovo remain vulnerable to intimidation, despite some advances in legislation and the establishment of an oversight body. This procurement situation is not meeting the bar of European standards.

Corruption and Organized Crime

The GAP Institute for Advanced Studies report indicates that the level of corruption has deteriorated to around its 2006 level. According to some sources, whereas corruption is commonplace in the region, it is particularly worrisome in Kosovo because of its close ties to organized crime. Despite the fact that these ties have not yet been conclusively proved, our interviews and other sources indicate that they exist and constitute a major impediment to combating successfully organized crime. Various factors make Kosovo a prime target for organized crime. Because of its geographical location, Kosovo is close to both the source and destination markets for drugs and for the trafficking of persons. Its porous borders and weak institutions interplay with corruption and criminal activity to create a positive feedback effect. There are three activities that relate closely to organized crime—money laundering, smuggling, and trafficking of persons and narcotics. In none of these three areas has there been significant progress, and prosecutions for these crimes remain limited, in particular as regards public official involvement.

The most recent EULEX report says that a plan adopted in 2009 to coordinate activities involved in border control management has had a positive impact. Smuggling has been reduced by 70 percent relative to the previous year, but still needs to be

significantly reduced, along with human trafficking and other problems involving border control. Most cigarettes entering Kosovo are smuggled. Not only is the government thereby deprived of the dissuasive power and much needed revenue deriving from duties and taxation, but also, the health risks are increased because of poor quality control and the presence of toxins in counterfeit cigarettes. Smuggled cement and petroleum products, given their essential nature and relatively inelastic demand, also deprive the state of substantial income. Traffic in cement feeds the illegal construction industry, which has linkages with other criminal activities, such as money laundering and the corruption of public officials for the purpose of granting construction permits.

Kosovo finds itself at the crux of two of the three subdivisions of the Balkan Route, the pathway for southwest Asian narcotics destined for Europe--primarily for heroin coming from Afghanistan--Ferizaj, Mitrovica, and Peje being the main transit points. The 2009 U.S. State Department International Narcotics Control Strategy Report asserts that "there is almost certainly corruption among the Border Police and Customs officers." It also mentions, however, that there are other contributing factors that adversely impact the war on narcotics: lack of equipment, of basic resources, and of training of the Kosovo Police Service, as well as the low priority given to the antinarcotics section.

Kosovo is a source, entry route, main conduit, and destination for the trafficking of women and children, especially for the purposes of prostitution and forced begging, according to UNHCR. Most of the women victims come from Moldova, Romania, and Ukraine, and the casualties of forced begging in large part originate from vulnerable communities like the Roma. The victims frequently possess documents and work contracts stamped by municipal authorities, and police reports indicate that these officials may have known that the persons were being trafficked. Sixty percent of personnel trafficked is internal. Although there has been some amelioration in the situation, there is again a lack of resources, and an anemic cooperation on the part of law enforcement.

Trafficking, as well as other criminal activities such as smuggling and narcotics, is particularly critical at the border with Serbia. Internal trafficking involving Kosovo Serbs is occurring in the north of the Ibar River, a region of weak security. Many of the problems facing the north are outside the scope of this report, but whether organized

crime is a major contributor to the problems in the north, or whether the problems in the north are a major contributor to organized crime, there is an obvious linkage between the problems in the north, intimidation, and corruption providing the income for organized crime; and the situation cannot be adequately understood outside of this context.

Mitrovica exemplifies the two universes which Kosovo inhabits—that envisaged under the Ahtisaari plan, and that under Security Council Resolution 1244. In the intersection of these two universes lies a gray area occupied by the region north of the Ibar River. Here, there is no control from the central authorities; Kosovo police cannot enter, and official local elections were boycotted, while parallel structures developed. But as a UN representative in UNMIK’s regional office in Mitrovica put it succinctly, “Official to whom? Parallel to whom?” According to this official, the reality on the ground is that “Prishtina does not run the north,” but neither does EULEX or Serbia. This same interviewee maintained that the UN is the only legitimate entity over administrative affairs. Sometimes, however, there may be an uneasy relationship between the mandate entrusted to them under 1244 and the need to fight criminal elements. So who runs the north? One of our sources at EULEX indicated that the north is run by two powerful syndicates led by two notorious criminals. The north is Kosovo’s epicenter of trans-boundary criminal activities, and, in line with this fact, exhibits particularly worrisome socio-economic conditions.

Although there is much skepticism concerning the success of the ICO’s recently unveiled Plan for the North, its comprehensive approach, including development, democratization, and implementation of the rule of law through EULEX appears promising. In the absence of the rule of law, however, it is difficult for the other objectives to be achieved. Among the many reasons given for why people in North Mitrovica did not take part in elections was confusion in this chaotic environment, manifesting itself in the form of fear and resentment, worry that rights may be trampled upon, and, notably, intimidation by criminal elements preventing participation in the political process. For all these reasons, the mandate of EULEX, its ability to aggressively prosecute criminal actors, its helping to lay the groundwork for the construction of viable legal institutions, and its fight against corruption, are critical.

It was for these purposes, a EULEX representative informed us, that EULEX aims to establish a presence in the north within five months, and has taken control of the courthouse and of the problematic crossing points on the border with Serbia, gates 1 and 31. Officials at other organizations, however, are skeptical about the viability of the five-month timeline and EULEX's level of control over the gates, at least at this time. Some of them indicated that EULEX's control of the border amounts to monitoring via camera with a feed into Belgrade and EULEX headquarters, and that it did not have the ability to compel a driver even to submit a manifest. There seems to be some confusion as to whether customs are being collected. EULEX is encountering hostility, maybe in part stemming from actors resisting the perceived impending rule of law, from mistrust towards EULEX, and from skepticism about its status neutrality. Establishing control would require overcoming grave security challenges. In sum, the situation in the north remains highly problematic and potentially volatile.

Institutional Weakness

Since corruption is widely seen as a serious roadblock, why have efforts to address it not been more effective? Various hurdles need to be surmounted by civil institutions.

The justice system remains weak and vulnerable to influence and inefficiency. According to the 2009 GAP Progress Report, there is political influence in the judicial sector, suggesting that some persons currently in power may prefer a judiciary in limbo to a fully-functioning, independent judiciary. Efforts to prosecute organized crime have been unsuccessful because of lack of commitment, lack of adequate resources, and a lack of witness protection—a role that will be played by EULEX. The insufficient number of judges; the backlog of cases; intimidation and protection of witnesses, prosecutors, and judges; and inadequate compensation are all in the process of being addressed, as per the core mandate of EULEX. The high expectations attending EULEX, and the debilitating wake of possibly yet another disappointment, underscore the urgency of and necessity for speed in this process.

There has been some progress strengthening other institutions. On 22 December 2009, EULEX and the Kosovo ministry of economy and finance signed an agreement for information exchange on customs, tax, and treasury records with the purpose of

cooperating on the role of the PED (EULEX's Police Executive Department) to investigate issues such as tax evasion, smuggling, corruption during procurement and privatization efforts, and other illegal activities. Also, according to the Commission's report, the Anticorruption Agency (ACA) is operational and staffed, yet cooperation between the agency and the prosecutor's office needs to be improved. At a roundtable, however, hosted by Kosovo's Democratic Institute (KDI), Transparency International, and the Advocacy and Legal Advice Centre (ALAC), ACA representative Sefer Goxhuli offered his differing assessment that the agency's role is seriously challenged by lack of staff and financial support. In the same roundtable, the chief prosecutor of Kosovo and representatives to EULEX assured that investigations of corruption charges will be ongoing and that arrests of senior public officers are "imminent." In our interviews, however, the worry engendered by the tradeoff between stability and justice is still recurrent, particularly in light of the pending ICJ ruling.

Government as an institution is still weak; Kosovo is a nascent democracy, there is corruption at high levels of public service, and the judicial framework remains relatively undeveloped. Several important pieces of legislation have been put on hold, and, for various reasons, some urgent legislation has not been commenced. Other laws that have been approved are not in line with European standards. Of particular interest are laws dealing with financial crime, declaration of assets, anticorruption, conflict of interest, and the lack of legislation on the finance of political parties. Not only is there a lack of necessary legislation, but there are also government actions, such as political interference in key appointments, that compromise the very institutions involved in the anticorruption effort. Kosovo's credibility to conduct fair appointment processes and to provide adequate oversight of public procurement is being undermined. For example, civil society seems to trust the institution of the Ombudsperson, so the fact that the neutrality of this office has been jeopardized is of concern.

Party representatives cited fighting corruption as one of their main objectives, but the general impression gathered from the interviews was that there was no concrete strategy for dealing with the problem. When asked to elaborate on the topic, they often expressed their expectations regarding EULEX's efforts in this area. Is it a reasonable recommendation that they exert more pressure on their fellow party members in the

legislature to enact vigorous anti-corruption statutes? Is limited reliance on local initiatives due to insufficient power transfer to the local fledgling government or to the prevailing party structure and political climate? The former position is hinted at by the GAP's prescription to create a parliamentary committee on auditing to which the ICR-appointed auditor general would report directly. The latter position suggests not that the problem lies in the slow granting of authority, but rather that the difficulties inherent in a new democracy are still being overcome. Interviewees stated that organized crime had infiltrated the highest levels of government, and that official corruption was deeply entrenched. What has come to be seen as political lethargy could in some cases be explained by conflict of interests. Structural problems may be a factor as well. The head of an NGO suggested that party rigidity and hierarchy were hindering more assertive political participation by women. It is plausible that these very same factors are felt by members in general, thus discouraging intra-party assertiveness and dissent. One of the characteristics of Kosovo's political landscape is the existence of both region-driven and personality-driven parties. It may happen that in some instances personality-driven parties present a climate likely to induce a similar political paralysis. It would perhaps be advisable to reexamine intraparty structure and its dynamics with a view to encouraging intraparty debate and accountability.

Stability over the Rule of Law

The realities on the ground are no longer compatible with the universe of 1244. When 1244 was decided, at the core of the UN mandate laid the need to promote stability, which was to be attained and preserved even if this meant overriding other concerns. One of the first and most lamentable casualties was enforcing the rule of law. The tension between the rule of law and stability at the time was a recurrent theme in our interviews. This concern was expressed most prominently by senior UNMIK representatives; decisions could not be made in a vacuum—they had to be made with a view to immediate practical considerations. Issues such as intimidation and retaliation, whom to prosecute, the individuals' ties to political elites and how this would affect stability, were to be taken into account, oftentimes preventing UN officials from taking actions they otherwise would have. Certain former KLA leaders were regarded as heroes

of the independence struggle, hence making their prosecution especially problematic. But the reality of Kosovo has changed, and so have its needs.

It is notable that the concern over stability still affects considerations relating to the enforcement of the law. According to senior international political officials, while EULEX has *de jure* jurisdiction to initiate proceedings for any case it deems appropriate without outside interference, *de facto*, EULEX officials still need the blessings of Brussels before prosecuting high-ranking persons. Stability is often associated with minimizing the threat of violence. An already complex situation has been acquiring a new dimension as the playing field has shifted to the Court and involves factors that may affect other governments' reception of a ruling that is already expected to be ambiguous. The pending ICJ ruling has induced a sort of paralysis on the part of all parties involved, lest they jeopardize the merits of their case both inside and outside the courts. A major scandal calling into question Kosovo's ability to self-rule would be detrimental.

A new chapter will unfold for Kosovo after the ICJ ruling, where potential for instability will arise no longer from prosecuting corruption, but rather from not doing so. It is imperative that in this young country, corruption and its links to organized crime be addressed early before they become entrenched in the new governmental structures. Even more immediate is the possibility of EULEX losing its political capital. There appear to be two main poles among the opinions regarding EULEX. Some people have high hopes and expectations for EULEX's commitment to fight corruption and promote the rule of law. Others see EULEX merely as a continuation of the UN, despite their very different mandates. Some Kosovars have expressed weariness with the UN, which justly or unjustly has come to be seen as a complacent organization (because of its efforts to maintain stability in the region) and so in part responsible for all the maladies that today afflict Kosovo. An NGO interviewee explained that people have tolerated the difficult situation in silence because of fears of imperiling the future of their country, first with respect to independence, and then with respect to the ICJ ruling. If, after the ruling, there is no change, there is the risk that pent-up tensions may flare. It is likely that authorities need not fear so much the possibility that prosecuting corruption may upset stability, because election polls indicate people are disenchanted with the political establishment and dissatisfied with the status quo. Development in Kosovo is a process,

as is tackling corruption, yet aggressive prosecution may be a sign that a bright future within the European context lies on the horizon, and that change is coming.

Recommendations

- The 2009 GAP Institute Progress Report recommends that Kosovar law be rewritten to **make money laundering a crime** and that the financial intelligence unit be politically independent. Much of the money being laundered was used for illegal construction projects, so there needs to be **more cooperation between the real-estate sector and the financial intelligence center**, which is now managed by EULEX.
- **Border security needs to be tightened**, which could be financed, at least in part, by the resulting increased customs revenues.
- **More resources need to be devoted to the crackdown on human trafficking**, and **law enforcement needs to be better compensated**. The government has not sufficiently investigated and prosecuted offenders, addressed the corruption involved, or identified victims. There should be an aggressive investigation into the problem, including complicit public officials.
- **EULEX's efforts to combat organized crime** through ameliorating the judicial system should be performed **without delay**.
- It would be desirable that after the ICJ ruling, **prosecution be more aggressive and free from outside interference**.
- There needs to be **adequate legislation dealing with financial crime, declaration of assets, anticorruption, conflict of interest, and finance of political parties**.
- **Political interference** in key government **appointments** needs to be significantly **reduced**.
- Reexamine **intraparty structure** to encourage intraparty debate and accountability so party members could exert more pressure on fellow party members to enact strong **anti-corruption statutes**.

Confronting Serbian Parallel Institutions in Kosovo:

Meeting Needs, Winning Support

Heather Rehm

“Prishtina wants to prove it can make a modern state. Belgrade wants to prove Kosovo is part of Serbia. Let them talk [about that] on a higher level. I just want people in these territories to have a better life.... We are interested in what will happen tomorrow.” Serb Political Leader in Kosovo and Deputy Mayor of Gjilan

At its core, the conflict over Kosovo has become one of status, either Kosovo is an independent state or it is part of Serbia. While this disagreement often manifests itself at the highest levels of political action—from the president’s office in Belgrade, to the halls of Kosovo’s new governing bodies, to the United Nations and European Commission—it is also felt in the everyday experiences of Kosovo’s ethnic Serb population. Serbs are presented not only with the institutions of the newly independent Republic of Kosovo, but also a parallel set of structures funded by Serbia, including schools, hospitals, courts, and governing bodies. Through these institutions, Belgrade hopes to convince ethnic Serbs to remain in Kosovo and to strengthen Serbia’s territorial claims by maintaining its presence in the area.

Although internationals and even many Albanians in the Kosovo government agree that Serbia should be allowed to play a role in the lives of Kosovo Serbs, such a formal system of parallel institutions further entrenches divisions that perpetuate the conflict. The government of Kosovo and the international community are not powerless in the face of these parallel structures, however. By focusing their efforts on meeting the needs of the ethnic Serb population, the Kosovo government and its international partners can diminish the relevance of the parallel structures and demonstrate to the Serbs that their future will be brighter in cooperation with Kosovo institutions than without. In an environment where most are struggling to simply support themselves and their families, the government of Kosovo has a unique opportunity to make its case tangibly to the Serb

population. Conversely, a failure to do so could also send the opposite message, and further push the Serbs toward Belgrade.

Background and Current Situation

Pre-2008 Declaration of Independence

Following the end of the NATO bombing campaign in 1999, a United Nations mission (UNMIK) was deployed to Kosovo under the auspices of Security Council Resolution 1244. Although UNMIK was the legal administration in Kosovo, Serbian institutions—including courts, schools, hospitals, and certain security services—continued to function under the authority of Belgrade, in parallel to the UNMIK system. To help stem the tide of ethnic Serbs leaving Kosovo, the Serbian government offered employees in these often overstaffed parallel sectors salaries worth 200 percent of the rate paid in Serbia.

The parallel system was especially strong in the Serb-dominated areas of northern Kosovo, where a hard-line Kosovo Serb political elite emerged. These leaders used the parallel institutions to favor political allies through an often corrupt patronage system. Although the Serbian Interior Ministry continued to have a presence throughout the country, it was especially active in the north, where it was also used to exert political pressure. Eventually, these dynamics contributed to an almost complete collapse of the rule of law throughout the northern areas.

Despite the presence of the parallel institutions, Kosovo Serbs initially took part in the Provisional Institutions of Self-Government (PISG) established by UNMIK. Serbs participated in the November 2001 elections, took seats in the Kosovo parliament, and joined the government as ministers. Following anti-Serb riots in March 2004, however, most withdrew from the PISG. During Kosovo's 2007 national and local elections, Serbs staged an almost complete boycott. Only a few—who were generally considered unrepresentative of the wider community—continued to participate in the government at the national level. On the municipal level, the Special Representative of the UN Secretary-General was forced to extend the mandates of Serb officials who had been elected in 2002, in order to maintain Serb representation in local institutions. In contrast, Kosovo Serbs did participate in Serbian national elections during this time, which were organized throughout Kosovo by Belgrade.

Although the Serbs moved away from the Kosovo governing structures after 2004, they continued to accept funding from Prishtina for hospitals and schools, which served Serb areas. Many Serbs employed in the public sector also continued to earn Kosovo salaries, in addition to the higher salaries paid to them by Serbia. Although accepting Kosovo salaries was outlawed by Belgrade in 2006—under the belief that it would hurt its negotiating position during the talks in Vienna on Kosovo’s status—and Serbs were told to choose between their Kosovo and Serbian salaries, many continued to accept the money from Prishtina.

Throughout this period, the international community lacked a coherent response to the parallel structures, though the UN administration did convene a working group to address the issue. Some efforts were made to address particular institutions—such as the courts—and occasional initiatives took place at the local level, but these efforts did not constitute a comprehensive strategy which would address the practical needs of the Serbs and make it feasible for them to transition away from the parallel institutions. The situation was particularly acute in the north. As one UNMIK official admitted, the international community lacked the political will to project its authority in a meaningful way, essentially ceding the Serb-dominated northern municipalities to Belgrade for the sake of stability.

Post-2008 Declaration of Independence

On February 17, 2008, following the failure of the Vienna negotiations, Kosovo unilaterally declared independence and the context for Serbs in Kosovo changed once again. After the declaration, Belgrade increased pressure on Serbs to disengage from all Kosovo institutions. In return, the Serbian government pledged to provide salaries for those who left their jobs and increase assistance as an inducement to remain in Kosovo. However, coordination problems within the Serbian government prevented these promises from being kept. As a consequence, many Serbs who boycotted their Kosovo-funded jobs in the immediate aftermath of the declaration, returned to them—their positions having been reserved by the Kosovo authorities. Some Serbs even publicly protested against Belgrade and its failure to uphold its pledges. Moreover, since the onset of the global financial crisis, the Serbian government has had to decrease the amount of

monetary support it provides to the parallel institutions. The overall Serbian budget allocation for Kosovo has been falling (though remains at € 42 million for 2010), and the salaries paid to Serbian education and healthcare workers in Kosovo have decreased.

In addition to calling for the boycott, Belgrade also responded to the declaration of independence by extending its May 11, 2008 local elections to Kosovo, the first time it had done so since 1999. As a result, Serbia added municipal government to its list of parallel institutions, setting up local bodies under the *de facto* authority of Belgrade to compete with Kosovo's municipal offices. Although this ostensibly strengthened Serbia's position, Kosovo's own municipal elections held on November 15, 2009, dealt it a blow. In contrast to the boycott two years earlier, many Serbs in southern Kosovo—though not in the north—participated in the poll, resulting in an overall Serb turnout ten times higher than in November 2007. Moreover, the Serb turnout in the largest Serb enclaves in the south—Gračanica and Strpce—was larger than in the Serbian-held May 2008 elections. Additional Kosovo municipal elections are scheduled to be held in new Serb-dominated northern municipalities by May 2010.

In addition to breaking their electoral boycott, many Serbs in southern Kosovo have also begun to interact with the government in Prishtina on a variety of practical matters, including obtaining Kosovo passports and other documents and registering their vehicles. As noted above, many are also willing to accept salaries from the Kosovo government. Even in the north, some Serb officials carry out duties, such as authorizing budgets, on behalf of the government in Prishtina. It should be noted, however, that interaction with the Kosovo government structures has not meant a full-scale repudiation of the parallel institutions or Belgrade. Most Serbs use both official Kosovo and Serbian parallel services and obtain documents from both authorities. According to several Serbs in the south who serve in the Kosovo government, communication and even cooperation between their offices and the parallel structures is common, if not official. In the north, officials who carry out limited duties for Prishtina also represent the parallel authorities. In addition, although many Serbs accept Kosovo salaries, fewer have actually signed contracts with Kosovo municipalities. Kosovo authorities have generally recognized that the salaries they offer are lower than those paid by Serbia, and that Serbs are already

defying Belgrade by accepting them. Thus, they have been cautious in pressing Serbs too aggressively to sign the contracts.

Both the Kosovo government and the international community recognize that something must be done to address the issue of the parallel institutions. But, as one OSCE official admitted, Prishtina simply has no strategy for integrating the Serbs into “official” Kosovo. The “Comprehensive Proposal for the Kosovo Status Settlement” released by Martti Ahtisaari in 2007 was supposed to have addressed the problem through decentralization, the creation of new Serb-majority municipalities, and a legal and well-defined role for Belgrade in Kosovo’s Serb communities—including in sectors such as education and healthcare. However, the proposal was rejected at the last moment by Belgrade because it recommended independence for Kosovo. Prishtina, at the behest of the international community, has unilaterally attempted to enact the Ahtisaari provisions, though policies which appear to be derived from the proposal risk being seen as illegitimate by Serbs because of their association with the status issue. Many Kosovo Serbs also misunderstand important aspects of the Ahtisaari plan, incorrectly believing that it entails an Albanian takeover of their schools and hospitals. While the Ministry of Local Governance Administration has actively reached out to Serbs regarding decentralization, the Kosovo government has lacked a unified strategy and the budget for decentralization is insufficient. More critically, Belgrade’s lack of cooperation means that shifting its role into legally sanctioned channels is impossible.

In recognition of the extra challenges posed by the Serb-dominated areas of northern Kosovo, the Kosovo government and the International Civilian Office (ICO)—a supervisory authority developed under the Ahtisaari Plan—have developed a new comprehensive approach to the north. According to Pieter Feith, the head of the ICO, the northern strategy involves four aspects: strengthening the rule of law, decentralization, improving governance, and economic development. The implementation of the strategy is dependent on “local acceptance” and will take months or years. Although the ICO is publicly emphasizing service provision and other quality of life issues as the goal of the new strategy, one ICO official admitted that the “heart of the matter is to restore rule of law and the writ of Prishtina institutions.” Because of this, Belgrade and some Kosovo Serb leaders object to the strategy. Moreover, there is reason to question whether

Prishtina is ready to take ownership of this, or any, program for the north. When discussing the issue, the strongest message from Kosovo government officials has often simply been a call for the international community to take more action.

Analysis

Given the overview presented above, the following section examines the role of the parallel institutions in the lives of Kosovo Serbs in order to better understand the pressures and constraints which allow them to continue to operate in Kosovo. The implications of this analysis are then used to draw general conclusions about how the government of Kosovo and the international community can best confront these structures.

Impact of the Parallel Institutions on Serbs in Kosovo

Most fundamentally, a number of Serbs in Kosovo underscored the practical needs that the parallel institutions fill within Serb communities—especially the salary support and services such as Serbian-language education and trusted healthcare. As one Serb woman in northern Mitrovica explained, besides public sector jobs financed by Belgrade, there are no other employment prospects. Even in the south, explained the ethnic Serb Deputy Mayor of Gračanica, only a small number of people are employed by either the Kosovo institutions or the private sector; most receive their salaries from Serbia. Even those who are not currently working but were on the Serbian payroll in 1999 continue to receive salaries—making the parallel institutions a *de facto* welfare system for Serbs in Kosovo. Kosovo Serb officials agreed that if Belgrade were to stop paying the Serb population in Kosovo, they would leave within two years; most Serbs cannot support themselves and must rely on help from Belgrade—a situation which is unlikely to change within the next ten years.

Moreover, the need is not only financial. Serbs in Kosovo require connections to Belgrade in areas such as education and healthcare, where Serbia's support has been critical to maintaining well-supplied facilities that are staffed by teachers and doctors whom Serbs will trust. In the area of governance, however, the need may not be so clear. One Kosovo Serb official drew a careful distinction between the need for parallel salaries

and services and for parallel political administration. While the former is necessary, he rejected the argument forwarded by parallel officials that only they could protect the Serbs in Kosovo. Instead, he pointed to the Serb Liberal Party (SLS), which takes part in the Kosovo institutions, as a more pragmatic and effective alternative.

Thus, the parallel structures clearly fill an important need—at least in terms of monetary support and services—for the Serb community in Kosovo. However, the nature of this role creates an opportunity for these institutions to be used as leverage to manipulate Kosovo Serbs. A Serb woman with whom we met in northern Mitrovica reported that Serbs were expected to “follow the rules” which were enforced by Belgrade and that breaking them would result in “consequences.” For example, Serbs were told they would lose their public sector jobs if they voted in the November municipal elections in Kosovo. The Deputy Mayor of Gračanica had a slightly more nuanced view, explaining that from his perspective it was not the Serbian government that was threatening, but former representatives of Belgrade, who—though no longer formally connected to the government—used blackmail to undermine cooperation and prolong the conflict from which they profited. Either way, the benefits provided from Belgrade through the parallel structures are seen as obligating the Kosovo Serbs to Belgrade.

In addition to their practical impact, the parallel institutions also play a psychological role. Kosovo President Fatmir Sejdiu underscored this function, arguing that the worst aspect of the parallel structures was that they maintain illusions. The director of a Kosovo think tank agreed, arguing that the parallel institutions decreased incentives for Serbs to integrate into Kosovo. Some Serbs, he explained, remember the “good life” in Serbia and if they think there is any chance to revert back to that situation—a chance kept alive by the presence of the parallel structures—they will continue to support Serbian instead of Kosovo institutions.

Motivations for Engagement with Kosovo Institutions

Many of the ethnic Serbs consulted made it clear that Serbs in Kosovo will always have an emotional attachment and even allegiance to Belgrade, and most are unlikely to support independence in the near future. However, the responses of many interviewees suggest that Kosovo Serbs are moving away from ethnic ideology and even status as the

dominant motivations for decisions on whether or not to engage with Kosovo structures, especially in the south. Instead, as in the quotation at the beginning of this chapter, the focus was much more on needs fulfillment, economic survival, and access to basic services. The Deputy Mayor of Gračanica flatly said that young people in his city were not interested in high political games, but on getting a job. The head of an inter-ethnic NGO in Mitrovica echoed this sentiment, stating that people were more interested in finding a job than on calling each other traitors for where each other chose to work. In a similar vein, an OSCE official spoke about the head of a Serb village in southern Kosovo who would approach both sides—Prishtina and Belgrade—to get what he could for his people. The story resembled the accounts, recorded above, of Serbs accepting both Kosovo and Serbian salaries. It was also echoed by the director of a conflict resolution program in Kosovo, who said that the most common opinion among Kosovo’s Serbs was that they should simply do what they can to benefit from either side.

Moreover, both Kosovo Serb and Albanian leaders, as well as representatives from the international community, each attributed the increased Serb participation in the November 15 elections to a growing belief among Serbs that Kosovo institutions could provide for them. Leaders in the SLS explicitly pointed to their work between 2007 and 2009—which included building houses, schools, and hospitals, and assisting people in finding jobs—as the critical factor which encouraged Serbs to break the election boycott in November 2009. KIPRED, a local think tank, agreed and also highlighted infrastructure projects carried out by the Kosovo Office of Community Affairs as helping to mobilize Serb turnout. Pieter Feith concurred with these conclusions, stating that Serb participation in the November election was about services, not status, and few Serbs were bothered that their vote could be seen as recognizing the independence of Kosovo.

At the same time as their hope in Kosovo’s institutions is growing, Serbs seem to be losing faith in Belgrade. The broken promises about assistance after the Kosovo declaration of independence was only one issue about which the Kosovo Serb community has felt alienated by the Serbian government. One Kosovo Serb leader openly stated that Serbs in Kosovo are being “played” by Belgrade, noting that Serbia’s visa liberalization and biometric passport issuance does not extend to Kosovo Serbs. The situation in the north is, interestingly, perhaps even more tenuous than in the south in this regard. As a

top official in the European Commission Liaison Office to Kosovo stated, the Serbs in the north are “getting fed up” with the lawlessness which is prevalent there. When asked if Belgrade cared about her, the Serb woman from North Mitrovica, flatly replied, “No, Belgrade doesn’t care about me,” and she felt that the leaders in the north were only focused on their own enrichment.

Implications: The Way Forward

The Serb community’s focus on needs fulfillment, as well as their growing dissatisfaction with Belgrade, suggest that the government of Kosovo and the international community have a unique window of opportunity in which to win the support of Kosovo’s Serbs. However, the important role that the parallel institutions play in the lives of Kosovo Serbs also serves as a warning against drastic measures that would undermine the Serb community’s vital support structure. Additionally, though the Serbs seem to be moving away from a focus on status and ethnic ideology, it is clear that there are political lines which they are still unwilling to cross.

Most of those interviewed—Serb, Albanian, and international—seemed to understand that this opportunity would not last forever. As leaders of the SLS admitted, if the Kosovo government is able to deliver on its campaign promises, more Serbs will integrate; if it cannot, the Serbs will not vote again. KIPRED echoed this opinion in a report on the November municipal elections, “Now is the time for the government of Kosovo and the international community to take steps to ensure the trust of the Serbs in Kosovo institutions.”

In order to take advantage of this opportunity, the Kosovo government must show that it is best able to meet the needs of the Serbian population. As one Serb leader said, the Serbs turn to the parallel structures because they feel there has been no program put forth by the Kosovo government up to this point. A recent KIPRED report supported this type of approach, “The role of [the parallel] structures will diminish if the new [Serb-majority] municipalities begin providing tangible improvement of the quality of life to the local Serbs.” The Deputy Mayor of Gračanica articulated a similar strategy. He is working to convince the youth in his area that the government can build a municipality in which they will have a future. At the same time, he is trying to persuade the older

generation that the new municipality can provide a better life and can be a mechanism for protecting the security of the Serb community. Pieter Feith agreed with this approach in the north as well. If Prishtina is ever to extend its authority into northern areas, he said, it must show the people a better alternative to their current *status quo*.

The government of Kosovo and the international community must proceed with caution, however. If Serbs' hopes in Kosovo institutions are raised unrealistically high, there is a risk that reality will cause only disappointment and push them further from the Kosovo government. This is a real danger, as Serb political parties taking part in the November elections promised they would make vast improvements in the everyday lives of Kosovo Serbs immediately upon taking office, a pledge that will be difficult to fulfill given the capacity and budget constraints of their municipalities.

Recommendations

As stated above, the analysis and conclusions presented in this chapter suggest that the government of Kosovo and the international community should seek to diminish the relevance of the parallel structures by convincing the Kosovo Serbs that their needs can be better met by Kosovo institutions. The following section presents recommendations for implementing such an approach.

Economic Development

- **The Kosovo government, supported by international donors, should act immediately to create a supplemental fund for each new Serb-dominated municipality, to be used exclusively for quick-impact infrastructure projects.** The goal of these projects is to assist local governments in earning the confidence of their constituents and to help meet the unrealistically high expectations that many Serbs have about how much their municipal leaders can accomplish in the short-term. Given this aim, **it is critical that projects be undertaken by the municipalities themselves and that donor funds be channeled through them.** Donor projects undertaken by third parties, while perhaps helpful in meeting needs, do little to increase confidence in government institutions. The Ministry of Local Governance Administration has allocated extra funds to support the new municipalities and their

projects, and donor organizations such as the U.S. Agency for International Development have expressed interest in investing. However, additional resources and faster disbursement is needed. Coordination is also necessary to ensure that resources are targeted at projects that will increase citizen confidence and not only improve services in the short-term but also contribute to long-term development. It is also important to note that these supplemental funds are not a substitute for a more comprehensive national economic development plan, which must be developed and implemented in Kosovo.

- **The international community should also implement additional programs to train municipal staff in the technical skills needed to absorb and spend such resources.** A current lack of professional experience within local governments undermines municipalities' capacity to plan for, implement, and oversee the type of projects called for above.

Kosovo Serb Party Strengthening

- **The international community should increase funding for programs aimed at building the capacity of Kosovo Serb parties that participate in Kosovo institutions, such as the Serb Liberal Party.** This includes technical capacity so that Serb interests can better be represented in the government, as well as campaign training so that Serb parties can communicate more effectively with constituents regarding needs, accomplishments, and goals.

The North

- **The Kosovo government, in cooperation with the International Civilian Office, should delay the municipal elections in the north that are currently scheduled for May 2010.** These elections will likely only reinforce Serb disengagement in northern areas, as a number of analysts have predicted extremely low turnout.
- **Instead, the government of Kosovo should appoint temporary municipal governing councils comprised of local citizens,** a recommendation which has also been supported by KIPRED. Economic development projects and Kosovo government services should be channeled through these councils. At the same time,

EULEX should continue to increase its operations in the north to establish the rule of law, with a special focus on high-visibility goals that will impact Serb quality of life, such as its work to restart functioning courts.

- **The approach put forth by the Kosovo government and the ICO in their northern strategy—especially the focus on services, de-emphasis of status, and comprehensive outlook—is appropriate**, though the ICO must work to ensure that the government takes ownership of the strategy and is committed to Kosovo’s role in implementation. **While progress is necessary in all the sectors targeted in the strategy, initial priority should be given to rule of law and economic development.** As one local analyst observed, Serbs in the north need “good stories” about what the government of Kosovo can accomplish before they are asked to demonstrate their support at the ballot box. As shown above, successful projects by Serb parties like the SLS and certain government institutions in the south were critical factors in increasing turnout during the November 2009 elections.

Outreach to Serb Communities

- **The Kosovo government and international community should develop and fund a coordinated outreach and media strategy aimed at Kosovo Serb communities to: 1) publicize the accomplishments of the Kosovo government in addressing Serb needs; 2) educate citizens about how to take advantage of current services; 3) outline future goals and projects; 4) clarify misunderstandings about the decentralization process; and 5) manage expectations about what can realistically be accomplished and in what timeframe.** The strategy should emphasize the Kosovo government’s ability to meet needs and must avoid any messaging implying that engagement with Kosovo institutions means recognition of Kosovo’s independence. Both the Office of Community Affairs and the Serb parties within the Kosovo government should be included in the plan, as they have recorded success in reaching out to Kosovo Serbs. However, institutions that are highly associated with the Ahtisaari process, including the International Civilian Office and the Ministry of Local Governance Administration should not be featured.

Serbia

- **The international community, especially the European Union, should apply greater pressure on Serbia to 1) stop funding parallel security structures and courts; 2) discontinue Serbian municipal elections in Kosovo; and 3) end support for parallel municipal bodies.** Mechanisms should include withholding or decreasing aid, as well as raising these issues in the context of future EU accession. Status neutrality should not impede international actors from forwarding these requirements, as most agree Serbia's actions in these areas violate the terms of UN Security Council Resolution 1244, if not Kosovo's sovereignty. Given the lack of trusted alternatives and alternate employment, less pressure should be applied to end parallel services such as education and healthcare, at least in the short term. Ultimately, a legal and transparent role for Serbia within these institutions, as called for in the Ahtisaari plan, would be an effective way to meet Serb needs within an independent Kosovo. Until such a solution becomes politically feasible, however, the Kosovo government should continue to encourage Serb employees in these sectors to sign contracts with its institutions, but also emphasize its commitment to maintaining Serb-run facilities that include the transparent involvement of Belgrade. Much greater emphasis must also be placed on creating private sector job opportunities, as well as increasing capacity and better accommodating Serbs and Serb-run services within the Kosovo education and health sectors.

The Kosovo government and international community currently face a unique chance to win the support of Kosovo Serbs and confront the parallel institutions. Kosovo Serbs are cautiously engaging with Kosovo institutions and gaining confidence in parties such as the SLS, at the same time they are losing faith in Belgrade. While connections to Serbia will always be important, the Kosovo government has the opportunity to prove to the Serbs that their future will be brighter in cooperation with its institutions than without. If the government, along with international supporters, can take advantage of this chance, they can begin to seriously diminish the relevance of the Serbian supported parallel institutions in Kosovo.

Competing Realities: The Destabilizing Relationship between Kosovo and Serbia

Lydia Sizer

Kosovo is a crossroads of many cultures: it has influences from Serbia, including many beautiful culture heritage sites; but it also has cultural influences from the Ottoman Empire, Albania and Western Europe. Serbia has historically tried to extend its reach to Kosovo; yet the nature of these efforts today destabilizes Kosovo's fragile economy, social cohesion, and security. In the future it is necessary for Serbia and Kosovo to work together to improve the everyday lives of Kosovar Serbs, Albanians, and the smaller ethnic communities. The current efforts of Serbia to retain the allegiance of Kosovar Serbs within Kosovo and to isolate the infant Kosovar government ignite tensions and provoke mistrust between communities in Kosovo. These endeavors also inhibit further efforts to ameliorate the dire economic situation in Kosovo, which currently experiences forty percent unemployment. The malignant relationship between Serbia and Kosovo prolongs the conflict in the region.

Since the seventh century, Serbs have been trying to incorporate Kosovo into the Serbian realm. They have only rarely had success. For less than a century they controlled the territory before the Battle of Kosovo in 1389, which marked the Serbian defeat by the Ottomans. After World War I and the decline of the Ottoman Empire, Kosovo was nominally under Serbian control until it obtained a status almost equivalent to that of a republic under the 1974 Constitution of Yugoslavia. Since the 1980s, there have been clashes between nationalist Kosovar Albanians clamoring for independence and nationalist Kosovar Serbs, driven by a sense that Kosovo was their cultural homeland and by incendiary messages from nationalist leaders like Slobodan Milosevic.

The domestic political situation in Serbia for the past decade has enabled the government to interfere in Kosovo in a number of destabilizing ways in efforts to prevent the region's independence. After the brutal repression of the Kosovar Albanians conducted by Milosevic and a war between Serbia and the Kosovo Liberation Army

(KLA), the Democratic Opposition of Serbia coalition came to power in Belgrade and did not consider Kosovo a priority. Instead, this coalition had to focus on the post-conflict reconstruction of Serbia's own infrastructure, international standing, and economy. Yet in 2004, the Democratic Party of Serbia led a coalition that put the priority of recovering Kosovo above all other policies, including accession to the EU. In 2008, after the declaration of independence by the Kosovo government in February, the "For a European Serbia" coalition (ZES) came to power in Serbia. This coalition, which still includes the Democratic Party of Serbia, began to think that the Kosovar Serbs should take care of themselves, but has continued many of the same policies of the previous coalition governments towards Kosovo, albeit sometimes with reluctance. They have made attempts to draw down financial support of the Kosovar Serbs, but this community reacts with outrage when their benefits from Serbia decline. Initially after the war, there were murmurs in Belgrade that Kosovo deserved independence because of what Serbia did during the war. However as time went on, it became easier to resist this argument. Currently the political climate in Serbia is such that the government may be more willing now to face reality and negotiate with the Kosovar Albanians, in spite of some of the recent positions of the Foreign Minister of Serbia.

Over this time of political change in Serbia, the Serbian government has been paying Kosovar Serbs to stay in Kosovo through providing salaries that effectively double the salaries Kosovo Serbs receive and the provision of healthcare and education in the Serbian language. These parallel institutions also include political structures supported by Belgrade, which prevent the integration of some Serb enclaves of Kosovo, especially those in the region north of the Ibar River, which Heather Rehm notes in her contribution to this report focusing on the parallel institutions of Kosovo. In fact, since Serbia was hard-hit by the global financial crisis, its ability to support Kosovo Serbs has declined and much of their influence has been limited to the northern Serb enclaves above the Ibar River. Yet this influence still destabilizes the Kosovo region and allows for crime to flourish in those areas as neither Serbia nor Kosovo have control over the northern border of Kosovo with Serbia, a border Serbia refuses to recognize.

There is still an emotional attachment to Belgrade among all Kosovar Serbs, even though funding to the south has declined and there is a feeling that politicians in Belgrade

do not care about the welfare of the Kosovar Serbs, only their own interests. Belgrade's policies at the very least confuse Kosovar Serbs and make them more reluctant to integrate with the Kosovar institutions. These institutions could provide more stability to the region should they acquire the power to implement policies and rule of law evenly in Kosovo. Coping with this reality in Kosovo is necessary to finding solutions to problems destabilizing the region. In addition, the situation in Serbia must be understood when proposing realistic solutions to the tense situation between Serbia and Kosovo. Although there has been some change in the approach to Kosovo in Serbian domestic politics, the position that Kosovo should be part of Serbia has never been questioned by the government. Those Serbs who do support Kosovo in its independence efforts are threatened, as can be seen from the example of the Women in Black. Members of this human rights organization focusing on women's issues in Belgrade were threatened after apologizing to a group of Kosovar Albanians and recognizing Kosovo's independence. Serbia has pressured Kosovar Serbs to remain in Kosovo even if they wanted to leave. The Serbian government behaves in this way to bolster its claims on the region.

Hence, although time has passed since the war between Serbia and the KLA, it is currently unrealistic to ask Serbia or Kosovar Serbs to recognize the independence of Kosovo, even if it is the prevailing reality on the ground in most of Kosovo. Instead, it is necessary to see opportunities for Serbia and Kosovo to negotiate on smaller issues that will have an effect on the daily lives of the Kosovar people. Serbia and Kosovo must find a way to coexist, if both are to achieve EU accession and further integration into Western European society. Decreasing the hostility of Serbia toward those who cooperate with the new Kosovar institutions and finding cooperative means by which both governments can improve the well-being of the people are imperative to creating a more peaceful situation in the region, but they do not necessarily require Serbs or Serbia to recognize the independence of Kosovo. For example, currently, participating in Kosovar institutions does not necessitate Kosovar Serb recognition of the independence of Kosovo.

Building trust between Serbian and Kosovar entities is necessary in order to begin negotiating on issues of importance to the well-being of the Kosovar people. There are signs that trust between Serbia and Kosovo is not at a level that would foster productive

discussions of practical issues such as freer trade among themselves, freer movement of the Kosovar people, and more educational and economic opportunities for all. The government in Belgrade's habit of intimidating Kosovar Serbs who cooperate with the Kosovo government by calling them traitors is a sign that the growing acceptance of the situation on the ground by Kosovar Serbs is perceived as a threat to Serbia and must stop. Likewise, the tendency of Kosovar Albanians to generalize about Serbian politicians and domestic Serbian politics is a sign that mistrust has clouded Kosovar Albanians' perception of Serbia's decision processes. While Kosovar Albanian politicians have recognized that Serb President Boris Tadic is not the same man as Milosevic and that Serbia's move to accession into the EU is good for Kosovo if it requires Serbia to resolve or drop the Kosovo issue, they see the government's objectives in Kosovo as purely to disrupt the new government in Prishtina. One politician stated that Serbia's attitude towards Kosovo changed from genocidal under Milosevic; to using political means of disruption under the first two coalition governments after Milosevic; to using judicial means of preventing the independence of Kosovo under the current Serbian government. It is essential to build trust to provide each side with a more nuanced view of each other's interests and challenges.

Despite the tensions between Kosovo and Serbia that prevent the trust necessary for the success of informal negotiations between the two sides on issues of practical importance, the current situation in the region provides unique opportunities for trust-building between Serbia and Kosovo. Serbia's accession process to the EU requires that the country have good relations with its neighbors. This goal will provide an incentive for Serbia to come to the table to speak with Kosovo because they will have a common interest in regional stability. Following their experience as victims of genocide, the Kosovar Albanians have pledged to behave differently than the people who hurt them, treating the Kosovar Serb community with civility and fairness. This attitude the Kosovar Albanians have espoused will, if articulated to the Serbs in words and actions, support their attendance at informal talks with Serbian representatives. Members of the Kosovo government say that they are ready to talk to Serbia whenever Serbia is ready. The challenge is that Kosovo expects Serbia to start the talks because of their historical role in the region.

There are also some Serb leaders who appear to be open to trust-building efforts with Kosovar Albanian representatives. For example, the new patriarch of the Serbian Orthodox Church, Irinej GavriloVIC, is unusually moderate and embraces modernization, which may make him more amenable to finding peaceful compromises with the Kosovar Albanians in return for Serbian integration into modern Western Europe. He has much influence over Serbs both religious and secular and may be able to change the attitude of the notoriously hard-line Church. The Serbian Orthodox Church in the recent past has denied that Serbs committed any war crimes in the region and that arrested Serbs were mostly the victims of such crimes committed by others. The new patriarch could be a sign of a more moderate leadership in the whole of Serbia.

Although President Tadic has insisted that his government has apologized for the crimes the Serbian government perpetrated against the Kosovar people under Milosevic, representatives from the Kosovo government stated that this apology has never been formal. Without a formal apology from the Serbian government, the Kosovar people and their representatives will not feel that the Serbian government would negotiate in good faith; there would be a cloud over the entire trust-building process. Following a formal apology from the Serbian government for the atrocities of the Milosevic regime, it is necessary to take advantage of these openings for dialogue and organize opportunities for informal trust-building meetings between non-senior representatives from the two sides. A gesture that the Serbian government could use to build trust with the Kosovar Albanians would be the de-politicization of the issue of returning the missing Kosovar Albanians from the war to their families. This act would be a gesture that may enable them to elicit more cooperation from the Kosovar Albanians on issues of interest to the Serbs in the future. Informal talks should then take place between representatives from the Serbian leadership and Kosovar leadership under the aegis of an influential but uncontroversial international organization, like the EU. At first, during these trust-building talks it will be necessary for a trusted member of the international community, perhaps from the EU, to shuttle between the Serbs and the Kosovars to increase transparency, eliminate noise that could distort positions, and translate positions into interests.

The media should be carefully and restrictedly briefed concerning talks between the two entities to prevent political pressure from home from hardening positions at the talks. Moreover, the Kosovar leaders at these very informal trust-building talks should not be former KLA members as their presence could prevent trust-building. In addition, , having the talks held in privacy will mean that there will be less pressure to address the status issue. If recognition becomes an issue at these meetings, it could have implications for the current International Court of Justice case on the legality of the independence of Kosovo. It is best to separate these trust-building exercises from tense issues like recognition. The facilitator of these meetings should emphasize the common ground that Serbia and Kosovo have to show each side that they do have things in common, humanizing the other side. The common ground that exists between Kosovars and Serbs include helping the Kosovar Serb community, ensuring regional stability, and the shared agenda to attain acceptance into international organizations like the EU and NATO, which require that member states resolve their problems with their neighbors as conditions of membership.

Although it has been noted that tensions between Kosovar Serbs, Kosovar Albanians, and Serbs are not as strong as those between politicians from these communities, it is necessary to bolster and maintain relations on the ground in order to make it possible to implement any agreements from the political level once trust is established. Therefore, communities should build ties by continuing to have collaborative activities between non-governmental organizations of Kosovo and Serbia, like those between the Kosovo Women's Network and the Women in Black and those of the Community Building Mitrovica NGO in Mitrovica. The OSCE has recognized the importance of small projects to create conditions for reconciliation in Kosovo and has offered to help these efforts, but to reduce competition that could make these relations between participants in these efforts, it may be necessary to offer non-financial assistance.

In addition, there should be cooperation between universities in Kosovo and Serbia in order to alleviate tensions that could be fostered by the structure of the education systems, including the content of the history classes and the lack of instruction in the languages of all students who wish to study. For example, Serb and Kosovar

leaders in education should work together to finance and run a teacher's college in Kosovo to train teachers in Serbian-language instruction. Finally, the work of the Project on Ethnic Relations, an NGO in Kosovo focusing on fostering inter-community understanding, should be encouraged as the organization has historically been able to successfully promote trust and empathy between groups. The members of this organization have a deep understanding of the historical negotiations and talks between Serbian and Kosovar participants and therefore know where the obstacles to negotiating have occurred in the past. They should be on hand to advise the facilitators of these talks.

Once trust has been built between Kosovars and Serbs, informal negotiations can begin. These negotiations should start because currently the best alternative to a negotiated solution is not optimal for either Serbia or Kosovo. As individuals on the ground have stated, it is the interest of no one for the situation to remain as it is. The cooperation of the Kosovar Serbs with Kosovar Albanians and the Kosovo government is necessary to the stability in the region. This is inhibited when the Kosovar Serbs are pressured or threatened by the Serbian government not to cooperate. In the past American aid to Serbia has been conditional on Serbia's cooperation with the International Criminal Tribunal of the Former Yugoslavia (ICTY). This conditionality should be extended to Serbia's cooperation with Kosovar institutions (and vice versa) on issues affecting the well-beings of all Kosovars and the stability of the region, with the caveat that this cooperation in no way treats Serbian recognition of Kosovo as a *fait accompli*. Given Serbia and Kosovo's dire economic situations, this policy could be highly influential in encouraging solutions to issues of practical concern to the people of the region. It is also possible that after the ICJ case over the legality of the independence of Kosovo is decided, the negotiating climate between Serbia and Kosovo will become less tense because there will be less emphasis on the recognition issue.

Furthermore, an agreement should be reached so that trade can increase between Serbia and Kosovo, possibly through negotiations conducted between Serbian and Kosovar business leaders. Currently, trade only goes one way: Kosovo relies on Serbia for much of its imports. Yet Serbia does not accept exports from Kosovo because these exports have Kosovar stamps on them. There is therefore a barrier to trade in the form of the issue of non-recognition by Serbia. It is necessary to go around the recognition issue

for now to promote trade. A change in this policy could do much to increase the economic well-beings of both Serbia and Kosovo due to the increased returns associated with increased international trade. This would especially help Kosovo, whose dire balance of trade cripples its economy. Addressing these issues will decrease tensions in the region as this dire economic situation threatens the stability of the area. The lack of cooperation between Serbia and Kosovo on many issues creates sub-optimal living situations for many in the region.

Negotiations should also include discussions between Serbia and Kosovo on the safe return of residents to their homes in Kosovo. A prominent Kosovar Serb in Kosovo professed a desire to work more with Serbia on the issue of return through the aegis of the UNHCR, who he thought could persuade the Serbs to cooperate. Currently, the government of Serbia is promoting the idea that Kosovo is unsafe for Serbians, which is not true as can be seen from the cooperation that exists between Kosovar Serbs and Kosovar Albanians in the south and the lack of ethnic-based violence in recent years. These messages should stop. Kosovo should also receive international support for a media campaign explaining the real situation in the area. There should be negotiations with Serbia to broadcast this campaign on Serbian satellite television and local Serbian television channels so that it can reach the desired audience directly. There should also be agreements on the protection of cultural heritage sites of all communities, with verification of protection by the interested communities.

Participants should discuss an agreement on coordination of efforts to capture the criminals in the north of Kosovo who intimidate residents there and destabilize the region in general. Both Serbia and Kosovo have a common interest in the stability of the region, which includes the north. Therefore the implementation of this sort of agreement is in the interest of all parties involved. Belgrade has less power than the criminals do over what happens in the north currently, and decreasing criminal influence in the north will make the determination of the future of the area easier. As EULEX pushes forward with its mission to bring rule of law to the north, including through law enforcement, it is attempting to create an environment in which Kosovo institutions can thrive. If Serbia does not cooperate on this issue, it will miss out on an opportunity to have a say in how exactly these institutions develop and what kind of involvement Serbia will have in the

north in the future. The Kosovo government should increase its accountability to the Kosovar people, especially the Serbs, in order to build the trust necessary to foster integration and stability.

It is vital to address issues of practical concern before tackling the more intractable issues of recognition, forfeiting the right to veto Kosovo's accession to the EU, and jurisdiction in the north. Now that Kosovo is recognized by so many nations of the world, members of the new government are focusing on more issues than just independence. Therefore, delinking the issues of recognition and practical issues is more possible now than it has been in the past. Delinking these more difficult issues from practical issues that are more able to be resolved is necessary to reach any improvement in relations between Serbia and Kosovo. Improved relations between the two entities will create an environment in which it is more likely that the more difficult issues will be resolved eventually.

There are a few scenarios for the future of the relations between Serbia and Kosovo: the complete reintegration of Kosovo with Serbia; the continuation of the frozen conflict; decentralization; partition; and entry into the EU without resolving the border disputes. There is no returning to the way things were for Kosovo and Serbia before February 17, 2008—in part because of the violent history between the two entities, but also because there has already been such a strong welcoming of Kosovo by many influential members of the international community. Most Kosovar Serbs, in the south as well as the north, recognize this reality already and many are integrating with Kosovar institutions, although this does not mean that they recognize the independence of Kosovo. The Serbian Liberal Party (SLS) participates in Kosovo's Parliament despite threats from Serbia and accusations of betraying their Serbian brothers. The continuation of poor relations between Serbia and Kosovo cannot remain as it is, causing so much discomfort to the Kosovar people of all community affiliations.

Partition, or the policy by which Kosovo would forfeit the north to Serbia, is a taboo topic of discussion in the political circles of Kosovo. Yet it would acknowledge the two realities on the ground that neither side can face: that Kosovo does not have effective sovereignty over the north and that Serbia has rarely if ever had complete control over Kosovo. Now that Serbia cannot afford to provide for Kosovo financially

after the global financial crisis, even in the north, Kosovar Serbs feel as though Belgrade is letting them down, that they are just pawns in a power game Serbia is playing with Kosovo. The other problem with the partition option is that it may have implications for *Republika Srpska* in Bosnia that may hurt the fragile security situation in Bosnia. However, if Bosnia does disintegrate and *Republika Srpska* breaks off from the country, little parallels can be made to the case of Kosovo because the situation in *Republika Srpska* is drastically different from the situation in northern Kosovo. Finally, even if both Kosovo and Serbia enter the European Union, borders still have meaning for states within the EU. The Serbs have to live with the reality that Kosovo has attained independence and that entering the EU with the Serbs as part of Serbia is not a negotiable option for the Kosovar government.

Ultimately, negotiations should aim for the option that improves the lot of the people of Serbia and Kosovo the most: decentralization within an independent Kosovo. The north, in which the Kosovar Serbs are more attached to Serbia than the majority of Kosovar Serbs who reside in the south, should be considered a largely autonomous region, with representation in Prishtina, control over local issues like education, and revenue sharing over natural resources area. In the accession process to the EU, Serbia is being pressured to reduce its destabilizing activities in Kosovo. Increased investment by the Kosovo government in the north ties them loosely to the center. This is the most plausible solution to the conflict and should be supported by the international community to a realistic extent, taking into account resistance from countries that worry about the precedence of Kosovo's independence. This solution would ensure the highest possible well-being for the Kosovar people and therefore, the relations between Serbia and Kosovo should be tailored towards facilitating this future scenario.

Recommendations

- **Serbia should cease intimidating Kosovar Serbs who choose to participate in Kosovar institutions.** The Kosovar Serbs who participate in these institutions do so because it is practical. It does not necessarily mean that they recognize the

independence of Kosovo. These tactics prevent cooperation between Kosovar Serbs and Kosovar Albanians who must live together.

- **Kosovar Albanians should meet with Kosovar Serbs for secret, informal talks in order to build trust and learn about the actual complexities of each side.** This will provide the groundwork to tackle practical issues facing the people of the region and help politicians have a more nuanced view of each other and reduce misperceptions.
- **The EU should facilitate informal talks between representatives of the Serbian and Kosovo governments** as they hold the respect of each side and could pressure the two sides to move forward with cooperation. **The EU should apply unique pressure on Serbia to normalize relations with Kosovo** as it should not make the same mistake with Serbia as it did with Cyprus—welcoming a country with serious disputes within its region into the club. **At first, representatives from the EU should shuttle between Belgrade and Prishtina in order to lay the groundwork necessary for the two sides to come to the table. The issue of Kosovo’s status should not be covered in the first rounds of informal talks between Kosovo and Serbia.** This will only bog down the process and prevent the development of a rapport and a pattern of cooperation on more practical issues.
- **The EU should consult with members of the Project on Ethnic Relations,** a non-profit group with extensive expertise and experience in conflict resolution efforts regarding Kosovo and the region.
- **The President of Serbia should issue a clear apology for the atrocities committed by the Serbian government against the Kosovar people during the 1990s. The Kosovar government should issue a statement acknowledging this apology. Moreover, the Kosovo government should apologize to the Serbian government for the atrocities they committed during the war as well.** These actions will guarantee that each side will not debate whether in fact an apology was made by the Serbian government. This will enable the two sides to move forward with trust-building exercises.
- **The issue of returning missing persons from the war to Kosovo should be depoliticized.** Serbia should frame the return of missing Kosovar Albanians from the

war as a humanitarian issue. This will help the Serbian government earn the trust of the Kosovar Albanians and reduce tensions to create an opening for dialogue.

- **Parallel talks should occur between non-governmental organizations and universities in order to create an environment in which agreements reached by the Serb and Kosovo government officials can be implemented.**
- **Trust-building exercises should be followed by substantive, informal negotiations between members of the Kosovo and Serbian governments** to ameliorate the standard of living for all people of the region, improve trade, increase cooperative security operations in the north, and ensure the protection of cultural heritage sites.
- To bring the two sides to the negotiating table and to encourage earnest negotiations, **the United States should only provide certain amounts of aid to both of these countries on the condition that they take these negotiations seriously.**
- The Serbian government should work with Kosovar officials to **ensure that people of the region have the right to move freely.** It should also **stop telling Serbs false information about the security situation in Kosovo.** To improve transparency between the countries, the countries **should arrange for freer access to each other's media outlets.**
- Throughout these efforts, **the Kosovo government should increase its accountability to its people,** of all communities.
- **Any negotiations should be tailored to the most viable solution to the conflict between Kosovo and Serbia: a decentralized independent Kosovo** that includes the north as an autonomous entity.

What Role for the Diaspora in Post-Conflict Kosovo?

Thibault Meilland

Kosovo offers a good example of interaction between the Diaspora and the homeland in a post-conflict environment. Indeed, damaged economies fail to create income-generating opportunities and populations affected by conflicts are often dependent on the financial assistance of family members who have migrated and work abroad. From Sri Lanka and Eritrea to Somalia and Afghanistan migrants' remittances have helped maintain the livelihoods of households and communities both during and after the war. The Diaspora-homeland interaction is thus crucial for fragile post-conflict societies.

Economic migration has been a distinctive feature of Kosovo society since the 1960s and grew faster under the large-scale repression and discrimination of the Milosevic era. War-induced migration further increased the size of the Kosovo Diaspora which reached over a million members residing mostly in Germany and Switzerland. The role of the Diaspora before and during 1998 has been extensively studied, focusing on its critical financial support to the "shadow institutions" and the Kosovo Liberation Army (KLA). Little has been said, however, on the role of the Kosovo Diaspora after the conflict.

This paper will survey the range of Diaspora-homeland interaction in post-war Kosovo. It will analyze the features of Kosovo Diaspora's involvement (e.g. volume, use and trends of remittance flows). It will also study the initiatives—or lack thereof—taken by domestic institutions to engage the Diaspora and harness its potential for contributing to the post-conflict reconstruction. This study aims at identifying the opportunities and challenges of Diaspora's contribution to post-conflict stabilization and reconstruction.

The Kosovo Diaspora: a Complex Picture

Emigration of Kosovars to Western Europe is not a new phenomenon. It is commonly approached in three main phases which account for the diversity of the Kosovo Diaspora.

In the 1960s, a first wave of temporary guest workers migrated to the West. Leaving the low level of industrial development and a high unemployment rate, the majority of these “Gastarbeiter” found jobs in Germany, Switzerland and Austria. Their sociological profile illustrates the traditional features of labor migrants: unqualified workers with limited education and coming mostly from the rural parts of Kosovo.

The second wave of emigration occurred in the 1980s as a result of the mounting political repression and occasional crackdowns on protests under Slobodan Milosevic. This outflow showed a significant increase after Belgrade decided to abolish the autonomy status of the Kosovo province in 1989. In practical terms, the abolition of autonomy meant the dismissal of tens of thousands of Kosovo Albanians from their jobs and compulsory military service in the Serb army. Belgrade’s repressive measures led dissenters and educated professionals to join low-skilled workers and increase the size of the Diaspora communities.

The third wave of emigration followed the offensive of the Serb military and security forces on Kosovo and the undertaking of ethnic cleansing. With this most recent phase, guest workers and dissenters were joined by asylum-seekers and undocumented migrants. These new forced migrants managed to reach neighboring countries, and eventually Western European countries, through the pre-existing social networks of the Kosovo Diaspora.

The absence of reliable census data makes it very difficult to obtain accurate figures and information about the Kosovo Diaspora, its size and its particular features. Differences in demographic accounting also contribute to the difficulty. For instance, official figures of the Diaspora established in Switzerland include those Kosovo Albanians who have obtained Swiss citizenship, while it is not true for German figures. A rough estimate of 800,000 people is commonly discussed. Germany hosts the biggest Diaspora community, with approximately 300,000 individuals. Switzerland is also home for a sizeable Kosovo Albanian community with about 155,000 individuals. Other large communities are established in the United States, the Scandinavian countries, United Kingdom, France, Belgium and Austria, while smaller communities are found as far as Australia and New Zealand. However, with mass return of asylum-seekers after the end of the conflict, the number of Kosovo Albanians abroad may have decreased. If we

assume that these estimates are realistically close the actual figures and if the estimation of the Statistical Office in Kosovo that 2.1 million inhabitants live in Kosovo today is also correct, it appears that almost one Kosovo out of three lives abroad today (Haxhikadrija 2009, 22).

What Role for the Kosovo Diaspora?

Before 1999

Migration and Remittances as Livelihood Strategy

A distinctive feature of Kosovo society, migration has provided households—and especially rural ones—with an opportunity for alternative or additional sources of income. Working in the construction business, in farms and in the tourism industry, Kosovo migrants have maintained contact with their family under the form of remittances. During the 1970s, the progress of socialist industrialization generated urban employment in public administration and socially owned companies, thus reducing the incentives for the Kosovo youth to emigrate. With the crisis of the socialist model and increased pressure from the Milosevic regime, migration flow resumed on a massive scale, and remittances regained their significance for Kosovo households. For many of them, migration and associated remittances have been a livelihood strategy that has substituted for the lack of economic opportunities and effective development policies at home (European Stability Initiative 2006, 2-3).

Several motivations are traditionally advanced to account for remittance-sending behaviors. Migrants may be altruistic and care about the well-being of their relatives for its own sake. By supporting their families, migrants may also seek to ensure their rights to inherit assets in their country of origin. The will to maintain links with the homeland in order to prepare a return can also be a driving force behind remittances. Maintaining links can take the form of capital investment so as to ensure a source of income when back home (Havolli 2009, 3-4). In the case of Kosovo, evidence from surveys suggests that these several factors have been at work in encouraging migrants to sustain a high level of remittances to the homeland (Havolli 2009, 12-13).

The Fight for Independence and the Diaspora as a Political Actor

The Kosovo Diaspora emerged as a political actor by the late 1980s, with Milosevic's increased repression on the southern province. From the early 1990s on, Ibrahim Rugova's stance in favor of independence created a "focal point" for Diaspora mobilization and support to the Democratic League of Kosovo experienced a significant increase in the Diaspora circles (Koinova 2009, 2). At the beginning, the Diaspora was mostly providing economic and political support to the LDK. Kosovo Albanians paid a 3 percent tax on their income earned abroad to a "Republic of Kosovo Fund" to sustain the parallel structures of the LDK-led shadow government of Kosovo. Organized Diaspora groups, such as the Albanian-American Civic League of New York, also served as an intermediary between U.S. members of Congress and ethnic Albanian politicians from Kosovo, Albania and Macedonia.

Later developments in Kosovo and the region led to a more radical stance among the Diaspora. The 1995 Dayton Agreements signaled the partial failure of Rugova's non-violent strategy, by leaving Kosovo aside in the peace process. More importantly, Belgrade's increasing repression furthered the radicalism of Kosovo Albanians, both at home and in Diaspora circles. When in February 1998 the Serbian military forces massacred an extended family with ties to a Kosovo Liberation Army (KLA) militant in the Drenica region, the Diaspora switched its support to the armed and violent methods that the LDK refused to endorse. The "Homeland Calling Fund" was established in the mid-1990s by Kosovo Albanians living in Europe to collect and channel the funds to the KLA. The declining appeal of the moderate LDK was met by parallel efforts from the KLA to consolidate its support among the Diaspora, establishing its own networks and financial channels (Koinova 2009, 3-4).

In post-1999 Kosovo

Remittances in the Post-Conflict Economy

At the household level, the Diaspora's remittances have helped Kosovars sustain their livelihood in a depressed economic context. In the immediate aftermath of the conflict, 70 percent of the population was "supported" while 14 percent earned income from work and 4 percent benefited from pension or social incomes (Vathi et al. 2007, 5). According

to a 2000 household survey, the proportion of Kosovo households receiving remittances was 29 percent, with amounts varying between € 500 a year for 20 percent of them and € 5,000 a year for 15 percent of them. For that same year, estimates reach € 275 million total, with € 40 million worth of goods. Taken together, these figures represented 17.5 percent of Kosovo's GDP in 2000 (Haxhikadrija 2009, 3). Five years after the conflict, poverty was still affecting almost half of the population and 14 percent of Kosovars lived in extreme poverty (Vathi et al. 2007, 5). With significant disparities between regions, remittances have played a significant role in maintaining tolerable living standards in rural areas.

Remittances have also proven vital for Kosovo's macroeconomic stability. Along with foreign assistance, migrants' financial transfers have compensated for the negative balance of payment. Indeed, chronic trade deficits have been a distinctive feature of Kosovo's post-war economy. In 2006 for instance, € 67.6 million in goods and services were imported while only € 10.4 million were exported.

De-radicalization and Potential for Constructive Dialogue

Post-1999 marks a change in the Diaspora's political involvement, with new concerns arising which differ from the immediate support to the war effort. NATO's military intervention against Serbia was soon followed by the creation of the United Nations Interim Administration in Kosovo (UNMIK). This outcome however, did not settle the question of Kosovo's statehood status, which had been at the core of the LDK and later KLA's agenda and had fostered the Diaspora's political mobilization in the first place. In addition, under UNMIK rule Kosovo's provisional institutions of self-government proved less eager than Rugova's shadow cabinet and KLA leaders to engage the Diaspora circles. Efforts to deal with the international presence at home were given the priority. On the other side of the spectrum, Diaspora members have also proven more reluctant to make political contributions out of fear that their financial support would be misappropriated. After the fighting, the decrease in political contribution was also due to the shift to direct support for family members rather than to the KLA troops, or to those apt to ensure their physical safety against Serbia (Koinova 2009, 5). Nonetheless, the Diaspora continued to provide its financial and political support to domestic political

parties, starting with the LDK. The Diaspora's involvement has also entailed direct participation in Kosovo's domestic politics. Haxhikadrija (2009) notices that three out of the five Prime Ministers of post-1999 Kosovo had themselves experienced emigration—Hashim Thaçi and Ramush Haradinaj had both resided in Switzerland while Agim Ceku had been part of the Kosovo Diaspora established in Croatia (Haxhikadrija 2009, 65).

On the other hand, independence has remained a focal point for the mobilized Diaspora. Organizations such as the New York-based National Albanian-American Council have maintained their lobbying to keep Kosovo's status on the agenda of both the U.S. Congress and Administration (Balla 2007). Within the Diaspora circles, moderate groups seem to have dominated the political agenda, demonstrating a willingness to work with the international community to achieve independence rather than taking a more radical and confrontational stance that may alienate foreign support. This strategic option must also be contextualized. With the ousting of Milosevic from power in 2000, the international community's agenda gave the priority to the democratization of Serbia, and the attention moved from Kosovo to Belgrade. In the post-war context, the Diaspora mobilization in favor of independence has thus taken a more moderate path, internalizing the focus on democratization promoted by the international community (Koinova 2009, 5).

Interestingly, Kosovo's democratization and the emergence of multiparty politics had adverse consequences on the organizational capacities of the Diaspora. Once gathered in large umbrella associations and pooling their efforts to alleviate suffering at home, Kosovars living in Switzerland are now polarized along political lines. Since 1999, Kosovo-based political parties have indeed tried to establish their branches among migrant communities and win their support (Haxhikadrija 2009, 64-65). Such polarizing dynamics are at odds with a coherent and centralized dialogue between Prishtina and the Diaspora. Second-generation Kosovo migrants may offer more potential for a constructive dialogue to emerge. The Swiss case shows a rebirth of associations among the "Secondos" with the creation of professional and student associations. Enjoying, for most of them, stable residence permits or full Swiss citizenship, these second generation

migrants have attained higher educational levels than their parents and speak foreign languages (Haxhikadrija 2009, 66).

A Resource for Post-Conflict Reconstruction and Development?

Given Kosovo's historical migration pattern and the volume of migrants' financial transfers, there is a widely shared belief that the Diaspora could play a leading role in the country's economic development. Compared to other nationalities, Kosovo migrants have indeed a high propensity to remit a portion of their income to the home country. Can this potential be harnessed to foster development? In the immediate post-war environment, remittances have been crucial for repairing or reconstructing damaged houses. Several community projects implemented at the local level pooled the resources of the donor community and migrants' remittances to fund the building of schools, roads and healthcare centers. Yet, as demonstrated by household surveys, the remittances received by Kosovo families are used mainly for consumption rather than productive investment. Investing in income-generating activities does indeed require a favorable context, and, according to surveys, potential "migrant-investors" faced a country lacking the capacities to absorb such inflow. Disappointment with irregularities in the privatization process of socially-owned companies, widespread corruption, a discouraging fiscal environment and the lack of decent infrastructures have all contributed to lowering the prospects of successful investment in Kosovo. For potential entrepreneurs who have made most of their professional experience in host countries, investing in Kosovo has proven less attractive than previously thought, thus reducing the positive impact of remittances on the country's economic development.

While remittances appear to contribute only marginally, if at all, to the country's overall development, their decreasing volume also qualifies the initial hope placed in them. The two most recent Household Budget Surveys show a drop of 25 percent in the amount received by the average rural household between 2003 and 2004. Besides, recent estimates contained in the Kosovo Poverty Assessment show that no more than 15 percent of Kosovo households now receive remittances on a regular basis. Several factors can account for such trends. Since the end of the conflict in 1999, Kosovo has experienced a massive return of refugees who had unsuccessfully sought asylum during

the 1990s but whose presence was tolerated. In Germany, for instance, unsuccessful applicants received *Duldung*, or “toleration permits”. Such intermediary status enabled them to stay in Germany without a formally determined status on condition that they would return home as soon as the situation permitted. Therefore, in 1999, Germany organized the return of 180,000 Kosovars, a figure that was not matched by the near 5,000 cases of family reunification. These returnees also repatriated their savings and property, which contributed to increase temporarily the immediate post-war remittance flow.

Finally, in post-war Kosovo, emigration follows a new pattern with consequences for the volume of remittances. While traditional destination countries had maintained a regime favorable to labor migration, the focus is now on family reunification programs. Once made up of single young men sent abroad to find work, the Kosovo Diaspora now includes a growing share of households, of married couples with children. If it has an impact on the overall volume of emigration, such qualitative change also entails a lower sense of social obligation for migrants, which may also contribute to an ever-decreasing volume of remittances. A realistic appraisal for the potential role of migrants in the future of Kosovo seems to qualify initial enthusiasm of the early 2000s. While, in the past, migration has provided a way to mitigate underdevelopment and poverty at home, it has, however, failed to constitute a driver for economic development. With the highest fertility rate in Europe and few job opportunities for its growing youth, Kosovo will face economic and social challenges that migration and the regulating remittances alone cannot address.

Recommendations

Several measures can be taken to foster constructive engagement of the Diaspora. Rather than solidarity and kinship-based moral obligations, **a sense of shared interest could be the pillar of the relation between Kosovo and its Diaspora** (Janetsch et al. 2009).

- **Kosovo authorities could improve the business climate through fiscal incentives and identification of “priority targets” for investment.** Along the same lines, **remittance flows could be facilitated and their cost reduced in cooperation with the banking sector.**

- **Diplomatic efforts could be made to institutionalize a formal dialogue with Diaspora communities and encourage the involvement of the Diaspora's younger generations.** The Ministry of Foreign Affairs and its diplomatic resources could be used to reach out to the Diaspora communities and define the potential for cooperation.
- Knowledge about migratory dynamics, Diaspora communities and remittance flows could be enhanced to **help Kosovo authorities design a proper strategy for constructive Diaspora engagement** (Haxhikadrija 2009, 80).

Part III: Issues

Kosovo's Media: An Agent of Positive Social Change or the Handmaiden of Ethnic Polarization?

James Littleton

Thomas Jefferson once said, “..Man may be governed by reason and truth. Our first object should therefore be to leave open to him all the avenues of the truth. The most effectual hitherto found is the freedom of the press.” In post-conflict and post-authoritarian societies the level of media freedom is a major indicator of progress toward consolidating a democratic culture and society; in the case of Kosovo it also provides a benchmark for accomplishing a specific goal, expressed in the Ahtisaari Plan: establishing a multi-ethnic society.

To answer the question which forms the title of this paper, the analysis will focus on four inter-dependent variables congruent with the conflict transformation objectives mentioned above: the level of media freedom in Kosovo; the democratic performance of the media; its contribution to democratization; and its impact on the polarizing dynamic which continues to characterize relations between Kosovo Serbs and Albanians. The conclusions drawn from this analysis, and the subsequent answer provided to the overarching question posed by this paper, will frame and inform the policy recommendations set out in the final section. Any analysis of the contemporary media landscape in Kosovo requires a brief historical overview as a point of departure. This historical background helps to contextualize some of the key trends and developments that are discussed in the course of this paper.

Prior to the international intervention in 1999, Kosovo had been an authoritarian and traditional society. Therefore, the transition to an open society where people actively engage in public debate, informed by a vibrant and independent media, was never going to be a smooth process, devoid of cultural and political resistance. This dynamic is not unique to Kosovo. It is a feature of many post-conflict societies. The legacy of the recent past casts a dark shadow over the present, influencing the behavior, strategies and tactics of key local actors. Embracing new norms and habits takes time as change creates

uncertainty and can strengthen, rather than diminish, zero-sum tendencies among political elites.

Under direct Serb rule, the Kosovo Albanian media had been emasculated. On 5 July 1990, the day Serbia decided to dissolve the Parliament and Government of Kosovo, *Television Prishtina* was prohibited by Serbian authorities from broadcasting in Albanian. On 7 August 1990 the Serb authorities banned the publication of *Rilindja*, which at the time was the only daily newspaper in Albanian in Kosovo. Strict censorship measures severely restricted the sources of information available to Albanians. In the immediate aftermath of the NATO-led intervention in Kosovo the media environment flourished. By 2001 there were 83 local and four national radio stations, 23 local and national television networks, six daily and two weekly newspapers.

However, this expeditious evolution of news sources was occurring in a psychologically scarred, and deeply polarized, society. In such a toxic environment, the proliferation of news sources did not mean that citizens were the beneficiaries of reliable, unbiased, socially responsible reporting. During this period the media—apart from a few exceptions such as the independent daily newspaper, *Koha Ditore*—were not noted for their democratic performance, or contribution to the democratization process. Rather than being an instrument for promoting political stability in a fragile, post-conflict society, Kosovo's media was, on the whole, a catalyst for instability. Personal vendettas, hate speech, the settling of old scores and inflammatory news reports, motivated by myopic ethnic agendas, were often the dominant characteristics of Kosovo's nascent media industry. As one commentator opined, "On their list of priorities, journalists often placed their professional ethical responsibility behind their ethnic identity."

The consequences of incendiary news reports sometimes proved fatal. For example, in June and July 2002, the newspaper *24 Ore* published a series of articles accusing Tahir Zemaj of murdering dozens of Albanians. In January 2003, Zemaj was shot dead along with his son. The situation reached its nadir in March 2004 when three Albanian boys drowned in a river after being chased by a dog. Radio Television Kosovo (RTK), without even attempting to verify the facts, reported that a Serbian couple had deliberately set their dog on the boys. The report provoked widespread rioting, resulting

in 19 fatalities. The OSCE accused RTK of “reckless and sensationalist” reporting and displaying “unacceptable levels of bias, carelessness, and falsely applied ‘patriotic’ zeal.”

For the OSCE, the crisis in March 2004 posed a significant challenge given its role as the Institution Building Pillar of the UN Interim Administration Mission in Kosovo. (UNMIK). Part of its mandate included developing a “free, responsible, unbiased and professional media.” After four years the OSCE had little to show for its efforts in the media sector. However, given the socio-political conditions prevalent in Kosovo at the time it would be unfair to criticize the OSCE for the lack of progress. What is significant, for the purpose of this paper, is the progress made since March 2004.

Kosovo now has in place a regulatory and legislative framework which lays the foundation for the evolution of a free and independent media. In its 2009 *Nations in Transition Report*, Freedom House assessed that freedom of the media is well protected by the legislative framework. The constitution of the Republic of Kosovo, ratified in June 2008, guarantees freedom of speech (Article 40), the right to access official documents (Article 41) and freedom of media (Article 42). Panel participants for the 2009 Media Sustainability Index (moderated by a representative from the GAP Institute), in a debate about the ‘plurality of news sources’ in Kosovo, unanimously agreed with the proposition that, “news sources have increased, easing citizen access to information from multiple sources with different viewpoints.”

The print media have established a self-regulatory Press Council made up of journalists and editors, and can impose a right of reply or fine journalists who breach the code of conduct and media ethics. In the broadcasting sector, an Independent Media Commission (IMC) was established in 2005 to regulate the broadcast media and implement a code of conduct. Thus far, both regulatory bodies have shown a determination to sanction those who breach the regulations that have been set. For example, on 23 June 2009 the Press Council fined the Kosovo Albanian newspaper ‘InfoPress’ for inciting violence and jeopardizing freedom of expression, after it published a news article falsely accusing an investigative journalist of being a ‘servant of the Serb secret police.’ In a press release dated 10 June 2009, the IMC labeled these threats as unacceptable, highly condemnable in a democratic society, and called on all Kosovo institutions to deal seriously with the incident.

The willingness of the regulatory bodies to react when breaches occur appears to be acting as an effective deterrent, especially with regards to the propagation of hate speech. Apart from the incident cited above, there are few recorded incidents of the ‘vigilante journalism’ which tarnished the image of Kosovo’s media a few years ago. From the Kosovo Albanian perspective, this decline may be a consequence of significant changes in political conditions (for example, the declaration of independence in February 2008) rather than the presence of a body regulating journalistic activity—changes which have tempered feelings of insecurity and bitterness that were prevalent before 2008.

Much of the progress noted above, however, is symbolic rather than substantive. Despite the passing of laws to protect freedom of information and freedom of the media, Kosovo still does not provide an enabling environment for unfettered media activity in accordance with international norms and standards. This criticism was the leitmotif of discussions held with various civil society representatives, and opposition politicians, during the trip to Kosovo. They pointed to the fact that the new regulatory bodies lacked the ability to enforce sanctions, thus blunting their ability to raise standards and curb egregious behavior. The absence of effective enforcement powers risks precipitating the reemergence of a culture of impunity (especially in the event of an incident that ignites a violent confrontation between Serbs and Albanian, such as the one that occurred in March 2004), reversing the incremental progress made over the past few years. This would seriously undermine progress toward establishing a multi-ethnic society in Kosovo.

A major concern expressed by those I spoke to outside of government was the increasing level of government interference in the media. Blerim Shala, a former editor, and Deputy Chairman of the Alliance for the Future of Kosovo Party (AAK), accused the government of trying to “strangle the independence of the media and assert state control over the public broadcaster, RTK.” He added that the tactic of undermining the editorial independence of the RTK formed part of a broader strategy designed to subordinate the key institutions of the state to the ruling PDK party, led by Prime Minister Thaçi.

His views were echoed by Nexhat Daci, Chairman of the Democratic League of Dardania Party (LDD), “They (the Government) have no desire to allow media freedom; they see this as a threat. That is why they are interfering with the work of the media

regulators. They want to hide the truth.” These viewpoints contradicted the positions articulated by senior government officials. During discussions with these officials, the use of platitudes, delivered in hubristic tones, to convey a principled commitment to media freedom, betrayed a lack of sincerity.

Reports issued by independent third parties outside Kosovo corroborate the accusations made by civil society activists and members of the political opposition. In its 2009 ‘Progress Report’ on Kosovo, the European Commission expressed concern about political interference in the running of RTK, and stressed the need to strengthen the financial capacity, and political independence, of both the Press Council and the Media Commission. Under the current law, the Media Commission has to negotiate its budget with the government on an annual basis. This renders it vulnerable to political interference, and has led to accusations from opposition politicians that the government is using its leverage to influence the process of the allocation of broadcast licenses. At a meeting with representatives from the OSCE, one of their officials stated that “Public trust in the neutrality of the RTK will erode unless it becomes financially independent. The loss of RTK’s public legitimacy would be a serious blow to the democratization process in Kosovo.”

In October 2009, the Director General of the European Broadcasting Union (EBU) wrote a strongly worded letter to Prime Minister Thaçi accusing the government of putting pressure on RTK staff in the run-up to the November elections. “What we are seeing now is pressure from the Kosovo Government to turn RTK into an uncritical state broadcaster—a fact that will be beneficial neither to the citizens of Kosovo nor to your ambitions for more international recognition for your country.....the EBU is not alone in criticizing recent moves by the Thaçi government to restrict media independence in Kosovo.” In the same month, *Reporters without Borders* found “Freedom of the media in Kosovo considerably deteriorated.” Kosovo’s ranking for media freedom fell to 75th place in 2009 from 58th in 2008.

According to the people interviewed for this report, one of the most effective means used by the government to exert pressure on the media is through advertising. In the current economic climate many news outlets are struggling to survive, and compete for advertising in a restricted market dominated by the government. If a newspaper is

critical of the government it is likely to pay a price in terms of loss of advertising revenue. Potentially the government can make or break a paper financially—a serious barrier to safeguarding media independence. The coercive tactics deployed by the government also mean that many media outlets, in particular RTK, are reluctant to provide adequate access to opposition parties, or ensure fair and impartial reporting on political debates, “If I am talking at a press conference about say, the ‘north’, RTK will cut me off after two minutes, distorting the context of my speech. This is blatant political manipulation of the media by the ruling party,” said Blerim Shala.

Shala attributes government moves to control the media, and harness it to the ruling PDK’s political agenda, to the communist legacy: “My generation still has the communist mentality. They want to control what people read, what they think.” The effect of this ‘controlling impulse’, whether due to Kosovo’s authoritarian heritage, or to expedient political calculations in the current context, is to the detriment of Kosovo’s democratization process. Political pressure, and fear of recrimination, has precipitated a disturbing trend of self-censorship among journalists. As a consequence, investigative journalism, an essential arrow in the media’s quiver for performing the task of holding the government and public officials to account, and exposing wrongdoing, is rarely practiced in Kosovo.

“Journalists are scared to expose corruption and judges are scared to hand down sentences on those charged with corruption. People fear the consequences,” said Eqrem Kryeziu, Deputy Chairman of the Democratic League of Kosovo (LDK). While Kryeziu’s comments may be dismissed as being impaled on the stake of hypocrisy by his opponents, given the LDK’s dubious track-record of tackling corruption when it was in power, there is little doubt about the prevalence and corrosive impact of corruption in Kosovo. When you ask ordinary Kosovars about their primary concerns, corruption is normally the first thing they point to.

Holding elected officials to account, and defining the boundaries of acceptable conduct, enables the media to shape the democratization process. The fact that only a handful of media perform this democratic function in Kosovo (for example *Koha Ditore*) is not simply due to coercive political factors. The legacy of Kosovo’s recent past suggests another reason for the reluctance of many in the news media to fulfill their

watchdog mandate. As mentioned earlier in this paper, Kosovo is still making the awkward transition from an authoritarian and traditional society to one which is characterized by democratic principles and processes. Challenging figures of authority, and holding them to account for their words and actions, represents a seismic socio-cultural shift and a *modus operandi* which many are still adjusting to.

Lack of training also helps to explain the absence of investigative journalism. Only a small number of journalists have been trained in the skills and techniques of investigative journalism. The limited pool of talent in this area contributes to Kosovo's democratic deficit. But so too does the failure of a significant proportion of Kosovo's media to perform the key duty of informing public opinion through balanced reporting and imparting information on key issues of the day. News coverage is often characterized by its simplicity which robs the news of its context, and thus its ability to inform and educate the audience.

Very little of the media content, print and broadcast, is dedicated to educating citizens on their basic civil and political rights, a vital function of the media in emerging democracies. The lack of balance between entertainment and edification, and the indulgence of dramatic news reporting over more sober analysis and commentary, seriously impairs the ability of Kosovo's media to act as an agent of positive social change and an avenue for the expression of democratic ideals. Political pressure and intimidation notwithstanding, the media still has space to perform a democratic function, and act as a driver of the democratization process, but thus far only a few have taken on this crucial role.

If it is not yet fulfilling its potential as an agent for positive social change, is the media performing the role as the handmaiden of ethnic polarization? It is to this issue that this paper will now turn.

In post-conflict societies, where the social fabric has been ruptured by ethnic violence, and communal groups are often judged by their extremes, the media can play a lead role in magnifying the voice of the moderates, supporting reconciliation efforts, and reframing how each side perceives the 'other'. From the very beginning of the international intervention in Kosovo, reconciliation between Serbs and Albanians was viewed as fundamental to accomplishing stabilization and conflict transformation

objectives. OSCE was tasked to support this effort by developing a multi-ethnic media in Kosovo in order to mitigate Serbian fears of marginalization and augment other initiatives designed to foster Serb support for a new political dispensation in Kosovo.

When RTK was created under international supervision, a key component of its mandate was to encourage the harmonious development of a democratic and tolerant society. Under Article 6 of the law establishing RTK, the public broadcaster is obliged to provide minority-language broadcasting. At least 15 percent of its airtime, including prime time news, should reach non-majority communities in their respective languages. Under Article 6 (5) of the Law on the Rights of Communities, the government is obliged to secure an international frequency plan allowing the Kosovo Serb community access to a licensed Kosovo-wide independent Serbian language channel. At the behest of UNMIK, a Minority Media Fund was established in 2006 to support the development of non-majority and multiethnic media. The fund was to be financed by setting aside five per cent of the license fee revenue. Efforts to safeguard access to the media by minorities were part of a broader policy for establishing benchmarks for minority rights, as a precondition for a final agreement on Kosovo's status, as per Ahtisaari's Comprehensive Proposal.

To date, however, despite the legislative framework that has been established to safeguard minority rights vis-à-vis the media, there has been little progress with regards to implementation. Contrary to the law, less than twelve per cent of the daily RTK Radio and TV programming is in non-Albanian languages. Radio Kosovo does not broadcast non-Albanian language programmes on the same frequencies used for Albanian language programmes, while not a scintilla of evidence is available to demonstrate government efforts to establish a Kosovo-wide Serbian-language television channel. Moreover, the Minority Media Fund has yet to fulfill its initial mandate. Grants for projects designed to support multiethnic initiatives, and improve the programming content offered by minority broadcast media, are still waiting for final approval by the Prime Minister.

The failure to implement agreed legal mechanisms to ensure minority access to the media undermines efforts to secure Serbian buy-in to the new political process in Kosovo. The absence of RTK coverage in many Serbian areas, in particular in the north, and the absence of a Kosovo-wide Serbian-language channel, mandated to provide

objective content on developments in Kosovo, means that Serbs lack information about what is happening on the ground. This creates a dangerous information deficit, inimical to the process of reconciliation and persuading Serbs that their rights are protected under the new political system. To satisfy their information needs, most Serbs rely on Serbia's state broadcaster, RTS (Radio Television Serbia). The subjective and politically motivated news content broadcast by RTS about developments in Kosovo serves to reinforce pre-existing concerns among Kosovo Serbs, and appears to be aimed at achieving the Serbian government's objective of discouraging their kinfolk from participating in the new institutions that have emerged in Kosovo.

In a meeting with Sasha Rashic, the Minister of Communities and Returnees, concern about the resonance of Serbian propaganda broadcast on RTS, and the lack of an effective Kosovo Serb media presence to counter this, dominated much of our conversation on the use of the media to communicate with Serbs about developments in Kosovo—in particular the decentralization process, and refugees and internally displaced persons seeking to return to their homes: “Take the issue of the refugees. We are trying to communicate with them, explain to them their basic rights and how the return process works, from a legal perspective. Many want to come home but RTS broadcasts news reports saying that it is not safe to return, that Albanian authorities offer nothing to the Serbs, that we have no rights in Kosovo. This is not true, but our challenge is communicating the truth. It is hard to do so without a nationwide television network that broadcasts in the Serbian language.”

Although local Serbian broadcast media do exist in Kosovo, their capacity for producing engaging programming content is limited—hence people turn to Belgrade-based organizations for their news and entertainment. The lack of shared sources of information, and the organization of the media along ethnic lines, means that Kosovo's media landscape reflects a form of ‘media apartheid’. Consequently, it can be strongly argued that the media are inadvertently serving as the handmaiden of ethnic polarization. They are not acting as a medium through which each side can talk to the other, access the same information to shape a common perspective, and challenge the negative stereotypes that exist. Rather than bridging the divide between Serbs and Albanians and facilitating

contact, the media, due to the way they are currently structured and managed, are increasing the distance between the two communities.

Just as the media have the potential to be an agent of positive social change concerning the democratization process, so too do they have the potential to model and foster a reconciliation process, which in itself is a fundamental component of democratization and the objective of creating a stable, multi-ethnic society. The recommendations below provide suggestions on how this potential can be realized.

Recommendations

Improving the Democratic Performance of the Media

Short-Term

- **The media should produce content that educates citizens on their basic civil and political rights and encourages them to participate in building new democratic structures.**
- **The international community must put pressure on the Thaçi government to desist from trying to exert state control over the media.** The government should be warned in unequivocal terms of the damage that such measures will cause to Kosovo's aspiration for EU membership and the need to attract foreign investment and broad international recognition.
- To set the benchmark for media independence in Kosovo **it is essential that RTK's status as a public broadcaster is safeguarded from attempts to transform it into a state broadcaster.** As a first step, this requires removing the need for government financing and securing alternative means for funding the regulator.
- **The Press Council and the Independent Media Commission need to be given effective powers to enforce the sanctions that they issue.** This will require the cooperation of the judiciary and perhaps a judicial official appointed to preside over hearing specifically related to violations of media ethics and codes of conduct.
- **Training programmes need to be introduced,** run by outside media experts, to train journalists in investigative reporting, human rights, ethics and socially responsible reporting. Such training is necessary to address the simplified and dramatic content of much of the news reporting in Kosovo.

- **To protect journalists from political intimidation, professional associations that represent journalists need to be strengthened.** The onus here is on journalists themselves and civil society organizations. At present advocacy groups promoting freedom of speech and media freedom are inchoate, and lack an effective voice. International organizations involved in developing Kosovo's civil society should focus more of their efforts in this area.

Medium-Long-Term

- **Steps must be taken to reduce the financial dependency of the print media on the government and political parties** (through the sale of advertising space).
- **Journalists should undergo language training to ensure that they are bi-lingual** (in Albanian and Serbian). Over time, this should become a basic, legal requirement, to practice as a journalist in Kosovo.

Undercutting Ethnic Polarization and Fostering Reconciliation

Short-Term

- The international community must pressure the Government of Kosovo to comply with its **legal obligation to establish a Kosovo-wide Serbian language channel** and approve without further delay the projects which have been submitted to the Minority Fund.
- The international community, and local civil society organizations, **should encourage 'ethnic' media outlets at the local level to cooperate, exchange news stories and collaborate to develop programming designed to promote reconciliation.**

Medium-Long-Term

- Both RTK and the independent Serbian channel should be legally obliged to ensure the following:
 - **That at least 50 percent of their respective news content is the same.** This will help to counter the distorting news feeds about Kosovo emanating out of Belgrade

- and Tirana, fostering a shared understanding among Serbs and Albanians about political developments in Kosovo.
- **Develop bi-lingual programming so that Serbs and Albanians can connect** and ‘talk to one another’ about their concerns and the issues which impact on normal, everyday life.
 - **A weekly “Talk-Show” broadcast on both channels** which offers a platform for informed and open debate on sensitive issues.
 - **Produce specific programming content based on the themes of reconciliation and peaceful coexistence.**
 - The youth should be a primary target audience of this type of programming.
 - **RTK, and the new independent Serbian channel, should co-host a website,** with content available in Serbian and Albanian. There should be a specific section focusing on reconciliation initiatives.

Where the Streets Have No Name—Infrastructure

(Re-)Construction and Post-Conflict Reconciliation

Florian Kern

Whether one rejects or supports Kosovo's independence as a sovereign state, in any scenario the degree of independence granted poses the problem of how to develop functional market structures within Kosovo, how to integrate a land-locked Kosovo into the economy of the region, and thus how Kosovar institutions will be able to autonomously provide public services. Political independence in itself is not equivalent to general structural independence as a sovereign entity.

Quite the opposite in the Kosovar case: The announcement of self-determination by the government entails the task to guarantee Kosovar citizens access to public goods such as education, healthcare, clean water, electricity, or a functional transport and transit system. In a self-governed Kosovo, the relatively young Kosovar state institutions have to overcome problems of infrastructure provision in a context of post-conflict reconciliation, particularly where former Serbian authority is questioned and redefined. This situation is further complicated by the existing shared accountability with international authorities. However, only if the Kosovar institutions and international actors manage to develop a sufficient infrastructural network within the territory will reconciliation proceed. Particularly improving transport infrastructure may be a way to support the trade-dependent economy, while at the same time strengthening regional partnerships and cooperation, thereby creating ties between Kosovo and its neighbors that will foster less conflictual relations.

Kosovo's economy is still highly deficient, and thus remains an "importer of almost everything, including consumption goods, machinery, and production materials," as illustrated by the large trade deficit. Statistically, imports amounted to about 50 percent of the Kosovar GDP in 2008, while exports only accounted for 6 percent in the same year (World Bank Kosovo Quarterly Economic Briefing 2009 (1)). In recent years, the local unemployment rate lies steadily above 40 percent (Statistical Office of Kosovo,

2010). Thus unsurprisingly, virtually every individual or organization involved in post-conflict management in Kosovo emphasizes economic development and creating job opportunities as the primary goals and instruments for long-term stabilization.

Improving Kosovo's infrastructure will therefore be critical in establishing a socio-economic climate in Kosovo that helps ameliorating the domestic well-being of the Kosovar communities. However, general infrastructure improvements will not only enhance Kosovo's business environment. The access to and effective provision of public goods by the Kosovar state, as well as by other international authorities such as EULEX, UNMIK, KFOR, or the ICO, will potentially strengthen the internal legitimacy of the young Kosovar state. As long as problems of the past with stable provision of electricity, water, healthcare, transport and investment infrastructure, and access to education prevail, the socio-political climate in Kosovo will be vulnerable, and tensions between the different communities will persist. Thus, only if both 'hard' (physical) and 'soft' (institutional) infrastructure can be used to serve the interests of *every* community within the Kosovar territory is a sustainable peace in the region possible.

This is of course an idealized, holistic conception of infrastructure as a web of structures enabling Kosovo's society and economy to prosper. In today's reality, this conception is heavily distorted by different factors, such as differing interests of the Kosovar government and the international community, growing dissatisfaction among the local population with the international presence, corrupt high-level political actors, the lack of domestic expertise and capital, as well as the notorious local "parallel structures" of Serbian influence in Kosovo. All of these variables may potentially deform infrastructure programs in any sector, especially in a context of a young and still institutionally developing state of Kosovo. At the same time, the current cooperation or conjunction of Kosovar institutions with international actors, and the euphoria across party lines for a possible integration into the EU, may provide Kosovo with the right medium in which a sustainable peace and stabilization process can develop.

In the following sections, observed examples of how the 'hard' dimension of infrastructure plays out in the context of post-conflict Kosovo will be depicted, and evaluated in their potential to be detrimental or conducive to present and future reconciliation. Here, the 'soft' dimension of infrastructure and administrative capacities is

crucial to understand the relation of physical infrastructure and post-conflict reconciliation. Subsequently, based on the sectoral analysis of infrastructure in Kosovo, related policy recommendation will be presented.

‘Hard’ Infrastructure in Kosovo

The term ‘hard’ infrastructure is mainly referring to physical objects such as government facilities, transport and transit facilities such as roads, railways, airports, and energy providing infrastructure. In this realm, referring to *re*-construction in the case of Kosovo may be partly misleading. The generally poor condition of physical infrastructure is not solely due to destruction during the war. Although it is true that roads, bridges, public facilities, and a high number of homes of all different ethnic groups have been destroyed in the late 1990s, particularly in the Kosovar territory north of Prishtina, especially public infrastructure had suffered already before from neglected maintenance or general underdevelopment. After 1989 and the revocation of the Kosovar autonomous status by Slobodan Milosevic’s Serbia, the described neglect concerning the provision of public service became even instrumental for the Serbian oppression of the Kosovar-Albanians. As Anand (2005) and Brown (2005) point out, increased signs of unwillingness or incapacity of the state to provide public services, such as infrastructure, build up frustration among the population and entail the potential for popular uprising and conflict—a reason why the KLA and its support base finally emerged as armed challengers of the Serbian state in Kosovo.

Thus, the poor state of physical infrastructure in Kosovo is not solely a result of the war, but was of course severely exacerbated by the conflict. Whether *re*-construction in the case of strategic sites (bridges, power plants) or *new* construction of facilities, the agenda for physical infrastructure development is challenging. The Kosovo Ministry of Economy and Finance itself describes the general state of physical transport infrastructure in 2006 as “not in a good shape” (MTEF 2006-2008). Other sources estimate that 90 percent of the local roads under municipal responsibility are still unpaved—with most of them built in the 1960s (Buza/Duraku 2009). Whereas the government focused in the period of 2006-2008 on “maintenance and rehabilitation of existing roads” (MTEF 2006-2008) and emphasized the need of international assistance

to start building interregional connections, for the period of 2008-2011 authorities sum up the significance of transport infrastructure as follows:

Kosovo is a small land-locked open economy that is dependent on trade. Its domestic markets are far too small to achieve any economies of scale except through exporting to larger markets. Thus, efficient transportation corridors are essential.

In the respective period, 11.8 percent of the planned federal expenditure will be reserved for the transport sector (MTEF 2008-2011).

As explained above, the network of transport and transit routes in Kosovo is crucial for both the regional integration of Kosovo and the municipal standards of living. With regard to destroyed bridges and strategic road bottlenecks, the European Commission (EC) and the World Bank have been active in reconstruction together with the Kosovar authorities. Still, the construction of highways and roads is now mainly a responsibility of central and municipal authorities in Kosovo, with the EC focusing their efforts on governance issues. Of course, the two areas of construction and government accountability are closely related with respect to tenders for road construction and the endemic high-level corruption in Kosovo. Paradoxically, the strengthened focus on good governance by the EC falls in a time where EULEX is assigned a similar mandate. But with the new membership of Kosovo in both the World Bank and the IMF since 2009, there are other international actors with the related expertise providing the Kosovo government with the necessary financial means for further construction. In addition, the EC is closely watching the Kosovar efforts to integrate in the regional net of transport ways to meet the criteria for candidacy for EU membership.

The autonomous responsibility for road construction of the Kosovar government and respective municipal authorities is also a test for democratic accountability and functionality of institutions. In the past, particularly government actors have been drawing their legitimacy to run for office and to rule mainly on their achievements during the struggle for independence. However, political performance and successful provision of public goods are increasingly becoming measures for Kosovar citizens to evaluate their authorities' actions, especially with the background of the first successfully held (local) elections in 2009. This is even more the case with increased awareness of

corruption within government structures, and the presence of EULEX as an entity to establish legal public procurement. The increasing popular demands for official accountability must eventually be met by the leaders—with the risk of losing office through democratic elections and an increasing rationalization of procedural legitimacy. These dynamics are particularly important for the municipal level, with a large amount of the roads being unpaved. But even in Prishtina, the amelioration of road infrastructure may be basic—because most of the streets lack signs with the respective streets’ names, even most taxi drivers do not know where exactly to find a particular street.

Concerning regional highways, first measures have been implemented with the start of the construction of the interregional highway from Durrës in Albania to Prishtina, which should eventually continue to Nis in Serbia. With entering the South-East Europe Transport Observatory (SEETO) in 2004 and with being part of SEETO’s *Core Regional Transport Network Development Plan* five-year plan, Kosovo will not only be part of regional efforts to enhance transport and transit routes, but effectively engages in relations with its neighbors and members of the SEETO, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and



Figure 1 (Source: SEETO 2009)

even Serbia. Being a landlocked country, this network will be crucial to provide Kosovo with needed physical connections to its neighbors. Within this network, the government focuses on the Motorways R6 and R7 (see Figure 1). These roads also provide access to the trans-European highway network. The route from Prishtina to the Albanian port city of Durrës (R7), which has been finished on the Albanian, side and where construction has started in the

Kosovar section, is a first success story regarding regional integration and access to the sea—however, it also provoked SEETO partners’ concerns with efforts to establish a

Greater Albania.⁹ In the future, not only for reasons of dispelling those fears, but to foster overall regional integration and to avoid geopolitical dependencies, those efforts have to be intensified and expanded. This is further important to make the provision and distribution of needed imports more efficient.

Such plans of regional integration of main transport routes will help to stabilize relations with neighbors of Kosovo in the region. However, the lack of financial means for the local municipalities affects the quality of roads in rural areas (about 5,600 km; about 1,950 km under government responsibility, MTEF 2008-2011). This is not only problematic because of the economic factors, but because of how these conditions interplay with the local context. The incentive for refugees to return to their homes once they are rebuilt and supported by the Ministry of Communities and Return does not solely depend on a house to live in. If the villages remain remote because of insufficient infrastructure, the incentive to move to these locations is low. In addition, a more accessible and domestically integrated Kosovo would potentially allow for an intensification of exchange of the different communities. As long as travel remains costly, because of the lack of public transport or respective road infrastructure, the remoteness of certain locations may nurture the significance of the Serbian ‘parallel structures.’ A well-integrated intra-Kosovar transportation network would in the long run allow closing the geographical distances between different communities, which are developing right now because of certain security concerns of returnees.

Furthermore, improved municipal infrastructure would also enhance the access of the government to remote areas. And successful provision of public transport services would increase the performance legitimacy of the government. For post-conflict reconciliation, it is therefore not only important to foster the regional integration of Kosovo by building the necessary highways, but to strengthen the integration of municipalities *within* Kosovo by supporting local reconstruction measures. Moreover, at the local level, it is crucial to balance the reconstruction efforts concerning the different communities throughout Kosovo.

⁹ Reuters (2007): *Highway set to bring Albania and Kosovo closer together*, <http://www.reuters.com/article/idUSL261003820070628>.

As the municipalities lack the financial leverage to stem the needed infrastructure construction, donors have to take these circumstances into account. In addition, to make use of infrastructure investments' effect on socio-economic sustainability, it is important that the EC and particularly EULEX monitor the procedure of public tenders for road construction, so that foreign investment can be attracted and local opportunities for jobs can be created. Close monitoring is all the more important given the urgency to improve municipal infrastructure and the related high rewards for corruptive actions. Here the relation of 'hard' and 'soft' infrastructure and post-conflict reconciliation becomes particularly clear: An insufficient administrative accountability will most likely lead to deficient provision of needed infrastructure. In turn, this will increase the distrust in local institutions and the potential for atrocities between the different communities. The condition of physical infrastructure can therefore be a signpost for poverty in performance of public institutions.

Without improvement of municipal infrastructure, the overall imbalance of imports and exports will not be re-balanced, as local investment is heavily dependent on functional infrastructure. Local business will benefit from improved access to regional markets, which can also make the neglected agricultural sector more attractive. Finally, both international actors and the Kosovar authorities should seek to implement sustainable programs for future maintenance of road infrastructure, as exemplified by the SEETO framework. Again, it becomes apparent how provision of public goods and government capacity are closely linked. Failure in maintaining road infrastructure is not an option, as growing popular frustration will be a centrifugal force for the vulnerable coexistence of Kosovar communities.

The dynamics at play in the railway sector differ from road infrastructure. In 2008, 80 percent of the 334 km of railway network were in use and “generally in good condition” (MTEF 2008-2011). Freight transport is increasing, especially on the North-South line, which is also part of the SEETO Core Railway Network (see R10, Figure 2), but passenger traffic service is still insufficient. The government is



Figure 2 (Source: SEETO 2009)

planning to further improve the railway system, to explore possibilities for privatization and strengthening the railway transport (MTEF 2008-2011).

A second problematic area of physical infrastructure is the energy sector, and particularly the provision of households with electricity. In this realm, the relation of citizens' satisfaction with public service and administrative accountability appears even more immediate. When the electricity network is not reliable, power blackouts are a daily occurrence as in some areas in Kosovo, and the three existing heating plants deliver only for about 5 percent of the population (MTEF 2008-2011), the discontent with public institutions increases and the distrust in the general performance of the Kosovar government intensifies. Again, these dynamics further relate to the presence of international actors, and affect their respective images in the Kosovar population.

Energy infrastructure in Kosovo resembles the pattern described when referring to roads. The generation of energy mainly relies on two aged and partly damaged lignite plants, Kosovo A and Kosovo B. Already in 2001 the ICG labeled Kosovo A "strictly speaking at the end of its normal life" (ICG 2001, 16), remains one of the two old and partly damaged core sources. In addition, the main energy providing entity, the Kosovar Energy Cooperative (KEK) suffered for a long time from institutional and financial shortcomings. The lack of expertise and the old infrastructure, in combination with the minimal revenue—only 50 percent of the KEK's electricity provision was billed, and of these only 68 percent actually paid—led to severe blackouts. Thus, although the electrification of Kosovo is close to 100 percent, the infrastructural context continues to be of inferior standard (MTEF 2006-2008).

The reform of the energy sector is one of the major areas where the capacity of the government to rule and the general expertise of the international authorities was and will be tested. In the decade after the war a stable supply of electricity has not been achieved. Kosovo's large coal reserves are part of the government plan within the reform framework, as outlined in MTEF 2006-2008 and MTEF 2008-2011, and as demanded by the European Commission (COM 2005 156 Final). The KEK remains one of the few former socially owned enterprises that is yet to be partially privatized. However, this step, which is a condition for the international actors to further subsidize the energy sector, is one of the key priorities of the government plan for sector reform. The main goal is to

modernize Kosovo A and B, and to find investors for a third plant, Kosovo C, while further exploiting Kosovo's coal reserves to become an energy exporter, given the strategic geopolitical position of Kosovo in the heart of the Balkans. Eventually, the energy sector should produce revenues that add to the Kosovar budget. This should not only be achieved by energy export, but also by gradually enforcing bill payments, e.g. with the new winter collection strategy which started in 2008 (MTEF 2008-2011).

The current unstable state of the energy sector is a major impediment for private investment in Kosovo. But during the last ten years frustration among the population with the performance of domestic and international authorities has surely grown. Skepticism remains with regard to "state-of-the-art clean coal technology" as Kosovo's future comparative advantage (EC 2005), in particularly with the past history of minimal progress in the energy sector. Of course it is respectable to set high goals, but to the local population, the first step has to be the safe provision of everyday energy.

In addition, the closest ties of Kosovo's energy policy again develop with Albania, but for future structural independence and plans to export energy, the Kosovo government will have to diversify its energy exchange partners. This will also help integrating Kosovo as a strategic partner in the region, and has been aligned by UNMIK's signing for Kosovo as a member of the ECSEE (Energy Community Treaty of South Eastern Europe) in 2004, with Serbia and the European Union among the members.

Again, the provision of reliable energy infrastructure is not only important for the economic development of Kosovo, as depicted in the MTEF. To stabilize inter-community peace and to foster post-conflict reconciliation, it is important that the state manages to guarantee reliable access to energy to everyone. As long as these obvious weaknesses of authority and capacity in Kosovo remain, the "parallel structures" of Serbian influence will be nurtured, and state institutions will face a lack of diffused social trust. The Kosovo government has to achieve the equal and transparent provision of public services to everyone, while at the same time not losing sight of Kosovo's further regional integration. A piecemeal approach may be more helpful and accessible for the population than elaborated future goals. Again, this has to be monitored by the international community, and the right steps have been made letting Kosovo join regional European integration networks.

Recommendations

The trade-off in development concerning *speed of recovery vs. stronger participation* (Anand 2005, 14) is fundamental to understand the relation between physical infrastructure, ‘soft’ infrastructure, and post-conflict reconciliation. Physical infrastructure is a relatively immediate sign of governmental performance—at least in the perception of the citizens. As long as legitimacy is drawn from past historic achievements, politicians were not measured according to their socio-economic achievements. However, with the achievement of Kosovar independence and its first successful elections, the burden of accountability increases for political actors when voters’ calculations rationalize. **Kosovar infrastructure has to be improved to remedy the deficient Kosovar economy, improve the chances for further regional integration, and also to realize domestic peace.**

To support post-conflict reconciliation on both the domestic and the regional level with infrastructural measures, the **Kosovar government should increase its efforts for regional integration through participation in international road and energy networks.** Through technical cooperation, this neo-functional approach of conflict management will lead to intensified regional relations. Kosovar authorities should not only focus on Albania, but also send a signal for constructive cooperation to other neighbors such as Serbia and the Former Yugoslav Republic of Macedonia. At the same time, **Kosovar authorities have to integrate areas *within* Kosovo by improving rural infrastructure,** to incentivize local business efforts, to increase intra-Kosovar social exchange, and to weaken Serb “parallel structures” by effectively ameliorating the standard of living. Here, a policy of piecemeal steps, such as guaranteeing everyday access to electricity, or simple signs with street names in Prishtina, will be conducive to demonstrate government accountability and presence. With reconstructed local infrastructure citizens will almost automatically partake in integration of communities through increased exchange.

The international community should support Kosovar efforts for regional integration, as successfully achieved by integrating Kosovo into the frameworks of SEETO and ESCEE. These institutions will standardize procedures throughout the

region, and will allow for cooperation and collective goals for former enemies such as Kosovo and Serbia in areas that are crucial for both of their interests. At the same time, **EULEX and the EC have to closely monitor and guarantee the legal process of public procurement**, especially in the construction of road infrastructure. In the particular context of Kosovo, not only the government's behavior will shape people's expectations of public institutions, but those of the international actors as well. As argued above, poor public infrastructure is a source for popular frustration and disintegration, and a potential cause for conflict—both on the domestic and the regional level. **The international actors will have to guarantee equal access for every community to the Kosovar public service.** At the same time, the EU, EULEX, and the EC can combine long-term goals with the right incentives for Kosovo to successfully provide public services.

(Re-)Constructing infrastructure in Kosovo can be means for post-conflict stabilization and reconciliation by improving *both* regional and domestic integration of communities. One of the greatest dangers for future stability in Kosovo is the co-existence of poor physical infrastructure with poor performance of the public sector.

Restoring the Economy

Elena Ponyaeva

At first glance, economic developments in Kosovo in the past two years appear promising. While most of the countries in the EU suffered drastically in terms of real GDP growth since 2008, the global economic crisis only moderately affected Kosovo. In July of 2008 € 1.2 billion were pledged at the International Donors' Conference for Kosovo's socio-economic development and in June of 2009 Kosovo became a member of the International Monetary Fund and the five World Bank Group institutions. Yet, in the beginning of 2010 several officials of the international organizations currently present in Kosovo emphasized that the economic situation is the greatest threat to security and political stability.¹⁰ Indeed, the UNDP Early Warning Report (EWR) of April 2009 showed that a high percentage of Kosovars (79 percent of respondents in the Early Warning Survey conducted by UNDP) are willing to protest for economic reasons.¹¹ It also showed that more and more people are assigning responsibility for the economic situation to the Government of Kosovo (92 percent of respondents). According to EWR poll results, 46 percent of respondents identified unemployment as the main problem that Kosovo faces today; followed by poverty and lack of electricity identified by 18 percent and 9 percent of respondents respectively. Finally, in the EWR poll results Kosovo Serb respondents for the first time identified unemployment and poverty as their main concerns instead of naming interethnic relations as in the previous polls. It is clear that there is an urgent need to improve overall socio-economic welfare of the population to ensure social peace. This paper will analyze the economic situation in Kosovo and underline certain economic issues that deserve particular attention.

¹⁰ Meetings with Roy Reeve, EULEX Acting Head of Mission, and Pieter Feith, International Civilian Office - European Union Special Representative.

¹¹ The survey was based on face-to-face interviews, and included 1,291 respondents: 841 Kosovo Albanians, 226 Kosovo Serbs, and 224 respondents from other minorities.

Background

After the breakup of Socialist Federal Republic of Yugoslavia, adverse economic policies and international sanctions had severe negative consequences on Kosovo's economy. The armed conflict in 1999 further exacerbated existing socio-economic problems. After the conflict Kosovo's economic base was virtually nonexistent as it had no standard currency, no system of taxation, no official government services and no banking system. Material destruction and humanitarian impact were also significant. Almost 800,000 people fled to neighboring countries and another 500,000 were internally displaced. Approximately 120,000 houses were destroyed and neither of Kosovo's two power generation stations was functioning.¹² The industrial and manufacturing sector already debilitated by the lack of investment in the 90s was also damaged during the conflict. To address these formidable challenges, the United Nations Security Council authorized the establishment of the United Nations Interim Administration Mission in Kosovo (UNMIK) on June 10, 1999 (Resolution 1244). At the same time, the European Union took charge of the economic recovery by creating two new economic agencies—the European Agency for Reconstruction and the EU Pillar for UNMIK. While initially the EU Pillar for UNMIK concentrated on repairing infrastructure and public utilities, the EU's overall strategy for the economic recovery in Kosovo was the development of the market economy.¹³

Free market policies established by the EU Pillar immediately provided for employment opportunities on a small scale. Certain sectors of the economy started to grow quickly due to large amounts of donor assistance money and a large number of internationals coming in. By the end of 2001, donors pledged about € 2 billion of support (more than one thousand dollars per every man, woman and child). The Customs Service was set up quickly by UNMIK to collect customs and sales taxes. By 2002 the main difficulties with establishing customs check points on the border with Serbia were resolved and the Central Fiscal Authority, Kosovo's treasury, was collecting revenues from all customs checkpoints for Kosovo's budget. With these positive developments,

¹² Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. 12 July 1999.

¹³ European Agency for Reconstruction. 2008. *On the Road to Europe: Kosovo*. <http://ec.europa.eu/enlargement/archives/ear/kosovo/kosovo.htm>.

the lack of skilled labor, a weak infrastructure, a poor business environment and widespread nonpayment of utility bills remained the main challenges in the first several years of economic reconstruction. (King and Mason 2006)

By 2004 questions were raised about the dependence of Kosovo's economic recovery on large inflows of foreign assistance. The economic growth was still mainly driven by foreign aid and remittances from abroad. During 2000-03, € 4.1 billion of foreign assistance went into Kosovo, equal to more than twice Kosovo's 2003 GDP. At the same time, the large international presence in Kosovo was providing for an artificial export market for local goods and services through local consumption, local hiring and donor-financed projects. According to IMF estimates, this artificial 'export' market was equal to 20 percent of GDP in 2004. (IMF 2004) Not surprisingly, the IMF projected stagnation due to the decline in foreign assistance and the fact that major developmental challenges remained unaddressed including high structural unemployment and the absence of skilled labor. However, the problem of unemployment was not the result of failing post-conflict economic policies alone. High unemployment has been the problem in Kosovo for decades (unemployment in Kosovo was always the highest in the former Socialist Republic of Yugoslavia). A number of factors contributed to this problem in the past. Discriminatory employment policies towards Kosovar Albanians during the 1990s combined with reduced access to formal education led to the misallocation of jobs in the labor market and a decrease in skilled labor overall. In 2004, the IMF estimated that, in order to address the issue of unemployment, macroeconomic policies should target an employment growth rate of at least 3 percent annually. Although this growth rate could be sustained through high investment of 24-27 percent of GDP per year, given that Kosovo had a very low rate of savings, it was unlikely that it could finance the required investments from its own resources.

The unemployment problem in Kosovo was aggravated by the absence of large employers in the manufacturing and agricultural sectors. In the Yugoslav era and under the Milosevic regime, most of the large manufacturing factories were socially owned. The revival of those socially owned enterprises (SOEs) was out of the question with the new passage to a market economy; yet, the privatization of SOEs posed significant legal challenges. Since the sale of socially owned enterprises was not explicitly authorized by

SCR 1244, UN lawyers saw any form of privatization as exceeding the mandate of SCR 1244. The question of liability was also greatly debated. Who should be liable if the previous creditors to the socially owned enterprises brought legal action after privatization took place? While many attempts to find a compromise were made, there was a deadlock in the initial framework for privatization until 2005. In May of 2005 the legal compromise was finally approved and the Kosovo Trust Agency, operating under the EU Pillar, was charged with appropriating enterprises and compensating anybody who would establish legal claim to the property (capped amount). According to the plan put forward by UNMIK, 90 percent of SOEs were supposed to be sold within a year. Even so, the prolonged deadlock on the issue of privatization strained the ability of the private sector to attract foreign direct investment in the initial years of reconstruction and is named as one of the main reasons for riots in March of 2004. (King and Mason 2006)

Another sector of the economy that had to go through the process of restructuring was publically owned enterprises (POEs). This sector included the electricity monopoly, KEK; the main telecommunication provider, PTK; Kosovo Railways; the airport and other service providers in the public utilities sector. From the beginning it was recognized that restructuring should take place quickly since the reliable functioning of public utilities was crucial to the economy. Increasing POEs' operational efficiency and cutting financial losses were the main goals of the restructuring strategy. With certain enterprises, progress was made quickly, including upgrading of airport facilities, increasing profitability of the telecommunications sector and reorganizing the water sector. However, the restructuring of the energy and mining sectors proved to be more difficult. KEK had a number of challenges to cope with including the tripling of consumer demand, a large number of unskilled workers and the collapse of the payment system. By 2004, KEK still could not meet consumer demand, had very poor collection rates and needed regular bailouts to keep going. According to IMF estimates, in 2003 KEK lost 43 percent of its generated electricity (outright theft through illegal connections and indirect theft through meter tampering); of the remaining 57 percent that was billed KEK was only able to collect 72 percent. Thus, 60 percent of the total electricity produced by KEK in 2004 was not properly compensated. (IMF 2004) By and large, an

unreliable supply of electricity had been one of the main problems that hindered the development of the private sector.

After the war, the agricultural sector was the main sector of the economy and the largest employer in Kosovo. In 2004, agriculture accounted for 25 percent of Kosovo's GDP and 25-35 percent of all employment. However, growth in the agricultural sector has been slow due to the destruction of infrastructure, machinery and livestock during the war and also due to the loss of the traditional export markets. Agriculture was also characterized by the low productivity and subsistence production satisfying only 24 to 25 percent of local demand for agricultural products. As a result, between 2000 and 2003 there was a sharp increase in food imports. (The World Bank 2007)

The Copenhagen Economic Criteria

Kosovo is participating in the Stabilization and Association Process (SAP), a framework for the relationship between the EU and the Western Balkan countries that aim to become members of the Union. From the EU perspective the main goals of SAP are transition of the Western Balkan countries to the market economy and regional cooperation. In exchange countries are offered trade concessions as well as financial and technical assistance by the EU. The contractual basis of SAP is Association Agreements. Kosovo is included in the SAP but does not have contractual agreements with the EU because it is not recognized by all EU member states.

The country's progress toward EU membership (through fulfillment of its commitments under SAP) is assessed in Annual Progress Reports. In order to achieve EU membership, Kosovo needs to fulfill the Copenhagen criteria which include three categories—political, economic and the ability of the country to take on the obligations of the EU membership including adherence to the aims of political, economic and monetary union. By far, the economic criteria are the hardest to fulfill. They emphasize a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the union. In the Kosovo context, a well functioning market economy would imply macroeconomic stability with the emphasis on foreign direct investment and foreign trade; a legal and institutional framework that ensures the regulation of property rights; a well developed financial sector that provides for financial

savings toward productive investment; and sufficient physical and human capital. (GAP Institute 2009) In 2009, European Commission Progress Report for Kosovo stated that “Kosovo made very little progress towards establishing a functioning market economy; considerable reforms and investments must be pursued to enable it to cope with competitive pressure and market forces within the Union.”

Macroeconomic Indicators

In the wake of the global economic crisis Kosovo averaged better than most of the neighboring countries. In 2008, Kosovo’s real GDP growth was at 5.4 percent and up from 5.0 percent in 2007. Despite a relatively satisfactory economic growth, Kosovo’s per capita GDP in 2008 was at € 1,726 corresponding to only 6.9 percent of the average GDP per capita in the 27 EU countries. Kosovo’s export sector remained one of the weakest sectors in the economy with its development hindered by Serbia’s non-recognition of Kosovo’s customs stamps. The ratio of exported to imported goods, already low, decreased to 6 percent in 2008; the trade deficit widened to 46 percent of GDP in the first half of 2009, from 43 percent in 2008 and 39 percent in 2007. As in previous years, exports were mainly driven by base metal and base metal products, accounting for 63.3 percent of overall exports in 2008. Other main commodities exported were mineral products (9.1 percent), prepared foodstuffs, beverage and tobacco (5.4 percent), vegetable products (4.5 percent), machinery and electrical appliances (4.3 percent), plastic, rubber and articles thereof (3.3 percent), hides, skin leather (2.5 percent). The second most important export category—mineral products—decreased by 32 percent in 2008 because of the fall in the international demand during the global economic crisis. An adjustment of the large trade deficit in the first half of 2009 did not take place as the large public works triggered substantial imports of machinery and transport equipment and exports fell sharply (export value declined in 2009 by 40 percent). Whereas the negative impact of the economic crisis was limited due to low export base, continued weakness in the demand for Kosovo’s exports could severely damage Kosovo’s prospects for EU membership.

Unemployment

Unemployment continues to be one the major challenges, if not the main challenge, to the economic recovery in Kosovo. In the first half of 2009 unemployment was estimated at 40 percent, the highest rate in Europe.¹⁴ The unemployment among the young population was reported as especially high, reaching 76 percent among the population of 15-25 years old, with 30,000 young people entering the labor market every year. With a large number of young people looking for jobs elsewhere, it could be argued that Kosovo's biggest unofficial export is labor.

The unemployment problem is complicated by the fact that Kosovo has no comprehensive labor law. Until the legislative gap is filled, UNMIK Regulation 2001/27 and the 1987 Labor Law remain applicable. Still, the absence of a comprehensive legislative framework delays the development of effective employment policies. The situation is further complicated by the poor availability and reliability of labor market statistics. Without reliable labor market statistics, it is unclear how many of those who are registered as unemployed are actually economically inactive.

As estimated by the Ministry of Economy and Finance (MEF), with such a high unemployment rate the unemployment problem in Kosovo will persist for years to come even with solid economic growth. The MEF projects that at the current rate of economic growth, the unemployment rate will stay at the current level. By the same estimates, the unemployment rate could be reduced by 50 percent by the year 2020 if a GDP growth rate of at least 7.3 percent is maintained. This rate of GDP growth would require investments in the Kosovo economy in the amount of € 1,508 billion in 2010 and € 1,618 billion in 2011 (Domi 2008).

Privatization

In September of 2008, the Kosovo Privatization Agency succeeded the Kosovo Trust Agency (KTA). Since 2004 KTA created 551 new companies from the assets of 331 socially owned enterprises (SOEs). 495 of those new companies have been privatized to date. The total amount of proceeds collected from sales of assets is € 383 million or around of 11.5 percent of GDP. It is kept in the KTA Trust Fund and is not being used for

¹⁴ Commission of the European Communities, *Kosovo Under UNSCR 1244/99 Progress Report*, 2009.

the economic activities of the government. Privatization proceeds are kept frozen in order to make payments to creditors of the old SOEs; according to KTA regulation, employees of those enterprises are entitled to 20 percent of the proceeds as well. The UN legal bodies so far have opposed solutions that would allow for the use of funds for investment purposes. The economic use of the proceeds remains a very controversial issue given the urgent need for additional investment.¹⁵

Agriculture

The agricultural sector accounts for over 20 percent of Kosovo's GDP and provides jobs for approximately 42 percent of the total population, according to the World Bank. The agricultural sector is also the second largest employer for women in Kosovo, with 19.5 percent of women employed in the sector, following 20.2 percent in the education sector.¹⁶ The Law on Agriculture and Development was adopted in July of 2009 establishing a framework for agricultural and rural development. Government spending on the agricultural sector has increased by 40 percent in 2009 compared to 2008 (although the total amount allocated out of the consolidated budget might be too small to stimulate development).¹⁷ Despite a new legal framework and increased government spending, the sector continues to have low productivity and the population is dependent on food imports. Due to the overall lack of investment and poor infrastructure in rural areas, average farms are too small and technologically unable to compete in the international market. Considering that Kosovo's agricultural products have free access to EU markets, the agricultural sector has a significant export potential and a capacity to stimulate economic growth that is not being realized.

Recommendations

Economic development in Kosovo is hindered by the low export base, small agricultural and manufacturing production capacity, highly subsidized energy supply and a weak transport infrastructure. In order to address these issues and to promote economic growth,

¹⁵ Forum 2015, *Privatization and Post-Privatization in Kosovo- Glass Half Empty or Half Full*, September 2008.

¹⁶ SOK, *Labour Market Statistics*, 2008.

¹⁷ Commission of the European Communities, *Kosovo Under UNSCR 1244/99 Progress Report*, 2009.

much higher levels of investment in certain sectors of the economy are needed. However, weak rule of law, weak institutional capacity and uncertainty about property rights continue to hamper investors' confidence and levels of foreign direct investment in Kosovo, leaving the economy highly dependent on international aid and remittances from abroad.

Accelerated private sector development in Kosovo is necessary for higher levels of economic growth and job creation. It is critical to **support private sector development** by strengthening the legal framework defining property rights; prioritizing investment in potential growth areas and potential export industries; providing economic incentives and subsidies to firms that produce export-oriented goods; creating business advisory services; increasing access to credit in the agricultural sector; and improving the financial and technical efficiency of the publically owned enterprises with the goal of reducing subsidies to the sector.

A young population is one of the most important assets that Kosovo has today. **Providing quality education to Kosovo's youth and creating opportunities that discourage further emigration** of the young population would ensure that Kosovo has a quality educated workforce in the future. Thus, it is important to **invest in human capital development** by investing in educational institutions and providing direct assistance to unemployed youth through career guidance and counseling, internship programs, pre-employment training, and vocational training.

Given relatively low domestic savings and dependence on international aid, foreign direct investment in Kosovo is increasingly more important as a source of capital investment in the economy. As a result, it is also increasingly important to **improve the environment for foreign direct investment** by strengthening the overall judicial process and the rule of law, developing a capacity of courts to resolve commercial disputes, and investing in reliable transportation, power and communication facilities.

Part IV: International

The Role of the International Actors in Kosovo's State-Building

Ulla Heher

Ten years after the war, Kosovo is still struggling to overcome some of the causes of the conflict. These partly regard those causes that initially led to the breakout of the war in 1999 while the repercussions of a nearly decade-long international administration allegedly have given rise for further causes for dispute. From a military point of view, Kosovo has reached the status of conditioned peace without major violent incidences being reported since 2004. Hence, a re-emergence of fighting seems unlikely. From a political perspective, however, the picture presented is somewhat different. In regard to the partial recognition of Kosovo's declaration of independence in February of 2008, most of the international actors present under the umbrella of UNSC Resolution 1244 had to re-evaluate their role. Owing to the international tug-of-war over Kosovo's final status, some more cynical voices might say that in reality the only change the declaration entailed was Kosovo's transformation from being a UN-trusteeship to an EU-protectorate.

The uncertainty around Kosovo's status however has not only had far-reaching implications for the Kosovar government, its institutions and its population. This ambiguous starting-point also added considerable complexity to the state-building process in Kosovo. Not only will it have to master a governance problem common among states emerging from conflict, but it also faces the uncertainty around the sovereignty of the state. State-building is commonly understood as actions undertaken by mostly foreign actors to build or re-build the institutions of weak, failed and/or post-conflict states. In the case of Kosovo this process is still incomplete. Currently, five international organizations are running missions in Kosovo in various capacities: the United Nations Mission in Kosovo (UNMIK), the European Union (EU), the International Civilian Office (ICO), the Organization for Security and Co-operation in Europe (OSCE) and the contingent left-over of the NATO-headed (KFOR) intervention force.

Noting the complex set of challenges the young state is facing today, it seems appropriate to evaluate what these international actors, which had been behind the steering wheel of Kosovo's state affairs for about ten years, have accomplished. In the end, the support for the government to cope with the challenges of independent state governance was the gist of the mandate the international actors received by UNSC-Resolution 1244. Apart from the unsettled political issues, the main bulk of the challenges are of an economic nature. Even though Kosovo's economy has shown significant progress in transitioning to a market-based system and maintaining macroeconomic stability, it is still highly dependent on the international community and its diaspora for financial and technical assistance.

The following chapter will analyze the roles of the international organizations and the mandates of their missions. An introduction to the years between 1999 and 2008 seems important since the emergence of several crucial elements were rooted in this time frame. This will be followed by an analysis of the current situation on the ground and recommendations for its improvement.

Background–From 1999 to 2008

The question of Kosovo was not touched upon in the Dayton Agreement in 1995 and further could not be resolved in the Rambouillet Conference that was conducted by the six-nation Contact Group (USA, UK, France, Italy, Germany and Russia) in early 1999 as a last attempt to bring about a diplomatic solution to the conflict. Upon Serbia's refusal to sign the Interim Agreement for Peace and Self-Government in Kosovo, NATO launched an extensive air campaign to stop the atrocities and ethnic cleansing. The "humanitarian intervention" resulted in the withdrawal of the Serbian army, Milosevic's capitulation and the introduction of an international peacekeeping force (KFOR) in the country. By June 1999 the United Nations Security Council (UNSC) passed Resolution 1244 which authorized the international administration of Kosovo. It further mandated KFOR's presence and the deployment of an international police, recognizing the urgent need to end widespread violence while establishing UNMIK as the civilian interim administration to maintain law and order. The centerpiece of the mandate was to establish and oversee the development of provisional, democratic and self-governing

institutions so as to ensure a peaceful and normal life for all Kosovars. The Special Representative of the UN Secretary-General (SRSG), as the head of UNMIK, exercised sole executive and legislative authority and presented the focal point for the reporting lines of the four pillars that operated under the UNMIK-umbrella. The UN Refugee Agency (UNHCR) formed Pillar One and was responsible for coordinating and overseeing all humanitarian assistance programs in Kosovo as well as the administration of the large amounts of humanitarian assistance pouring into the country. Pillar Two was the civil administration mandated to provide basic services to all Kosovars and was assigned to the UN itself. The OSCE, which concentrated on institution-building, monitoring and reporting on human rights, occupied Pillar Three. It became the lead player in organizing and holding elections and could resort to a solid Balkan experience given its involvement during the crises in Bosnia-Herzegovina, Macedonia and Croatia. The European Union (EU) constituted Pillar Four, working on the economic reconstruction of Kosovo which had been the poorest region of the Federal Republic of Yugoslavia. With this role allocation for the international organizations, Resolution 1244 became the governing charter of Kosovo.

However, like many mandates adopted by the UNSC-resolutions, Resolution 1244 had its flaws. It reflected numerous compromises, including the uncertainty regarding the future political status of Kosovo. Thus, many of the challenges and unconsidered problems related to the kick-off and coordination of the international efforts became soon apparent and hampered the mission's efforts to gain momentum. One has to note that the UN had never before run a mission of that nature, i.e. administrating all state affairs. Thus, six months into the mission, it still had not been able to deliver on its promises, namely to halt ethnically motivated violence, to provide housing for the winter, to run civil registration and implement a functional system of justice, etc., despite the international community's overwhelming presence. There were several reasons for this sluggishness, ranging from the widespread failure of donors to meet their commitments to a reluctance of NATO troops to vigorously enforce their mandate. Moreover, the drawbacks of accommodating various international actors under one umbrella and the size of the mission laid the ground for internal struggles over supremacy in several areas, like UNHCR and OSCE which each lobbied hard to become the primary actor on human

rights. This power game for prestige and status among the international actors seems an ongoing issue in Kosovo. The EU, which was considered slow, unwieldy and bureaucratic even by its supporters at the time, could often not get approval from its decision-makers in time even for an average project as this one. “For working in an emergency situation requiring flexibility and lots of room for initiative, the EU simply was a bad fit for Kosovo, especially in the early days. Slow to deploy, with funding always in the pipeline but rarely available [...]”(O’Neill 2002) While always remaining grateful to NATO and the international community for the peace and new-found freedom from Serbia’s oppression, Kosovars felt that they were not sufficiently consulted by the international community and were being shut out of rebuilding their homeland yet again. Thus, criticism about the often cited but hardly established concept of local ownership, which today is regarded as an absolute necessity in reconstruction and state-building projects, had been persistent.

After UNMIK organized parliamentary elections in 2001, President Rugova was appointed and some limited functions handed over to the newly elected provisional government (PISG). It was initially envisaged to have Kosovo administrated by UNMIK in order to build self-governing institutions while gaining time to deliberately facilitate a consensus within the international community in regard to Kosovo’s final status. The status determination process was started in 2004, when the six-nation Contact Group including Russia gave a reassuring signal to Kosovars. In its considerations it permanently excluded two options for Kosovo’s future: Kosovo would neither be allowed to integrate with Albania nor to return to its pre-1999 status, i.e. to Serbian rule. However, nine years later the status question remains unsolved and the content of the agreement seems forgotten. Additionally, since a plan drawn up by UN Special Envoy Martti Ahtisaari had been rejected by Serbia and vetoed in the UNSC by Russia and China since it advocated Kosovo’s independence, the UN had been running out of ideas about how to deal with the stagnated process. Consequently, Kosovo declared its independence on 17 February 2008. It confirmed its acceptance of the Ahtisaari Plan, which was largely incorporated in its constitution, and expressed its willingness to cooperate with the international actors and receive the deployment of a rule of law-mission by the EU. Due to the fact that Kosovo does not have a standing army, the

KFOR-forces were invited to stay. The content and timing of the declaration had been prepared in close coordination with the U.S. and the EU-member states. To date, 65 states have recognized Kosovo as an independent state. However, the declaration of independence combined with the adoption of a new constitution, in the view of Kosovo, should have formally ended the mandate of UNMIK and forced the international actors to adapt to the new realities on the ground. These changes, together with their implication on the state-building process in Kosovo, will be discussed in the next section.

Evaluating the performance of the international administration in fulfilling its mandate and building up a self-governing state, the results remain ambiguous. What has to be highlighted is that with international engagement brought peace to Kosovo—a fact that is not forgotten in Kosovars' minds. On the other hand, several issues which have great implications on Kosovo's governance today have not been adequately addressed under the international rule. Already during the NATO campaign the impending division of Mitrovica has neither been correctly evaluated nor appropriately addressed. Once UNMIK was established, it has taken the separation of Northern Kosovo, i.e. the territory north of the Ibar River, as a reality, and did not attempt seriously to overcome the *de facto* division of the country. This allowed Belgrade to introduce parallel structures that are still in existence today and cause substantive problems in unifying the territory. Another common criticism has targeted the internationals' priorities. Logically, stability and security were put at the top of the list in the early years of UNMIK. However, the retention of the status-quo still remained the international community's primary goal, although the security situation has improved considerably during those ten years, with the last major clashes reported in 2004. Consequently, the international administration was repeatedly blamed for neglecting to perform essential functions of its mandate such as introducing economic policies to initiate urgently needed economic development, reconstruct infrastructure, or tackle corruption. Due to the hampered progress in democratization and development, Kosovars wanted to move forward more quickly, evidencing a fair amount of discontent over UNMIK's ongoing presence.

Current Situation on the Ground

The declaration of independence based on the Ahtisaari Plan required the set-up of the international network present in Kosovo to adapt. From the viewpoint of the Kosovar government, the goals for the newborn state had been revised reflecting a strong focus on EU-integration as well as NATO- and UN-membership, now that independence was achieved. However, the lack of universal recognition of a sovereign Kosovo intensified the confusion over mandates and institutions of the international actors on the ground. The UN, OSCE and the EU now have to operate under a status-neutral mandate, given the resistance of some member states to recognize the young state. Thus, once again a compromise had to be found. Therefore, existing mandates were interpreted in a way that would allow internationals to stay while not openly supporting the governance and the development of a Kosovar sovereign state. The following overview is aimed at facilitating the understanding of which actors are currently deployed and what tasks they perform.

International Civilian Office (ICO)

When Kosovo declared its independence based on the proposals made in the Ahtisaari Plan, the ICO was established. The Office as envisaged under the Plan is mandated to ensure the full implementation of Kosovo's status settlement, as well as supporting its integration into the EU. Thus, it is the only international institution that is not forced to work under a status-neutral agenda. Since five EU-member states, i.e. Spain, Greece, Slovakia, Romania and Cyprus, have not yet recognized Kosovo, the EU's capacities could not be fully integrated into the ICO. Although the ICO is not an exclusive European institution—it is also supported by Croatia, Norway, Switzerland, Turkey and the USA—the indispensable separation of roles has created serious problems for the EU's position in Kosovo. In light of the above it is even more surprising that Pieter Feith, already EU Special Representative (EUSR) to Kosovo at that time, was selected to head the ICO. The double role has caused immense confusion since. Symbolically speaking, the same person wearing the 'ICO-hat' one day gives statements in favor of Kosovo's independence, while wearing the 'EU hat' the next day requires him to remain neutral in regard to the same issue. Therefore, Mr. Feith's appointment has raised concern over the

seriousness of the international commitment. The ICO is mainly engaged in advising and supporting national institutions with regard to building up a justice and security system that ensures the protection of the various communities living in Kosovo, supporting the self-governance of municipal institutions and advancing the legal framework of Kosovo. Moreover, the ICO facilitates Kosovo's gaining membership in international institutions, which has already been granted by the International Monetary Fund and the World Bank.

EU Bodies

The EU is present in three different capacities, through the EUSR, the European Commission's Liaison Office, and the EU Rule of Law Mission in Kosovo (EULEX). Because of the five European non-recognizers, the EU institutions on the ground are caught in the status dilemma, a political reality that only leaves a very thin line to walk on.

With about 3,000-staff members, EULEX is the largest civilian mission ever launched by the European community and was deployed after independence had been declared. Its main purpose is to support and assist Kosovar authorities in the area of rule of law, in particular in relation to activities of police, judiciary and customs. In addition, it retains extensive executive powers to intervene in fields such as fighting corruption or international criminal offenses. Through its "mentoring-monitoring-advising" approach it aims at advancing Kosovo's institutions to meet European standards. Due to the quagmire over mandates in light of the recognition issue, EULEX had to be granted access to Kosovo under the general framework of UNSC Resolution 1244, although it keeps a direct chain of command to Brussels. The link with the UNMIK administration, the blurred mandate as well as its slow deployment, have resulted in a rough start for the mission, especially in the north which was not accessible for EULEX until the beginning of 2009.

While the EUSR is the highest political adviser to all EU-institutions, the Commission's Liaison Office mainly fills the role of implementing the EU's reconstruction and development policies in Kosovo. This includes deploying all enlargement tools under the Stabilization and Association Process (enhancing trade,

providing technical assistance and engaging the government in policy dialogues), advising the government on its reform efforts and administering the provision of financial assistance to build and improve Kosovo's institutions and enhance its regional integration.

OSCE

Due to the participation of Russia and Serbia and many other non-recognizing states in the organization, the OSCE also had to give in to political realities and remained status-neutral. As a consequence it had to stop undertaking activities it had performed while under UNMIK's pillar three (e.g. operation of a police school) and is slowly reducing its size. It still is responsible for institution- and democracy-building as well as the promotion of human rights. It also organized all elections held since 1999/2000. In the area of institution-building and rule of law it retains a similar role as the ICO, on the one hand, and EULEX, on the other hand. However, the OSCE's presence and work in the municipalities has achieved results that were positively recognized by both locals and internationals. Nevertheless, in the matter of the recognition dilemma, it becomes apparent that the largest international civilian presence has to re-assess its role on the ground.

UNMIK

The declaration of independence established two parallel universes from the viewpoint of the UN's administrative mission: UNSC Resolution 1244 and Kosovo's newly adopted constitution. Owing to the deadlock in the UNSC up until today, not much could be done to resolve this schizophrenic situation. In contrast to most other UNSC mandates for peacekeeping operations which usually have to be renewed each year, resolution 1244 has no time limit. Thus, it remains in place due to Russia's and China's objections to terminating the presence. Taking note of the changing situation on the ground, the original mandate was slightly adapted, the pillar system dissolved, and many responsibilities were supposed to be handed over to EULEX upon its deployment. Since then, UNMIK has been searching for a new role. The main new task it has taken upon

itself is the facilitation of contacts for Kosovo's involvement on the international stage. Due to its lacking authority, ability to act and negative public image, UNMIK's struggle to receive attention from the Kosovo government in Prishtina is hardly surprising. In the divided city of Mitrovica, however, UNMIK claims to be the only legitimate facilitator, and especially until EULEX gained a foothold in the area, it was the only international actor recognized by the predominantly Serb population in the north. Many of the political figures in Kosovo are of the opinion that UNMIK has been running the country for more than long enough and would like to transform it into a UN liaison office, although that cannot be done without the consent of the UN Security Council.

Challenges for the International Actors

In light of the above, it can be clearly seen that the international institutions are trapped in a complex network of vague mandates, lacking both a clear timeline and an exit-strategy. The political realities around the status-dilemma provide much space for duplication of tasks, while other important activities are not given enough attention.

One of the biggest issues the new state is facing is full control over its territory. The division of the north is a problem the current government has inherited from the KFOR/UNMIK-administration. Then, spreading security and stability in Kosovo was of main concern, so the magnitude of the decision to not take action was not properly recognized. Today the Serbian parallel structures are well-established. Hence, a significant effort is needed to overcome the problems they pose. In this respect, Kosovo has to rely on a skillful leadership of the internationals, the EU in particular. With the end of violence, EU membership has become a viable goal for the states of the Western Balkans. Thus, the EU could use its leverage to pressure both warring parties to resume negotiations and refrain from blocking their development. Unfortunately, the latest initiatives such as the visa liberalization granted to Serbia have raised suspicion among the Kosovars about the EU's determination to reduce the hardened tensions between the neighboring countries. The biggest risk at the moment is the transformation of this deadlock into a frozen conflict, similar to the other unresolved conflict remaining in Europe, the question of Cyprus' division. Currently, the situation in the north is stable enough to allow as normal a life as people were used to in this region for many years.

Hence, the urgency for finding a solution is decreased. However, it is widely known that the separation of the northern part presents a serious security threat. Given that the border is basically uncontrolled, smuggling and trafficking flourish to the pleasure of criminal networks active in the region. Sustaining this situation cannot be desirable for any of the international actors attempting to strengthen the rule of law, especially for EULEX.

Since the war ended the Kosovar population has demonstrated great patience. Even though its people are facing great challenges that severely affect their daily lives, there has been little public complaint. Not only has a large international presence achieved only mediocre results, but it also drove prices in the capital high. Both, the international actors and their own national representatives have repeatedly demanded that Kosovars remain calm and wait for improvement so as to not endanger the recognition process and the establishment of independence. Now, the ICJ-ruling is awaited— another unfortunate point of time for demonstrations. It should not be forgotten however, that this approach carries the inherent risk of social unrest breaking out if results (such as economic development and political independence) are not achieved in the near future. Once all means to push Kosovo's agenda forward on the international level are exhausted, the attention of the citizens—the main recipients of public service—will focus on what the state delivers internally. This might have particularly negative repercussions since Kosovo is not a hotspot for international attention any longer, which is why it is the responsibility of the government to be aware of this option.

The international community without a doubt has largely contributed to the building of national institutions in Kosovo. While this work has progressed far in some areas, not much advancement has been achieved in others. Evaluating the mandates, or at least the interpretation thereof, a majority of missions engage in monitoring and advising rule of law institutions (EULEX, ICO, OSCE). Without doubt, this is an important area that needs international support. However, a more streamlined approach would be desirable to prevent duplication and confusion among the population as regards who is responsible for what. In turn, freed resources could be more efficiently put to use in addressing neglected policy areas. Economic development is the key to long-term stability and peace in the Balkans, which should be facilitated through expended international economic expertise and advice. Over time, this would not only allow the

international community to lower its donor payments but also would open an expanding market for trade. More importantly however, it would provide the large proportion of young citizens with a better outlook and thus prevent the ongoing brain drain. Once the newborn state will need to stand on its own feet, it will need these resources and capabilities to keep it from falling. A first step in the right direction has been achieved by facilitating the membership in the IMF and World Bank, which now can contribute to sound economic policymaking.

Furthermore, the international community should not hesitate to downsize those missions whose mandates have either been fulfilled, duplicated or are not adaptable to the new political realities. The reluctance with which the numbers of positions are lowered as well as tasks transferred to the Kosovar institutions raises discontent among politicians and the population. The lack of local ownership of the process has led to a confusing situation. Internationals are cautious to transfer their responsibilities, while the government generally blames all mistakes on their ongoing presence.

Recommendations

In light of the above, the following recommendations are to be made:

Internationals should:

- **Recall the agreement of the contact-group** in regard to Kosovo's status and stay committed to resolve the border issue.
- **Wind down all duplicated units of missions, transfer responsibilities to respective departments of other missions and speed up the transfer of tasks to national institutions.** In this regard, a decision regarding the position of the ICO within the international network has to be made. Since it was established after independence, and recognizes that independence, **it should be the leading international institution to monitor future legal developments for the Kosovar authorities and the population.** However, its work impinges on several tasks performed by other organizations on the ground (e.g. UNMIK's facilitation of Kosovo's presence on the international stage, OSCE's monitoring and oversight of rule of law institutions, etc.). Hence, an efficient assignment of responsibility seems

advisable that takes all actors as well as the political realities on the ground into account. In this regard the blurred mechanisms of accountability and transparency have to be resolved.

- **Use EULEX's executive mandate to fight corruption.** Kosovo's economic development has been significantly hampered by the awareness of widespread corruption especially as an obstacle to attracting outside investments. As a result the young state has remained highly dependent on the contributions of foreign donors. Both corruption and aid dependency pose major challenges to further democratization at the moment.

The EU should:

- **Mandate clear benchmarks, timelines, and exit strategies for its activities to prevent missions from remaining on the ground after they are no longer needed** and being reluctant to transfer powers to local and national authorities. Furthermore, the international community should be mindful of supporting, not supplanting, the capacities of the national government and thus fully integrate the concept of local ownership into their approach to reconstruction and state-building.
- **The EU should use its leverage on both warring parties and facilitate negotiations for a solution of the status dispute.** Such a supporting role should not receive too much opposition from the five member states that do not recognize a sovereign Kosovo yet. First, a settlement of the political conflicts in the region forms part of EU's common goal of expanding its area of peace and prosperity. Second, most European non-recognizers have decided to do so because of their own internal separatist movements. While anxious to maintain a strong position visibly on the matter internally, they seem to have acted more cautiously behind the scenes in Brussels, not least because of the *sui generis* case Kosovo represents. If they were strongly opposed to the independence question moving any further, it is surprising that the accession talks with Serbia have not been blocked given the evident interdependence of both issues, namely Serbia's accession and Kosovo's future status.

- **Refrain from repeating the same mistake as with Cyprus in regard to its accession policy. It should not be possible for the membership of one state to be able to block the accession of an adversarial neighbor**, and all border disputes should be settled prior to accession of any new member states. In order to support ongoing reconstruction and reforms of state affairs towards European standards, this has to be clearly communicated to both parties to the conflict. Even though these are difficult issues to address and resolve, there still is hope for success if strong and skillful leadership is applied in a timely manner. The people of the region do not want to fight anymore, but simply pursue a normal way of life. The ongoing conflict on the political level, however, is pursued at the cost of the people. Now that EU-accession has become a viable option, this momentum should be not forgone.
- **Remain committed to the eventual integration of the former Yugoslav states as communicated at the 2003 Summit in Greece in spite of the “enlargement fatigue”** that has arisen in many member states in the following years that threatens to undermine the strong foothold that the EU has established in the Balkans. Moreover, it should prevent a repetition of the mistake it made by agreeing to admit Cyprus prior to a resolution of its internal territorial conflict.
- **Engage more actively in its economic advisory role** in addition to promoting more forthright economic cooperation within the region.
- **Separate the roles of the International Civilian Representative (ICR) and the EU Special Representative (EUSR)**, so that the ICO may support the government of newly sovereign Kosovo while not being hampered by the status debate that continues to divide the EU.

Kosovo should:

- **Maintain close cooperation with the international actors on the ground while continuing to advance its own capabilities for independent action.** Kosovo should not ask for solutions, even if more convenient, but rather should seek advice and expertise from the international community.

- **Vigorously fight corruption in government and cooperate with EULEX's efforts** in this regard. A zero-tolerance policy should be adopted towards corruption jointly with the international actors.
- **Avoid using the at times seemingly excessive presence of international actors as an excuse for failing to act**, but rather showing that it is able to handle the challenges of governing a sovereign state on its own.
- **Strongly commit to adopting and implementing sound economic policies, supporting job creation to expansion of employment.**

The Role of UNMIK, KFOR and EULEX and Transferal of Power to the Kosovo Government

Sarah Winnan

The Kosovo government views everything through the lens of the larger agenda of trying to define Kosovo's status. Gaining recognition and thus eventual inclusion into the European Union is the driving force for all Kosovar politicians. In order to attain these goals, the Kosovo government needs to be particularly attuned to the international community. From the American flags flying in the countryside to the KFOR buses regularly driving down Bill Clinton Blvd, it is hard to miss the international presence in Kosovo. Since inception, the international community has played a large role in decision-making in Kosovo. The declaration of independence was largely written by the U.S. State department, the European-looking Kosovo flag was chosen with strong U.S. involvement, and statements supporting the European Union were carefully choreographed under the approval of the major international players in Kosovo known as the Quint: USA, Great Britain, Germany, France and Italy. Additionally, Kosovo has had a high level of economic assistance. Kosovo's annual aid per capita over the first two years of reconstruction was \$ 526, whereas it was \$ 225 for Iraq and \$ 30 for Afghanistan over a similar period. The international community, however, cannot nor do they want to remain in Kosovo indefinitely as a governing force. UNMIK, KFOR and EULEX are the most prominent international organizations in Kosovo wielding a high degree of power and authority. They, however, need well-defined strategies of transferring authority to Kosovar institutions, and they also need exit strategies that will not lead to chaos or violence.

The Kosovo government, showing sensitivity to the concerns of the international community, prioritizes regional and internal stability. Regional stability is currently guaranteed by the presence of UNMIK, KFOR and EULEX. Internal stability, however, is still in the process. It is achieved once criminals are subordinated to a legitimate governmental authority, reintegrated into society or defeated. The Kosovo government is

not yet stable because it is still struggling with becoming a legitimate authority. The Kosovo government relies on the weight, or approval, of the Quint for important decisions. For instance, Kosovar authorities who developed and negotiated the recent Albania-Kosovo highway sought American approval for using Bechtel as one of the companies involved in its construction. Similarly, for the recent elections in November 2009 opposing parties wanted cameras at the polling stations because they did not trust the ruling party. Pressure mounted until the Quint said the cameras were not necessary. The tension dissipated and the cameras were not used.

Kosovo is still undergoing the transfer of security management in the physical sense through a police force and in the administrative sense by a credible legal force. UNMIK, KFOR and EULEX have at one point all played a large role in maintaining security. In order to be viewed as a viable country the Kosovo government must have the ability to guarantee security within its borders. The long-term prospects for successful democratic governance and stability depend upon a viable police force and justice sector that address the most salient internal threats. Focusing on Kosovo's prominent international institutions UNMIK, KFOR and EULEX, I will show that the transfer of maintaining security to local police has been largely successful, but much work still remains in the area of border control and in the legal sphere. Ultimately, the Kosovo government must possess trained, skilled and capable police and legal forces.

UNMIK

As conditions worsened in Kosovo in the late 1990s, the UN Security Council adopted Resolution 1199 on September 23, 1998. This resolution demanded an immediate end to hostilities, a withdrawal of security units used for civilian repression and an international monitoring team. UN Secretary-General Kofi Annan laid out three phases of state-building for Kosovo: the emergency phase, the institutions-building phase and the final status definition phase. During the emergency phase (June 1999-February 2000), UNMIK provided direct governance which was steadily phased into co-administration (February 2000-March 2002) so that by the final status definition phase the national government would have complete control. The delay in status definition and non-recognition by many countries, among other things, has led to prolonged governance by

UNMIK. For several years now, Kosovar citizens have believed that UNMIK has overstayed its welcome. As a Kosovar politician recently stated, “UNMIK’s policies of consultations with nationals served more the goal of gaining national legitimacy rather than the goal of empowering the role of nationals.”

UNMIK was given the legal right to administer Kosovo but failed to control the north, which amounts to one-third of the territory. The most important goal during this time was achieving stability. The Kosovo government, therefore, focused on gaining membership into international organizations like the World Bank, International Monetary Fund and eventually the European Union, and they were urged to strongly pursue reconciliation efforts in order to gain membership. In 2007, UNMIK began to favor democracy more than stability when it approved the new electoral system of open lists, which in the long run will better benefit Kosovo.

An objective of UNMIK has been to gain legitimacy in north Mitrovica, though there have been several setbacks. On March 17, 2008 UNMIK and KFOR forces surrounded a courthouse where protesting Serb workers were demanding to return to their jobs. UNMIK arrested over 50 people; outraged Serbs mobilized resistance and freed half of the detainees. Vehicles were destroyed and several people injured, causing UNMIK to retreat to south Mitrovica and leave security to KFOR. In this instance, UNMIK allowed itself to be intimidated and thus overreacted. UNMIK and KFOR were no doubt reacting to the prevalent criticism of the inaction of their programs. The timing of that operation was poorly chosen, however, coinciding not only with the first month’s anniversary of Kosovo independence but also with the day on which Serbs were planning demonstrations to mark the anniversary of the March 17, 2004 riots and killings.

Notwithstanding the general feelings of frustration and inaction, UNMIK has established the framework for several functioning institutions. When UNMIK began its mission in Kosovo, the police were unable to ensure public safety, a formal court system did not exist and there was little to no equipment or supplies. There is now a capable police force, a tiered court structure to process criminal and other cases and a functioning Supreme Court. There are 24 municipal courts throughout Kosovo to adjudicate criminal cases. UNMIK has prioritized creating multiethnic institutions as a way of ensuring stability of the country and fairness for its citizens. They have achieved this in the police

force but have been less effective in creating a judiciary that is representative of Serbs and other minorities. A multiethnic police and justice system can establish a more equitable application of law, reduce ethnic disparities, minimize violence and serve as an example for other public institutions.

UNMIK operations lacked a long-term strategy, failed to adequately integrate goals with other UN institutions such as UNHCR or UNDP, and did not place a large focus on a transferal of powers to local institutions. The EU and UN did not speak of a handover process until after independence; therefore, a smooth transition did not occur. In fact, a complete transition has yet to occur. A skeleton UNMIK force remains in Prishtina, which maintains diplomatic relations with Serbia, unsupported by the Kosovo government. They are responsible for monitoring, reporting and facilitating particularly in the realm of Kosovo's international engagement. UNMIK also has a presence in Mitrovica though it is unknown when this area of governance can be handed over to either EULEX or the Kosovo government. In early 2008, a senior UN police officer stated, "I have no idea how to overcome the security problem of EULEX transition in the north." Similarly, a UN representative recently stated that it is unknown when they will leave. The UN was initially meant to be phased out with the arrival of EULEX, but because of the tenuous situation in the north, they have remained to ensure security and stability. Additionally, UN Resolution 1244 requires a specific UNSC decision to terminate UNMIK; Russia, who prefers UNMIK to ICO or EULEX, has not approved of such a decision.

In the past several years, UNMIK's physical presence has shrunk. In July 2008, they numbered 5,000 and now they are only about 510. Many of UNMIK's responsibilities (about 90 percent) have been transferred to EULEX. These include administration of the courts, the customs service, the KPS, prisons and an interim sub-municipal administration for north Mitrovica. EULEX has been unable to secure its presence in Mitrovica; therefore, UNMIK is still the responsible force in that area. Residents in Mitrovica refuse to cooperate with the Kosovo government or EULEX and remain financially, socially, linguistically, religiously and identity bound to Belgrade. UNMIK believes that if they were to leave, Belgrade institutions would take over the area. Belgrade is intent on driving a wedge between the UN and the EU and is virulent in

its refusal to cooperate with EULEX and the EU Special Representative. Serbia will hold elections in this area in May 2010 which could bring about further legitimacy issues given that the voter turnout will most likely be higher than it was when the government in Prishtina held elections in the area.

KFOR

KFOR is the NATO-led international military presence in Kosovo. Its official purpose was to ensure a safe and secure environment that would facilitate the return of refugees and the implementation of UNMIK's mandate. KFOR entered Kosovo on June 12, 1999, and maintained responsibility for conducting patrols, public order, crowd control, information gathering, antiterrorism activities, and gathering intelligence on organized crime. It still continues to be responsible for overall security; however they have been transitioning this responsibility to other forces. Currently, the first responders to a major problem are the Kosovo police. If they need reinforcements, then EULEX assists, and subsequently if EULEX needs assistance then KFOR steps in.

KFOR has handed responsibility back to the police for every facet of maintaining security except border control in the north. The KPS has grown over time, which suggests that UNMIK has made progress toward its objective of transferring authority to a professionally trained indigenous police force, though it must be mentioned that the OSCE ran a very good police training school under UNMIK's authority. Compared to other recent nation-building operations such as those in Afghanistan and Iraq, the international teams have been more successful in training police in Kosovo. The Kosovo police are viewed as a well-trained force.

In recognition of the evolving situation in Kosovo, KFOR has initiated a gradual reduction of its presence. NATO decided to restructure KFOR in July 2009 after a comprehensive security assessment of the country. In September 2009, NATO announced that the KSF had achieved Initial Operational Capacity (IOC), whereby the forces had demonstrated their capability in disposal of explosive ordinances, fire fighting, hazardous material handling and search and rescue missions. The KSF is a non-military, multi-ethnic, volunteer, lightly-armed security force given the responsibility to conduct civil protection operations and to assist in natural disasters. KFOR believes it may take

up to five years of additional training by KFOR until the KSF is up to full operational capacity.

KFOR has scaled down its soldiers from 18,000 in December 2009 to 10,000 in January 2010. Military action by Serbia, or any other neighbor for that matter, is not a realistic concern at this time; therefore, attention regarding security is increasingly being placed on the Kosovar police force. Serbia is no longer a physical security concern but rather more of a political concern, another reason that greater security responsibility can be given to the local police.

EULEX

In December 2008, EULEX deployed throughout the territory of Kosovo, assuming responsibilities in the areas of police, customs and the judiciary which had been under the jurisdiction of UNMIK. The mission reached full operational capacity in April 2009. EULEX is the EU's largest mission to date. It is comprised of all EU members (except for the Republic of Cyprus) and also includes six non-EU members: USA, Canada, Norway, Switzerland, Turkey and Croatia. Their mission is to assist in bringing domestic institutions up to international standards. There is no withdrawal date, but they expect to remain in Kosovo for another five years. Currently, there is 2,700 international and national EULEX staff.

Upon arrival into Kosovo, EULEX received an unwelcome inheritance of unaddressed judicial cases from UNMIK. These included 1,000 war crimes, 460 serious crimes and numerous cases of missing persons. The first six months of EULEX were devoted to determining if there was enough evidence to go forward with each of these cases or to drop them. As well as addressing these claims, EULEX has also claimed responsibility for the 80 percent reduction in smuggling and the increase in customs revenue to € 5 million per month. Even with the increase in customs revenue, a large amount of goods are still illegally transferred through the porous Serbia-Kosovo border. The Kosovo government could greatly benefit from a greater amount of customs revenue.

The legal sector is perhaps the most challenging for EULEX, just as it had been for UNMIK. Rule of law institutions tend to be deeply embedded in the social fabric of a

nation and thus are heavily influenced by cultural norms and values. For that reason, the judiciary must be created with great Kosovar involvement. These institutions help legitimize a state, and thus shortfalls here indicate weaknesses in Kosovo's authority. The courts fail to publish judgments on a regular basis, post trial schedules and give sufficient reasoning in their judgments. The OSCE has commented on several cases demonstrating these weaknesses. One example is a case dating from September 5, 2008 where a respondent requested compensation for damage in a court. The president of the municipal court's final decision did not refer to any specific legal provisions. It cursorily stated that the judge had acted "according to the law" and that "none of the procedural actions of the presiding judge could be regarded as illegal." The case was still awaiting a decision regarding the damage in October 2009. In the judicial courts, there also remains a large backlog of cases due in part to the inability to obtain judges that are representative of the population. Additionally, cooperation between the prosecutor's office and the police is limited. The justice system remains inefficient, weak and vulnerable to political interference.

Tied to weaknesses in the legal sector is the issue of land rights. Numerous people lay claim to the same plot of land, and with a lack of proper documentation it is hard to decide who should have possession of the land. Most property documents were either burned during the war or taken to Belgrade. In the rural areas, most citizens did not have documents stating their land boundaries. Instead, the community knew which land belonged to whom because the land passed down through the family line. In the melee of the war when many people fled their communities, some families would later return to find squatters living in their home. The squatters would also claim ownership of the land, stating that it was abandoned when they arrived. There is a complex procedure for citizens to prove their right to property. About 40,000 cases of proving land rights were addressed last year but there is a backlog of hundreds of thousands, according to EULEX. A lack of properly documented rights to property also means people are less willing to invest in the land in which they reside because they do not know when they may be kicked off. Large scale agricultural programs, like the one USAID is currently outlining, may struggle to achieve their goals if it is difficult to attain uncontested land ownership.

Prishtina politicians stress that nobody wants revenge; however, they still remain angry at the unpunished and unrecognized atrocities from their recent history. The President noted that Serbia has not asked for forgiveness for the crimes they had committed, as discussed in the Tanaka and Sizer chapters. A political party leader said that too many concessions have been given to the Serbs given their history. It is important to respect human rights but also be held accountable for one's actions. One cannot go forward without dealing with the past. Progress on missing persons remains slow ten years after most disappearances. There are still more than 1,800 people classified as missing and compensation for the families of missing persons is not clearly outlined.

In Kosovo and particularly in the north, the judges use a mixture of Kosovo, Serbian and international law which can be chaotic. Creating a multiethnic judicial court in North Mitrovica has been challenging since they need Serbia's approval for the judges. The recent list submitted by EULEX to Belgrade was rejected, and in return Belgrade suggested a list of thirty judges which included only four Kosovars. Since foreign judges cannot legally adjudicate in Kosovo, EULEX rejected this and is waiting again for further progress. Judges are not protected by law; therefore, few lawyers may express interest in working in North Mitrovica which can be a riskier area.

Along with starting a professional standards test for new judges, EULEX is also helping to explain the laws of the Ahtisaari plan. The international community hadn't allowed the Ahtisaari plan to go to referendum because of fears it would be rejected, so there were 45 laws which the Kosovo government agreed to but did not necessarily know or understand. They are currently going through the process of deciphering their laws and deciding which ones can actually be enacted.

Recommendations

- **UNMIK needs to fully transfer authority to EULEX and leave Kosovo in 2010.** UNMIK's political gymnastics of trying to address the differences in positions of Russia and the United States is too chaotic and inefficient to be deemed worthwhile for Kosovo at this point. UNMIK is doing little more than serving in a facilitation role for players which don't request their services. The UNSC needs to acknowledge

that the final state of 1244 has been achieved and thus UNMIK is no longer needed. **Particular attention should be placed on the transferal of authority from UNMIK to EULEX in Mitrovica**, but both organizations should keep in mind that no Kosovo sanctioned power has achieved complete, uncontested authority in this region. If UNMIK waits until the environment in North Mitrovica is ready to receive EULEX, their mandate can be extended indefinitely. UNMIK's presence in Mitrovica is slightly helpful at best, but not necessary at this point and is further confusing and frustrating Kosovar citizens.

- **Secure legitimacy in the nation.** Kosovo's preoccupation with gaining recognition by other nations means that it is not devoting a sufficient amount of time and energy in securing legitimacy within their own nation. Neither the Kosovo government nor the international community have control of over 30 percent of the territory, and in some places they don't even have access to the land. About one-third of Kosovo's border is open for potential criminal activity, which also undermines the legitimacy of the government. **One way to gain legitimacy is through greater communication between the Kosovo government and their constituents. The government should conduct a public opinion poll throughout the country to ascertain whether the citizens view the government as legitimate and, if not, what steps could be taken to prove their legitimacy.** Taking a proactive step and then following through with specific actions that address the stated desires of the citizens will legitimize the government. In addition, **greater enforcement is needed at the border** so that illegal smuggling can be reduced. The influx of documented trade that would follow could add to greater revenue collection for the Kosovo government. If Kosovo is unable to gain legitimacy over this area, then alternate solutions, including the ICO's "Northern Strategy" (see chapter by Rehm) or even partition, should be investigated. Finally, **providing employment for the citizens will help secure Kosovo's internal legitimacy.** Government expansion throughout the country in the realm of health care services, education and agricultural extension agents can provide employment to those residing outside of Prishtina.
- **Increase the impartiality and credibility of the courts.** The Commercial Court needs to publish its judgments regularly, post trial schedules and hold hearings in

rooms large enough to accommodate the public. Perhaps even more importantly, the **Commercial Court must ensure that reasonable judgments are given which include references to specific legal provisions.** Ensuring a multiethnic judiciary is one step towards creating an impartial judicial system and greater effort must be placed on ensuring educated, accredited judges. In order to achieve this, **the Kosovo government must provide security to judges in necessary cases** where they may fear for their safety, particularly for the judges of Mitrovica.

- **Strengthen the credibility of the government.** Overcoming citizen distrust in the government can only be done on the basis of tangible benefits to the citizens. This includes a strong, credible government with close relations to its responsible locally-led governments. **The central and local government must consistently provide municipal services, employment opportunities and economic growth as well as remain accountable to the changing needs of the constituents. The Kosovo government must prove to its populace, and observing countries, that it is making progress towards the requirements for obtaining entry into the EU.** EULEX wanted the Kosovo government to stop using coal as an energy source by 2017 and Kosovo said they would do it by 2014 to speed up their entry into the EU. While it is commendable to demonstrate how fervently they will adhere to the strict standards of the EU, the Kosovo government must ensure that the timelines they create are plausible.
- **The government would strengthen its credibility if it cracked down on public displays of misbehavior.** This includes corruption of politicians and open threats against citizens. EULEX has the authority to arrest people, including ministers, but they are very hesitant to exercise that power.

Kosovo: A Precedent for Self-Determination?

Laura Lombard

It is largely believed that altering current boundaries based on nationalist or ethnic lines would create great instability in the modern international system. This instability is derived from the following questions that must be answered when deciding to create a new state based on ethnic or nationalist identity: Where do you place the borders of a new country? What is the likelihood this will be done peacefully? How will minority groups within these borders be treated? Do these minorities deserve their own state as well? The recognition of Kosovo as a sovereign state, separate from Serbia, has been a notable exception to the general international practice of maintaining the current status quo of recognized state boundaries. Since it declared independence in February of 2008, 65 countries, many of which are significant international players, have recognized it as a sovereign state and more are expected to do so in the future. Leaders in the international community have been hesitant to break up existing states into two or more independent units in order to resolve domestic conflicts. Many of the members of the international system do not want to set a precedent of allowing a breakaway region in another country to form an independent country because they have such regions within the boundaries of their own nations. This is the stated reason why countries such as Russia, Cyprus, and Spain have not recognized Kosovo's independence from Serbia. This paper will provide a brief history of Kosovo and its independence, examine the differing opinions on Kosovo's significance on setting a precedent for international law, and provide a conclusion about the precedent question.

A Brief History of Kosovo's Independence

Understanding the history of the people and the land of Kosovo is integral to understanding the arguments made by Kosovar Albanians for obtaining their independence. As such, this paper will begin with a brief historical overview of the Albanian and Serbian history in the region that is today's Kosovo.

The area that is now Kosovo was inhabited by the ancestors of the Albanians but was later absorbed in the early Serbian empire in the late 12th century. The Serbians ruled for approximately two centuries before the Ottomans defeated the Serbian empire in the late 14th century in the historic battle of Kosovo Polje, and the Balkan region became part of the Ottoman Empire. Today, many Serbs point to this battle as proof of the historical significance of Kosovo as part of their nation.

The Ottomans created the Vilayet of Kosovo, an area that covers today's Kosovo and parts of Macedonia and Serbia, as one of their territorial entities. The majority of the Albanian population of this time converted to Islam, escaping harsh oppression by the Ottomans. The Serbs, however, largely remained Orthodox Christian, and in 1690, the Ottomans persecuted the Serb population after they assisted the Austrian Empire's attempt to uproot the Ottomans from the Kosovo region. Over the course of the next century, many Serbian families fled from Kosovo, creating an Albanian majority in the region.

In the late 19th century, Ottoman influence in the Balkans began to falter. In light of the Treaty of San Stefano, a treaty that partitioned Albanian-inhabited lands among Serbia, Montenegro, and Bulgaria, the Albanians created the League of Prizren on June 10, 1878. By 1912, the Ottoman Empire was on the verge of collapse and the first Balkan War was underway to determine which national group would fill the power vacuum left by the Ottomans. The majority of Kosovo was annexed by the newly instituted Serbian kingdom and internationally recognized as part of Serbia at the London Ambassadors Conference in 1913. Six years later, Serbia (including Kosovo) became part of the emerging state of Yugoslavia. From 1913 to 1941, the Serbian and then Yugoslav governments instituted a policy of mass repression toward the Kosovar Albanians, attempting to either assimilate or expel them. During World War II, the Communist Party of Yugoslavia promised in writing to give the Kosovar Albanians an autonomous nation within Yugoslavia, but this promise was not enacted until 1974. Instead, in 1945, the leaders of Kosovo were forced to accept the entry of their region into Tito's communist Yugoslavia at the Prizren Convention of 1945. The period between 1945 and 1974 was also marked with further repression of the Albanian people in Kosovo.

In 1974, however, Kosovo was granted federal status under the Constitution of the Socialist Federal Republic of Yugoslavia and was considered one of the eight federal units. It should be noted, however, that it was not granted the full status of a republic within Yugoslavia. With this new found autonomy, Kosovo wrote its own constitution, enacted a government, and had its own defense force. This period of autonomy was short lived, however. In the early 1980s, riots by Albanian students demanding that Kosovo become its own republic caused a new round of repression by the Yugoslav security forces. Anti-Albanian sentiment and Serbian nationalism steadily increased during this decade, culminating in Slobodan Milosevic's rise to power in Serbian politics. At the 600th anniversary of the Battle of Kosovo Polje, Milosevic took the opportunity to inflame the growing nationalism by using this historical event as a symbol of Serbian supremacy over the Kosovo region in past times and its central role in Serbian history. After the fall of communism in 1989 and his consolidation of power in the Balkans, Milosevic instituted a system of extreme repression on the Kosovar Albanians, fired en masse all Albanians from state institutions, and revoked the autonomy given to the region in 1974. Led by Ibrahim Rugova, Kosovar Albanians fought back peacefully by declaring Kosovo a republic.

In the early 1990s, the question of what to do with the republics of the dissolved Yugoslavia was given to an EU-appointed committee called the Badinter Arbitration Committee. This committee decided that the regions of Yugoslavia that had been considered republics during the Yugoslav era would be given the right of self-determination. However, the autonomous regions like Kosovo and Vojvodina were not given the same right. Furthermore, the question of Kosovo was completely ignored during the 1995 Dayton talks, giving Bosnia-Herzegovina its mandate for statehood.

Until 1997, the Kosovar resistance toward Serbia had largely been peaceful. However, after the disappointments of the Badinter Arbitration Committee and the Dayton Accords, a militant, covert resistance, known as the Kosovo Liberation Army (KLA), took form in the rural areas of Kosovo. The formation of the KLA resulted in strong retaliation by the Serbian security forces and fighting escalated throughout 1998 and into 1999. A six-nation Contact Group composed of the United States, the United Kingdom, France, Germany, Italy, and Russia, initiated peace talks between the

representation of Kosovo, including the KLA and Rugova's LDK, and Serbia in France. A draft accord was proposed for a ceasefire and an international meeting in three years to determine a final settlement for Kosovo based on the will of the people. Prishtina agreed to this accord, but Belgrade did not. Serbia continued a brutal campaign against the Kosovars. More than 800,000 Kosovo Albanians were driven into refugee camps in neighboring countries. Many others were displaced internally. The Serbian forces murdered several thousand people, raping and looting as they destroyed hundreds of thousands of homes and many mosques.

In March 1999, NATO launched a 78-day bombing campaign against Serbia. Milosevic surrendered and agreed to allow NATO's Kosovo Force (KFOR) to occupy Kosovo while his forces were withdrawn. The United Nations Security Council adopted Resolution 1244 in June of 1999, providing an official mandate for KFOR's presence in Kosovo and establishing a UN interim administration of the Kosovo region, the United Nations' Mission in Kosovo (UNMIK). UNMIK had unprecedented authority to govern over a region that was, at the time, still considered part of a larger sovereign nation. Throughout the early 2000s, UNMIK assisted Kosovo to build a constitutional framework, hold parliamentary elections, and form a provisional government. In 2003, the Contact Group was reinstated and provided a range of benchmarks that needed to be achieved by the Kosovo Provisional Government by mid-2005. A year later, the Contact Group gave the Kosovars reason for hope when it promised that it "would not return to the situation prevailing there before March 1999," meaning Serbia would not be allowed authority over Kosovo.

In October 2005, former Finnish president Martti Ahtisaari was appointed by the UN to develop a final settlement between Kosovo and Serbia as well as determining the final status of Kosovo. Negotiations continued into February 2007. Ahtisaari unveiled his 63-page proposal for a supervised independence of Kosovo on February 2, 2007. Serbia and Russia did not agree to the proposed plan, and due to Russia's objection, the UN Security Council was unable to approve the Ahtisaari Plan. Without the support of the UNSC, but with the approval of individual nations, most notably the United States, Kosovo declared independence on February 17, 2008. The members of the "Quint," five

of the original six countries of the Contact Group, immediately recognized the new state of Kosovo.

Does Kosovo Set a New Precedent in International Law?

The circumstances surrounding Kosovo's independence raises the question of whether other nationalist movements should be given the right to self-determination. It has largely been the practice of the international community to enforce the sovereignty of existing nations, especially to approve changes in territorial borders by force, yet Kosovo is a notable exception to this general rule. This question is the stated reason why some nations have chosen not to recognize Kosovo as an independent state, fearing that separatist movements and regions in their countries will point to Kosovo's case as a reason why they, too, should be given the right to self-determination and their own state. While in Kosovo, I posed this question to members of the Kosovo government and leaders from the international institutions present in Kosovo.

Officials from the Kosovo government consistently provided the *sui generis* argument to the precedent question. The Speaker of Kosovo's Parliament argued that Kosovo is unique because of the dissolution of the republics of Yugoslavia and the genocide committed against the Albanian Kosovars by Milosevic's Serbia during the 1990s. By allowing Kosovo to separate from Serbia, the international community allowed for relative stability to come from a past crisis situation (both regionally and locally). He also argued that the five unrecognizing European Union nations should not be concerned that Kosovo has set a precedent for the secessionist movements in their nations because the Kosovo "case cannot be taken as a precedent to solve cases in international relations throughout the world. Kosovo is a special case and cannot be used for other secessionist cases." Prime Minister Thaçi agrees that Kosovo is unique. In our interview with the Prime Minister, he stated, "There was no way to get the international community to listen to a guerilla group and have them understand and fight for you," but due to the unique situation, they were able to compel the international community to hear them. Furthermore, he argued that independence was not declared unilaterally, but with the support of the United States and others and was based on the negotiated Ahtisaari Plan.

Nexhat Daci of the political party, Democratic League of Dardania, gave a somewhat different opinion when asked if Kosovo could set a precedent for other secessionist groups. In his opinion, if a group has the support of the international community, a historical claim to independence, democratic will, and a negotiated settlement, then “why not?” However, he also stated that a bloody separation is not the answer, and in many cases, he endorses keeping the state borders the same but having the state government work with minority groups to provide the same rights and protections as the majority national group in a given country.

An official from an international institution had a more detailed answer to the precedent question. He started with the usual argument that “Kosovo is unique, or *sui generis*, in legal terms” and defended this argument by stating that the UN provided UNMIK with an open ended mandate, Resolution 1244, to maintain authority over the region of Kosovo. Therefore, extraordinary authority was given to UNMIK and NATO to control this territory. Furthermore, this was the first time that the UN extended a neutral status toward the sovereignty question of a state. In all past circumstances, the UN upheld a stance of firm sovereignty of the original internationally recognized state. Moreover, Kosovo’s history both prior to World War II and during the 1990s advocates for a unique situation. Finally, the fact that a large portion of the international community, and most importantly the United States, has decided to take the *sui generis* argument makes the situation unique in and of itself. If the United States and others had not decided that Kosovo should be an independent nation, it would not be one today. In the end, the allowance of Kosovo to be a state is mostly one of a political, not a legal, precedent.

Pieter Feith of the ICO supports the *sui generis* argument. He cites the extreme human rights violations committed by Milosevic’s government against the Kosovars and the unprecedented level of authority of the UN administration of the area as unique to the Kosovo situation. He also agrees that the Kosovo situation was one of a political, and not legal, domain. The decision was ultimately one of politicians, not lawyers.

During our meeting at the OSCE, an official explained the ideology of Ibrahim Rugova, the first President of Kosovo, on the question of Kosovo’s independence. Rugova believed that Kosovo could not go back to being an autonomous region of Serbia because, twenty or thirty years down the road, they could potentially be at the mercy of

another leader like Milosevic. Allowing Kosovo to be annexed by Albania was not advisable because Kosovar Albanians are different from Albanian Albanians due to their history of being part of the former Yugoslavia. The only advisable option that truly protected Kosovar Albanians was to have their own country.

The Kosovo Case at the International Court of Justice

The precedent question is currently being discussed at the International Court of Justice (ICJ). After Kosovo declared independence, Serbia referred this case to the ICJ. The hearing started on December 1, 2009, lasted for approximately two weeks, and the decision is expected to be made public during the summer of 2010. The ruling will be non-binding, but still very important by providing a legally-based determination of Kosovo's status and a ruling on the precedent question. Many observers expect an ambiguous ruling as there are valid legal arguments for both sides of the issue. Even without a clear answer, observers hope that both sides will be able to declare victory and move forward. According to the former head of UNMIK, Ambassador Jessen-Petersen, the ruling in The Hague will also be important to promote two areas of great importance to Kosovo: 1) Many states are waiting to get the opinion of the ICJ before they extend recognition to Kosovo. Therefore, a positive, or at least ambiguous, ruling will likely increase the number of recognitions; 2) The ruling will help promote economic development. Unemployment is at 40 percent, and is especially high for the young generation. If the ICJ decision is at least somewhat favorable to Kosovo, this added legitimacy will help the young nation attract more foreign direct investment to start new industries and increasing employment opportunities. When asked whether the International Court of Justice (ICJ) ruling would help alleviate the precedent problem for the five European Union countries, Khaldoun Sinno of the European Commission stated, "I doubt it...I don't think it will solve the stalemate issue...and I don't see their positions shifting." Even with an ICJ ruling stating that Kosovo is *sui generis*, these nations do not want to have any example that their separatists movement can utilize to obtain a state of their own.

Conclusion

Both Serbians and Kosovar Albanians point to history as a determining factor of Kosovo's status. The reality of centuries-old history, however, is that the region of Kosovo today changed hands many times, sometimes under the leadership and majority population of Serbs, sometimes under Albanians, and other times under a completely different leadership. History of the last century is characterized by a pattern of promises (and in a few cases follow through of these promises) made to the Kosovar Albanians of differing levels of autonomy and eras of harsh repression.

In the end, however, Kosovo is unique not because of its history of repression, broken promises, or nationality. There are many cases throughout the world that have similar histories and experiences. Two relevant examples include the Turkish half of Cyprus and the Palestinians who were originally promised their own state. What makes Kosovo unique is that the national leaders were able to convince some of the leading world powers to throw their support behind the idea of an independent state, much like the Zionists were able to do after World War II to obtain an independent country for the Jews in Palestine. Therefore, I have to agree with the official who stated that the question of Kosovo is not one of a legal, but a political nature. If a precedent is being set, it is a political one: In the current international system, if the leading states (in particular the United States) agree that a national group should have their own state, it is possible for this group to obtain one with some level of resistance from dissenting parties.

Furthermore, no one wants to argue that Kosovo sets a precedent in international law because to do so does not help anyone politically. The government of Kosovo is basing their ICJ case on the idea that Kosovo is a unique situation. Making the *sui generis* argument is important in order both to win the case and to provide a basis for nations worried about their own separatist movements to feel at liberty to recognize Kosovo. The international community as a whole does not want this situation to be considered a precedent in international law because of the possible destabilizing effects of multiple secessionist movements declaring their independence and/ or need for international intervention and support in obtaining it. Russia is an interesting case because, on the one hand, it has not recognized Kosovo due in part to its concern that regions such as Chechnya will use it to argue their case, but on the other hand, it

subsequently used Kosovo as an example as to why South Ossetia and Abkhazia should have their independence from Georgia. Even Kosovo itself has a predominantly Serbian region in the north that could argue that if Kosovo had the right to self-determination, they too should be able to either form their own state or be allowed to rejoin Serbia.

In conclusion, the long-term historical background of the region leaves questions as to which group, Serbs or Albanians, have the most right to the land, but in reality this history is only relevant to a small extent. The shorter term history, within the last century, gave the Kosovar Albanians a compelling argument to gain the support of a sufficient portion of the international community. The international community largely does not want Kosovo to be a precedent in international law or policy, but an exception to the general rule of maintaining the existing sovereignty of state borders, except when all the parties agree, as in the unification of Germany or the peaceful dissolution of Czechoslovakia.

Recommendations

- In the short term, Kosovo has to wait for the ICJ ruling on their status and the precedent question, while maintaining their *sui generis* stance and continuing to lobby for states' recognitions. However, many of the states that have not recognized Kosovo are waiting to hear the ruling before they make their final determination about Kosovo's status. The short-term, therefore, is mostly a waiting period.
- The medium term will largely be based on what happens with the ICJ ruling. However, as this paper concluded, the decision of a state to recognize Kosovo as sovereign entity is largely a political and not a legal one. If the ruling is favorable or neutral, then it will be much easier for Kosovo to lobby for recognitions of the states that do not have a political reason to deny recognition. Even with a favorable ruling, however, Kosovo will still have problems with the five EU non-recognizing countries and Russia. The *sui generis* argument is not having the desired effect on these nations, and Kosovo will need to find other means of leveraging a change in their opinions or hope that these countries eventually have new leadership with a change of heart in regard to the Kosovo question. If the ruling is not favorable, then Kosovo will have more difficulty obtaining the needed recommendations to meet their goals.

Therefore, Kosovo would have to find ways to change and leverage the political opinions of non-recognizing countries in general.

- In the long-term, the goal is admittance into both the UN and the EU. However, the means to do so are the same as above: 1) maintain the *sui generis* stance, 2) find other ways to leverage a change in opinion of individual countries, especially the key states in the EU and Russia, and 3) continue to lobby for recognitions by other states.

Kosovo and International Recognition: Perceived and Actual Barriers Caused by Non-Universal Recognition

Joshua Scharff

International recognition of the independent Republic of Kosovo is on the minds of Kosovar Albanians. Although the Kosovo Ministry of Foreign Affairs prominently displays on its website a running inventory of nations that recognize Kosovo as an independent state, most Kosovar Albanians know without reference that there are 65 nations on that list. Government officials are quick to focus on the talking point that those 65 nations comprise two-thirds of the world's gross domestic product, yet they also emphasize the importance of obtaining official recognitions from the remaining 127 UN member states. Indeed, the majority of Kosovar politicians that we interviewed during the course of our trip cited, on their own volition, the issue of non-recognition as one of the greatest current challenges facing Kosovo. In a sense, the topic of international recognition has replaced the population's preoccupation with the issue of status, after Kosovo's declaration of independence in February 2008 settled that matter for them.

Perhaps because of the disproportionate amount of attention that the subject of international recognition receives in Kosovo, there is a widespread perception among the population that non-recognition is a major obstacle to Kosovo's continued economic, social, and political development. This paper seeks to analyze to what degree this belief holds true. The effects of non-recognition are evaluated through two separate lenses: 1) the practical consequences of non-recognition, including Kosovo's membership and participation in international organizations and regional trade agreements, its current efforts to achieve visa liberalization, and the complications it poses for international involvement; and 2) the consequences of non-recognition to Kosovo's national pride. This paper contends that while non-recognition is an obstacle to Kosovo's long-term development, its short-term consequences are overstated. This paper concludes with a series of recommendations concerning how Kosovo should proceed on in the issue of international recognition.

It is important to note that this paper neither seeks to address nor adopt a legal or political theory of state recognition, namely the constitutive or declaratory theories. Rather, it aims to deal only with Kosovo's current political reality that results from its actual interactions in the international community.

The Landscape of Non-Recognition

The 127 UN member states that do not recognize Kosovo can be divided into three categories: 1) countries that have not recognized for fear of creating an international precedent that is contrary to their own interests; 2) countries that have not recognized because of their relations with Serbia and/or Russia; and 3) countries that have not recognized for unknown reasons or have not yet addressed the issue. Cyprus is an example of a nation that falls squarely in the first category. As evidenced by its recent submission to the International Court of Justice (ICJ) in the dispute concerning Kosovo's declaration of independence, Cyprus is concerned that if Kosovo's independence is widely accepted, any future demands for independence made by the Turkish Republic of Northern Cyprus will have a stronger foundation in law. Russia serves as an example of a country that refuses to recognize Kosovo because of its relations with Serbia. Although Russia has commented on the precedent issue, it is clear that Russia's view of Serbia as a "key partner" in Southeast Europe is the driving force behind its reluctance. Finally, Tuvalu is an example of a country in third category, as Tuvalu has stated that it has simply not yet fully considered the issue of Kosovo's independence.

Non-recognizing countries that fall in the first two categories present the greatest obstacle to near universal recognition of Kosovo. With regard to the issue of precedent, the ICJ has recently concluded hearing arguments on the issue, and its advisory opinion on the matter is pending. Although a strongly-worded ICJ decision endorsing Kosovo's *sui generis* argument (that its situation arises from unique circumstances and is not applicable to other scenarios) could theoretically remove precedent as an obstacle to recognition, most observers expect an ambiguous determination from the Court where both Serbia and Kosovo can claim a limited victory. In addition, a breakthrough on the Cyprus problem could be a game-changer, yet such a development does not seem probable in the near future. Thus, the issue of precedent will likely continue to be

relevant in the recognition debate. Furthermore, the non-recognizing countries that base their decision on their relations with Serbia are also unlikely to recognize Kosovo. Although relationships change over time, these countries currently lack the incentive to alter their position, as they gain more from their relationship with Serbia than they would from recognizing Kosovo.

Of the 127 non-recognizing countries, nine are of particular importance. These countries include Cyprus, Greece, Spain, Slovakia, Romania, Russia, Serbia, Moldova, and Bosnia and Herzegovina. The first five (Cyprus, Greece, Spain, Slovakia, and Romania) are important because Kosovo aspires to be a member of the European Union. Without the recognition and acceptance of these five EU member states, Kosovo cannot achieve this goal. Spain is of additional importance, as it recently assumed the EU presidency. Russia is another important player among the non-recognizing states, because Russia holds a veto on the UN Security Council and has already threatened to use it against plans for Kosovo's independence and admission to the UN. Serbia is important, of course, because it still claims authority over Kosovo and is leading the charge against Kosovo's international recognition. Finally, Moldova and Bosnia and Herzegovina are important because of their geographical location as a neighbor of Kosovo in the Balkans and their economic integration in the region.

Practical Consequences

When asked to identify the practical consequences of non-recognition, Kosovar leaders predictably respond with the most apparent answer: non-membership in international organizations. Indeed, as a non-recognized entity, Kosovo is precluded from membership in a number of such organizations. There is no doubt that Kosovo is currently deprived of some of the formal benefits of being a member to international organizations such as the UN. However, it is not entirely clear that this deprivation is, *in the current reality*, a significant obstacle to Kosovo's development as a state.

With Kosovo's existing 65 recognitions, Kosovo cannot be a member state of the United Nations. Although Kosovo's voice in the UN may be heard through "facilitation" by the United Nations Interim Administration Mission in Kosovo (UNMIK), and

although other options such as observer status may be open to Kosovo, full membership is not a current option. Kosovo's leaders, however, are unable to articulate why non-full membership in the UN is an obstacle to overcoming Kosovo's most pressing challenges of economic development and eliminating political corruption. While Kosovo's leaders may be offended that they must work through UNMIK in order to be heard at the UN, this is more of an issue of national pride than a practical consequence, as Kosovo does have a means to voice its opinions. On the other hand, Kosovo is a member of the World Bank and the International Monetary Fund (IMF), two international organizations that will be useful in assisting with both Kosovo's economic development and battle against corruption. Kosovo became a member of the IMF and the World Bank in June 2009, after receiving over 90 votes in favor of its admission.

Kosovars frequently cite non-recognition as an obstacle to Kosovo's accession to the EU. Non-recognition may indeed become a serious barrier to Kosovo's EU aspirations, as any of the five non-recognizing EU countries may veto Kosovo's accession. Cyprus, Slovakia, and Romania all object to Kosovo's independence on the grounds of international precedent, because of separatist elements in their respective societies. Greece's objection is a manifestation of solidarity with Cyprus. Spain, the current holder of the EU presidency is slightly more complicated. On one hand, Spain may be concerned about the precedent issue vis-à-vis its own political conflict with the Basques. Yet there also seems to be a strong interpersonal connection between high ranking members of the Spanish and Serbian governments on the ministerial level. In addition, the Kosovo situation was a campaign issue in the last Spanish elections, where the major candidates pledged never to recognize Kosovo as an independent state. Another possible obstacle related to recognition is Serbia, which is currently on the path to EU accession as well. Unless the EU learns from its failures in admitting Cyprus before the island was unified and does not allow Serbia to veto Kosovo's bid for EU membership, Serbia may also be in a position to block Kosovo's entry.

As daunting as the issue of non-recognition may seem to Kosovo's EU aspirations, it is currently not the main obstacle, and will not become such for quite some time. With an unemployment rate of over 40 percent, remittances from abroad comprising 15 percent of its GDP, the absence of a real fledgling industry, and no

concrete plan for economic development, Kosovo's dire economic situation is currently the major barrier between Kosovo and EU membership. Although Kosovo has set 2014 as the goal for EU accession, in truth, Kosovo's economy is unlikely to be ready for EU integration at this point. Given the EU's recent enlargement experiences with countries that may not have been ready for economic integration, such as Romania and Bulgaria, the EU may not be willing to make an exception for Kosovo if it remains underdeveloped. Because Kosovo's economy will not be ready for economic integration with the EU for quite some time, the issue of non-recognition is only a secondary concern for Kosovo's EU aspirations at the moment. Thus, obtaining the recognition of the five non-recognizing EU member states should not be the main priority; rather, Kosovo must focus most of its efforts on economic development and combating corruption.

Another area where Kosovo's non-recognition seems, on the surface, to have practical consequences is in regional trade agreements—particularly the Central European Free Trade Agreement (CEFTA). Of the eight members of CEFTA, three do not recognize Kosovo as an independent state (Serbia, Moldova, and Bosnia and Herzegovina). This has the potential to present a variety of problems for Kosovo, which is technically a member of CEFTA under the guise of UNMIK administration. First, Kosovo cannot attend CEFTA meetings without UNMIK's presence and "facilitation," as Serbia (and potentially the other non-recognizing members) would boycott the summit. In practice, to avoid possible problems with the non-recognizing countries, an UNMIK representative attends the CEFTA meetings with the Kosovo delegation and provides an opening statement. After fulfilling this formal obligation, the UNMIK representative allows the Kosovo delegation to proceed with the negotiations independently. Similar to Kosovo's complications in the UN, the measures taken to avoid difficulties with non-recognizing CEFTA countries are more of a nuisance to the government of Kosovo than a practical consequence that interferes with Kosovo's ability to conduct its own trade negotiations.

A second issue related to non-recognition and CEFTA is Serbia's refusal to import goods from Kosovo (Serbia, of course, would claim that they are not "imports" because Kosovo is part of Serbia). Although Serbia continues to export goods to Kosovo, it will not permit goods to pass through its borders that are stamped as originating from

the “Republic of Kosovo.” Rather, Serbia demands that these goods be stamped with an UNMIK logo, an ultimatum with which Kosovo refuses to comply. Although CEFTA is the proper forum for Kosovo and Serbia to deal with a trade dispute of this nature, this topic could open a Pandora’s box of non-recognition issues within CEFTA. It should be noted, however, that this particular subject is more of a manifestation of hostilities between Serbia and Kosovo, rather than a problem that stems from the non-recognition of Kosovo.

A practical consequence of the recognition issue that has been the subject of current events in Kosovo is visa liberalization. Because of Kosovo’s disputed international status, Kosovo passport holders may only enter a handful of countries without first obtaining a visa. According to the Kosovo Ministry of Foreign Affairs, these countries include Albania, Macedonia, Montenegro, and Turkey. This issue has received much attention in Kosovo, especially due to the fact that Kosovo’s neighbors, including Serbia, Montenegro, and Macedonia, have entered into visa liberalization agreements with the EU. In fact, because Serbia still grants passports to Kosovars, it was brought to our attention that some Kosovars (both Serbian and Albanian alike) have chosen to travel on Serbian passports in order to take advantage of visa liberalization. The lack of countries permitting visa-free travel for Kosovo passport holders is a direct consequence of non-recognition; however, this complication has been blown out of proportion. Visa liberalization entitles passport holders to obtain 90 day tourist visas. In a poor country with 40 percent unemployment, it is safe to assume that the overwhelming majority of citizens do not have the financial means to travel extensively outside of the country on a tourist visa.

The practical consequences of non-recognition may actually be most apparent to the operations of the international organizations in Kosovo. Many of the international missions in Kosovo are burdened by the politics that stem from non-universal recognition, and are forced to achieve a balance between appeasing both their recognizing and non-recognizing members and effectively implementing their tasks on the ground. For example, the “status-neutral” European Union Rule of Law Mission in Kosovo (EULEX), which is sponsored by both recognizing and non-recognizing states, is endowed with the goal of strengthening the rule of law institutions within Kosovo. This

stated aim puts EULEX in a tenuous situation, as it actively works to support and strengthen rule of law institutions that are part of the same Kosovo government that some of EULEX's sponsoring nations do not recognize. The fine-line of this situation is perhaps best illustrated by the administration of justice in northern Kosovo. EULEX judges in the north must often choose what law to administer, as Yugoslavian, Serbian, UNMIK, and Kosovar law has all been applicable to the territory in the last quarter of a century. Often, EULEX judges choose to apply the law of the Republic of Kosovo to a case—thereby, in effect, putting EULEX's seal on Kosovar authority in the region. In order to justify such results to the non-recognizing EULEX sponsors, EULEX focuses on the need for judges to retain “judicial independence” in order to bring justice and stability to the region.

EULEX is by no means the only example of an international organization that is caught in the middle of recognizing and non-recognizing states. The Organization for Security and Co-operation in Europe (OSCE) is similarly situated in answering to both recognizing and non-recognizing states. UNMIK is also in this difficult position, as it is still technically endowed with administering the country under Security Council Resolution 1244, but its staff has been reduced from 8,000 to 500 over the last few years. Perhaps the most extreme example of this balancing act is performed by Pieter Feith, who serves both as the Head of the International Civilian Office (ICO) and as the European Union Special Representative (EUSR) in Kosovo. In his role with the ICO, Feith serves in a non-status neutral role, with the goal of ensuring the full implementation of Kosovo's status settlement. However, as the EUSR, Feith represents both recognizing and non-recognizing nations, thereby making him status neutral in this capacity.

The practical consequences of Kosovo's non-universal recognition seem to provide the international organizations in Kosovo with more difficulty than they give the Kosovo government. Indeed, many international organizations admit to refraining from certain actions, so as to not provide any additional evidence of Kosovo's status that could be used in the pending ICJ case. This does have, however, somewhat of a trickle-down effect, as Kosovo cannot fully enjoy the benefits that flow from international support in a less politicized environment.

National Pride

A common theme found among the perceived practical consequences of Kosovo's non-universal recognition is the desire of Kosovar officials and citizens to achieve equal standing for Kosovo in the community of nations. This is not a surprising manifestation for such a young nation with such a long, turbulent history of violence and oppression. Kosovars are proud of achieving independence and creating a new political reality for themselves after emerging from war only a decade earlier. Through their pursuit of international recognition, Kosovars are seeking to have the legitimacy of their national journey approved by the international community. Just because this desire for international approval is not tangible, it does not mean that it should be ignored as illegitimate; rather, it is an issue that is strongly embedded in Kosovar Albanians and is at the foundation of their individual frames of reference.

The intersection of national pride and non-recognition primarily manifests in Kosovars' desire to be on equal footing with their Balkan neighbors. Indeed, Kosovars believe that they deserve the same rights and treatment—including recognition and all of the benefits that flow from it—that are given to other states that emerged after the breakup of Yugoslavia, particularly those rights afforded to Serbia. These beliefs are prominent in and underlie a variety of the “practical consequences” of non-recognition discussed above. First, the issue of visa liberalization did not spontaneously emerge in Kosovo. Rather, this issue only began to receive significant government and media attention when the EU announced that Serbia, Montenegro, and Macedonia were all under consideration for visa liberalization. This issue became even more prominent in Kosovo after these countries were granted visa liberalization. Indeed, Kosovo felt left out of a process that emphasized national legitimacy among its neighbors. Additional evidence that this is more an issue of national pride is that, as previously mentioned, a victory for Kosovo on the issue of visa liberalization only translates in practical terms into the granting of 90 day tourist visas that much of the country will not be financially able to take advantage of.

Kosovo's fervent pursuit of EU membership also has the undertones of national pride. There is, of course, no doubt that EU accession will greatly help Kosovo's economic situation and bring domestic and international stability to the country. Yet

Kosovars speak of EU integration as a national right of passage as much as they speak of it as an economic savior. To citizens of Kosovo, EU membership seems to be a benchmark that will conclude Kosovo's national struggle. Kosovo's goal of reaching this benchmark by 2014 is not an arbitrary selection, or even one that is grounded in practical economic predictions. Rather, 2014 has the symbolic value of being the same year that Serbia strives to become a full member of the EU. Although it seems logical for Kosovo to seek entry into the EU before or at the same time as Serbia in order to avoid the possibility of a Serbian veto, this does not seem to be a major concern for Kosovars. In fact, Kosovo has a high degree of faith that the EU will only welcome Serbia into the EU on the condition that it will not block Kosovo's bid for entry. Recent public statements by EU representatives seem to confirm that Kosovo's faith is well-placed. Thus, it is clear that Kosovo's leaders chose 2014 as the target because of its symbolic value, and that national pride is a driving force behind Kosovo's push for EU membership.

These issues that tie together international recognition and national pride are pushed to the forefront of national attention by Kosovo's leaders, even though these topics are not the greatest threats to Kosovo's continued existence as a nation. On one hand, it is easy for leaders to unify a young country around issues of national pride, particularly when that country has recently emerged from a violent struggle for independence. These issues are attractive to political leaders who are looking to consolidate power and solidify national support. On the other hand, Kosovo's current political leaders are the same people who led Kosovo's violent and political struggle for independence. They are also the people who are only allowed to participate in certain international meetings and negotiations if UNMIK is sitting by their side, facilitating the presence of the Kosovo delegation. It is not difficult to imagine that issues related to national pride and international legitimacy—the very issues that were at the forefront of their struggle—are still of the utmost importance to them.

Concluding Remarks

Achieving universal recognition is, and should be, an important goal of every young state. By no means does this paper advocate Kosovo abandoning its struggle for international recognition. Rather, it merely demonstrates that in Kosovo's case, an

overemphasis on international recognition detracts from the country's significant internal challenges: economic development and combating corruption. Although international recognition may be an appealing issue for national attention, non-recognition is not currently an existential threat to Kosovo. Indeed, the perceived practical consequences of non-recognition to Kosovo are not as pronounced as they seem, and they cause more difficulties for the international organizations in Kosovo than they cause for the government. The true threat of non-recognition is to Kosovo's national pride, which has partially been exacerbated by the government's focus on international recognition.

When pressed on the realistic possibility of achieving universal recognition with so many key nations adamantly opposed to Kosovo's independence, Kosovo's leaders often fall back to the argument that Kosovo's statehood and independence is a reality that will not change. There is a truth to this argument that Kosovo should focus on. Indeed, there are numerous examples of states that have successfully developed without universal recognition. For example, Israel has built a stable state over the last 60 years without the recognition of about 20 UN member states. At the extreme, over the course of the last 35 years the Turkish Republic of Northern Cyprus has developed into a *de facto* state that only enjoys recognition from Turkey. Thus, there are already blueprints for developing a successful state without universal recognition. With the above analysis and these lessons in mind, it is now possible to turn to recommendations.

Recommendations

- **Kosovo's leaders should deemphasize the nation's struggle for recognition and focus its actions and rhetoric on economic development and combating corruption.** As previously explained, the issue of international recognition, although important, pales in comparison to the more pressing needs of developing the economy and combating corruption. Kosovo should adopt the Hollywood adage of "if you build it, they will come" by focusing its actions first and foremost on the economy. If Kosovo emerges as stable and potentially prosperous nation, there will be more incentive for countries to officially recognize the nation. Similarly, the government of Kosovo should make a concerted effort to focus more of its rhetoric on the economy and corruption, and less on international recognition. A reduced focus on

international recognition will diminish the issue of hurt national pride, as the country will be focused more on other tangible goals.

- **Kosovo’s leaders must set realistic goals and choose policy priorities based on its own progress rather than on the progress of its neighbors.** By setting 2014 as the target for EU integration and choosing visa liberalization as a main issue of concern, Kosovo’s leaders are setting the nation up for disappointment. Such a comparison ties Kosovo’s national pride to the relative development of its neighbors – many of which enjoyed a significant head start – thereby focusing more attention on the issue of international recognition. Kosovo should therefore not judge its development by relative gains that are based on the progress of its neighbors; rather, Kosovo must focus on absolute gains and be its own measuring stick for success.
- **The campaign for international recognition must be solely the domain of the Ministry of Foreign Affairs.** Taking this step acknowledges recognition as an important issue, but keeps it from becoming overemphasized. Kosovo’s Ministry of Foreign Affairs has a general strategy for obtaining recognition, which emphasizes focusing on its friends (i.e. the recognizing countries) and seeking their support to lobby other countries. This is a good strategy and an appropriate responsibility for the Ministry of Foreign Affairs. This strategy should be expanded after the ICJ issues its decision on Kosovo’s declaration of independence. The Ministry of Foreign Affairs can enlist its international friends to alleviate any remaining precedent fears of non-recognizing nations, with a particular focus on distinguishing the Cyprus question.
- **Kosovo must continue to seek normalized relations with non-recognizing countries.** Any additional evidence of normalized relations with non-recognizing countries gives the status-neutral international organizations more leeway to support Kosovo’s institutions. This additional room to maneuver may go a long way with regards to the international organizations practical support for Kosovo’s development.

Conclusion

P. Terrence Hopmann

As the preceding chapters indicate, more than ten years after war and following almost nine years of international governance, the Republic of Kosovo over the past two years has made considerable progress on the road towards establishing itself as a viable, independent state. However, there remain a number of problems and obstacles to full independence and international recognition that still must be overcome before Kosovo becomes fully accepted by a large majority of the international community and, indeed, by its own citizens as a stable, peaceful, democratic state.

In many ways the post-conflict problems that have plagued the road to independence over the past eleven years are also a result of the failure of international conflict prevention in the decade of the 1990s, as indicated in the chapter by Aysha Rajput. Although there was ample “early warning” as long ago as 1989 that Kosovo was descending on the road to violence, following the more prominent outbreaks of violence in neighboring Croatia and Bosnia-Herzegovina attention to Kosovo’s problems faded in the international community, and the problems of Kosovo were largely overlooked at the 1995 Dayton Conference that brought an end to the war in Bosnia. Meanwhile, opportunities for a negotiated settlement of the conflict between the majority ethnic Albanian population and the government of the Federal Republic of Yugoslavia (at the time Serbia-Montenegro) were allowed to slip away. Efforts of a moderate and non-violent movement for independence led by Ibrahim Rugova and his League for a Democratic Kosovo (LDK) in the face of increasing repression from the government led by Slobodan Milosevic in Belgrade received little international support. Increasingly positions polarized between Belgrade’s insistence on the complete incorporation of Kosovo into a unitary Serbian state with its former autonomy completely stripped away and the demands of Kosovo’s Albanian leadership for complete independence from Serbia, during which all possibility for compromise solutions were allowed to wither on the vine. By 1997, the situation became increasingly violent as the Kosovo Liberation Army (KLA) began to supplant the non-violent approach of the LDK, supported by funds

from the extensive Diaspora in Europe and North America and arms obtained following the collapse of the Albanian government because of the failure of a pyramid scheme involving high government officials, with a war of national liberation directed against an increasingly repressive and violent Serbian government. Following massacres of civilians attributed to the Serbian para-military forces and the failure to resolve the crisis through negotiations at the Rambouillet Chateau in France, NATO forces came to the support of the Albanians and launched a three-month air war against Serbian forces throughout the region.

The end of the war brought UN Resolution 1244, the withdrawal of Serbian police and military units, and governance of Kosovo by the UN Mission in Kosovo (UNMIK). But it also left a country physically destroyed, with numerous refugees of both ethnic Albanians and Serbs displaced from their homes and jobs, and heightened ethnic tensions in the aftermath of violence. Furthermore, it left the political status of Kosovo unresolved, in what became a unique international entity that neither could be returned to governance by Serbia nor granted immediate sovereignty. The residue of this ambiguous status continues to haunt Kosovo to this date. Under the guidance of the Special Representative of the UN Secretary General, Martti Ahtisaari, Kosovo began to move towards independence under a plan that would guarantee power sharing and other rights to all ethno-national minorities still living in Kosovo. As complete independence was not acceptable to the government of Serbia, however, the Ahtisaari Plan failed to obtain full international backing, leading to Kosovo's unilateral declaration of independence in February 2008. At the time of this writing that independence has been recognized by 65 states, but leaving roughly two-thirds of the international community among the non-recognizing states. After the 1999 war, the binary choice for Kosovo's future narrowed to a clearly unacceptable reincorporation into Serbia and complete independence, so that any possibility for a compromise alternative was no longer viable.

As this report is being prepared, the International Court of Justices is about to release an opinion about the political status of Kosovo, but this is unlikely to resolve the fundamental ambiguity of the political-legal situation. At best, as Laura Lombard suggests, it might at least clarify the *sui generis* nature of the Kosovo case, making it harder for others to cite it as a precedent to justify independence movements in locations

such as the Turkish Republic of Northern Cyprus, or secessionist conflicts in the Basque regions of Spain or in Abkhazia within the Republic of Georgia. Notwithstanding this standoff and disagreement about the justness of the current situation, the fact of Kosovo independence is increasingly becoming a reality on the ground and cannot be reversed without seriously risking a reversion to large-scale violence. Although many of the authors of this report believe that the political status of Kosovo is of secondary importance in the near-term, no one challenges this fundamental reality, as difficult and complex as its consequences may be. The primary thrust of this report, therefore, has been to focus on how a Kosovo state, whether a *de jure* or just a *de facto* reality, can move forward under the difficult conditions in which it was born.

As Joshua Scharff point outs, the primary implications of the unresolved status of Kosovo have exerted their greatest effects, not on the government of Kosovo, but on the activity of the international institutions trying to assist Kosovo under ambiguous mandates. All of the major international institutions in Kosovo - UNMIK, the Europe Union [in the form of the European Commission and EULEX (the EU Rule of Law Mission)], and the Organization for Security and Cooperation in Europe - have member or participating states that do not recognize Kosovo's independence. Therefore, they must walk a narrow line in assisting the government without fully recognizing its sovereignty and under continuous threat of having their mandates rescinded if they cross that line. Only the International Civilian Office (ICO) unambiguously supports the sovereignty of Kosovo, but it too is limited by at least two factors: 1) its head, Pieter Feith of the Netherlands, also serves as Special Representative of the European Union, a status neutral institution, and 2) it still has limited legitimacy in many parts of Kosovo and so far has shown absolutely no capacity to exert any influence in the Serb-populated regions north and east of the Ibar River.

And, as this report indicates, the northern region, though legally recognized by many states as part of Kosovo, is *de facto* under almost complete Serb control. The border between the northern region and Serbia is not recognized as an international border by Serbs, whether they live in Serbia or in the northern region of Kosovo; it thus invites widespread trafficking in drugs, women, cigarettes, money, and other illicit commodities; around this porous border a large-scale criminal network has developed,

allegedly constituting the one activity in which ethnic Serbs and Albanians collaborate fully. Authorities and most employees in the North participate in “parallel structures” and are paid by the Serbian government and take orders from Belgrade rather than Prishtina. As the chapter by Heather Rehm emphasizes, there can be no solution to the problems faced by Kosovo as long as the northern region remains a kind of international “black hole” in which no legal authority has effectively penetrated. Plans are currently being developed to try to assert control by the ICO and by EULEX in the northern region to establish legal institutions, to control the border and collect tariffs and taxes, and to try to produce opportunities for gainful legal employment in the region as an alternative to dependence on criminal activity. In the recent past, however, most such efforts have failed, often due to interference by Belgrade in its efforts to separate the North from the rest of Kosovo, as Lydia Sizer documents. The EU especially must make clear its intent to establish law and order in this region, and it must communicate to Belgrade that continued attempts on their part to hinder their efforts and to support parallel structures in the North will lead to an immediate halt to Serbia’s EU accession. It would be absurd for Brussels to discuss EU membership for a state that continues to undermine governance and the rule of law in a neighboring region, whether that region is considered to be legally part of Serbia or part of Kosovo.

That said, the ICO and EU must also make it clear to ethnic Serbs that Kosovo is a safe and welcoming place to which they can return. That will require considerably stronger pressure on the government of Kosovo, which heretofore has been treated with “kid gloves” by the international community and the U.S. Government, to provide full access to its ethnic Serb citizens, including those who fled during or after the 1999 war. Examples of the failure of the Kosovo government to fully integrate ethnic Serbs and other minorities abound and many are enumerated in the preceding chapters. For example, the capital city of Prishtina has become essentially an ethnically homogeneous city, as Katherine Carson documents. The omnipresence of Albanian flags alongside virtually all Kosovo flags, even on government buildings, sends an instant message that Serbs are not welcome in the capital of the country into which they are supposedly being integrated. The homes of most former Serbian residents have been taken over by ethnic Albanians, including many former leaders of the KLA and other government officials,

who essentially refuse to relinquish them to their former occupants. Serbs returning from abroad are being settled in new homes in Serb enclaves near but outside Prishtina, essentially creating a system of ethnic ghettos. There are no Serbian language schools in Prishtina, and the University of Prishtina does not teach in Serbian, forcing Serb students to go to Serbia or to the university in the northern sector of Mitrovica, where they become inculcated in the anti-Albanian attitudes that prevail in that region.

Similarly, there is at this time no Serbian language television channel in Kosovo, again forcing Serb residents of Kosovo generally to get their news from Serb TV and radio; as James Littleton writes in his chapter, media in Kosovo so far have failed to attain international standards of professionalism and fairness, including in their treatment of inter-ethnic issues. Until some of these deficiencies are rectified, there are few incentives for Serbs who fled to return to Kosovo or even for Serbs living in Kosovo to travel freely and feel safe in their own country; there are few if any incentives for the large Serb population residing north and east of the Ibar to disavow Belgrade's parallel structures and to participate in the political life of Kosovo. There are, it must be noted, a few significant efforts to bridge these gaps: for example, as Mari Tanaka indicates, the town of Gjilan has a multi-ethnic government with an Albanian mayor and a Serb deputy mayor, as well as municipal council members from the Turkish and Roma communities. Civil society groups such as the Community Building Center Mitrovica have brought people, mainly women, together across the divided city in northern Kosovo to deal with common problems that affect both communities. These efforts, however, receive far too little attention in the Kosovo media and far too little support from either the government of Kosovo or from international institutions, with the partial exception of the OSCE which has tried actively to encourage integration at the community level and to upgrade media standards.

All of these political problems are compounded by economic stagnation and corruption that thus far have failed to provide a basis for an economically viable, independent state, much less a serious candidate for entry into the EU in the foreseeable future. Indeed, virtually all political leaders, NGO leaders, and members of the general public we met during our trip identified unemployment and corruption as the two most serious problems facing Kosovo today, outstripping in the minds of most Kosovars the

broader issues of international legitimacy and recognition. Sadly Kosovo has survived over the past decade primarily due to the largesse of the international community and the Kosovar Diaspora, whose role has been described by Thibault Meilland, and due to the black market economy. As Elena Ponyaeva shows in her chapter, imports far exceed exports, and unemployment runs at 40 percent, not considering the high rate of underemployment. Agriculture, long a mainstay of the Kosovo economy, lies in disrepair due largely to the lack of basic infrastructure and equipment for modern farming; consequently, a country that should be exporting agricultural products relies on imports for the vast majority of its food. The other major industry, mining, also lies in disrepair and is located mostly in the northern regions, especially at Trepča, where they are exploited entirely by Serbs. As Florian Kern observes in his contribution to this volume, all of these problems are related to poor infrastructure that inhibits both internal and international transit for goods and the lack of reliable energy supply and other infrastructure necessary to build the foundations for a viable economy on such a small territory.

Although we saw little specific evidence of corruption, virtually everyone we met cited it as a major problem. As Olga Lucia Murcia writes in her contribution, corruption allegedly includes high level involvement or at least acquiescence in the trafficking of drugs and other contraband, payment of bribes in exchange for government contracts, and skimming off international aid funds. According to officials of UNMIK and EULEX, corruption likely reaches to the highest levels of the present Kosovo government. They acknowledge openly that they have not dared to confront this issue in the past since going after local “heroes” and other prominent politicians might destabilize the still fragile political system; however, leaders of all opposition political parties and of the major NGOs all agree that this cannot be allowed to continue if Kosovo is to overcome its serious economic and political problems in the years ahead. Not only is official corruption a problem for the political stability of Kosovo, but it is also a major obstacle to extensive foreign direct investment in the Kosovo economy that will be necessary for creating a consistent pattern of economic growth, as Olga Lucia Murcia shows.

Perhaps the brightest sign in the otherwise rather pessimistic account of our trip to Kosovo was the existence of a far more vibrant civil society than has generally been

reported in other accounts that we surveyed prior to our trip. As Annie Magnus shows in her chapter, this was especially true of women's organizations such as the Kosova Women's Network, the primarily Serbian Women in Black, Community Building Mitrovica, the GAP Institute, and the Project on Ethnic Relations, that have played a significant role in post-conflict peace-building on a person-to-person basis. Eventually Kosovo will need to move beyond the rather chilly conditional peace into which it has arrived over the past decade to begin a process of deeper resolution and reconciliation across ethnic groups, gender, class, and other divides that create obstacles to the development of a vibrant democratic society. As Annie Magnus argues, not nearly enough is being done by the international community at this time to foster this kind of long-term peace-building, and the government generally seems to regard this and other required elements of inter-ethnic relations as a burden imposed by the Ahtisaari Plan rather than as a genuine goal that must be met on the road to a stable peace and democratic development. Here every effort needs to be made to support the heroic work being undertaken by a few hardworking and dedicated individuals, especially women, who have taken a lead in peace-building at the societal level and to expand these efforts to include ever wider circles of involvement of women's perspectives in civil society, political parties, and governmental institutions alike.

Finally, it is necessary to conclude with a few words about the extensive role of the international community in Kosovo. There can be no doubt that Kosovo would not have survived over the past decade without the huge involvement of numerous international organizations. But it is also clear that Kosovo's citizens are growing increasingly wary of the heavy engagement of the internationals in their daily affairs, while simultaneously becoming overly reliant on them to meet basic needs. In a sense, the situation has reached the point where Kosovo "can't live with them, but can't live without them." On the one hand, it is evident that a precipitous drawdown of international involvement in Kosovo would likely lead to a return to bloodshed or at least would seriously destabilize the fragile political balance that currently prevails. On the other hand, it appears that the international military presence, especially the remaining KFOR troops, now exceed force levels necessary to keep the peace, and plans should be made soon for them to withdraw. UNMIK too has largely outlived its usefulness,

although it cannot be withdrawn without a positive resolution from the UN Security Council, a move that Russia is currently unwilling to make while the legal status issue remains unresolved. However, it will likely continue to downsize and, with the partial exception of the valuable office in Mitrovica, become largely marginalized in the governance of Kosovo.

The OSCE continues to have an important role to play in Kosovo, although it too may be able to continue to shrink its mission size further. To some extent the local populace, often distrustful of their own government, has become excessively dependent on the OSCE, UNHCR and the UN Human Rights Commission, and EULEX to resolve their problems that should be addressed by their own municipal and national authorities. On the other hand, as Ulla Heher enumerates, these internationals can continue to play an important role in supporting the most positive developments in Kosovo society, namely supporting and strengthening local NGOs and civil society institutions, supporting free and fair elections with broad participation across all segments of society, working to improve professionalism and diversity of the media, to foster educational opportunities for women and minority communities, and to strengthen reconciliation and community-building at the local level, where cooperation produces immediate and tangible results that have significant implications for peace-building nation-wide. That said, as stability becomes consolidated, Sarah Winnan argues in her chapter, it is necessary to begin planning now for the eventual transfer of decision-making and law enforcement authority to the government of Kosovo.

Finally, the EU has a central role to play in Kosovo, largely because the anticipation of eventual EU membership, however far in the future it may turn out to be, is the primary incentive to promote cooperation, good governance, and economic development in Kosovo. This gives the EU influence that no other international institution possesses to push harder than it has heretofore with some of its immediate tasks, of which the two highest priorities are tackling corruption nation-wide wherever that path may lead, and establishing both the rule of law and economic development in the Serb-controlled regions north and east of the Ibar River. Kosovo cannot be a truly viable state until the situation in the North is settled. The best approach to doing that in the near future will be to convince the Serb populations who live there that they are safe

in a multi-ethnic Kosovo, that they can effectively participate in the political life of the country without being subject to discrimination, that their economic conditions can be substantially improved through national programs to develop infrastructure, mining, agriculture, trade, and other legal commerce that will turn out over the long haul to be more lucrative than receiving subsidies from Belgrade, and that they can prosper in a society governed by the rule of law rather than by organized crime. And if all this transpires, then the legal definition of the border between Kosovo and Serbia will become progressively less important as both Serbia and Kosovo move towards eventual integration into the European Union in which borders themselves become increasingly open.

In conclusion, in spite of some of the serious problems that we have identified that Kosovo now faces, overall we returned optimistic that the women and men of Kosovo of all ethnicities have the capacity to build a vibrant, prosperous, and peaceful society. We have focused on some of those challenges in this report, but we must view them in the overall context. Kosovo faces some difficult obstacles to full entry into the international community, and it would be a disservice to deny those challenges and to sweep them under the rug; it is only by facing them directly, as we have tried to do in this report, that we can identify what needs to be done by and for the citizens of Kosovo to enable them to achieve their most cherished goals in the future. For the next few years, it will remain the task of the international community, both international institutions and national governments, to assist Kosovo along this path, insisting upon high standards of good governance, economic performance, and respect for human rights and the rights of persons belonging to minorities. And if the people of Kosovo respond to this latest challenge with honesty and courage, as they have in the past, they can readily overcome the remaining obstacles and eventually enter as full and respected participants into the life of Europe and of the global community of nations.

List of Interviewees

Washington, DC Interviews

- Avni Spahiu, Ambassador, Embassy of the Republic of Kosovo
- Djerdj Matković, First Counselor, Embassy of the Republic of Serbia
- Soren Jessen-Petersen, former SRSB for Kosovo and Head of UNMIK
- Tina S. Kaidenow, Deputy Assistant Secretary, Bureau of European and Eurasian Studies, former U.S. Ambassador to Kosovo, U.S. Department of State
- Paul Pfeuffer, Office of South Central European Affairs Bureau of European and Eurasian Affairs U.S. Department of State
- David Kanin, SAIS Professorial Lecturer, European Studies
- Daniel Serwer, Vice President, Centers of Innovation, United States Institute of Peace
- Theodor Feifer, Deputy Director of Training, Education and Training Center, United States Institute of Peace
- Joe Brinker, former head of political affairs for the OSCE Mission in Kosovo

Kosovo Political Leaders

- Fatmir Sejdiu, President of Kosovo
- Skender Reçica, Protocol and International Affairs Advisor to the President
- Hashim Taçi, Prime Minister of Kosovo
- Hajredin Kuçi, Deputy Prime Minister and Deputy Chairman of the Democratic Party of Kosova (PDK)
- Sasha Rashić, Minister, Ministry for Community and Return
- Vlora Citaku, Deputy Minister of Foreign Affairs
- Jakup Krasniqi, Speaker of Parliament
- Edita Tahiri, Member of Parliament, Committee on European Integration
- Eqrem Kryeziu, Deputy Chairman of the Democratic League of Kosovo (LDK), Member of Kosova Parliament Presidency

- Bexhet Pacolli, President New Alliance of Kosova (AKR)
- Blerim Shala, Principal Deputy-Chairman, Alliance for the Future of Kosova
- Nexhat Daci, Chairman of the Democratic League of Dardania Party
- Slobodan Petrovic, Chairman of Serb Liberal Party

International Organizations Representatives

- Khaldoun Sinno, Head of Political and European Integration Section, European Commission Liaison Office to Kosovo
- Roy Reeve, Deputy Head of the EULEX Mission, European Union Rule of Law Mission
- Pieter Fieth, International Civilian Office - European Union Special Representative
- Steven Hill, Head of Legal Unit, International Civilian Office
- Karin Marmsoler, Political Advisor, International Civilian Office
- Robert E. Sorenson, Chief of Staff, Office of the Special Representative of the Secretary-General, UNMIK
- Philippe Tissot, External Affairs Officer, Office of the Special Representative of the Secretary-General, UNMIK
- Anil Vasisht, UNMIK Regional Representative, Mitrovica
- Andrei Efimov, Senior Political Advisor, Mitrovica Region, UNMIK
- Detlef Beisiegel, UNMIK Deputy Regional Representative, Mitrovica
- Eduard Pesendorfer, Senior Legal Officer, OSCE
- Werner Almhofer, Ambassador, Head of Mission, OSCE
- Nathalie Tgwerker, Deputy Director, Democratisation Department, OSCE
- Wolff-Michael Mors, Deputy Director, Human Rights and Communities, OSCE
- Nuno Luzio, Senior Political Officer, OSCE
- Leslie Hess, Senior Democratization Officer, OSCE Regional Center, Gjilan

Regional Community Leaders - NGOs

- Shpend Ahmeti, GAP Institute for Advanced Studies, Prishtina
- Igo Rogova, Director, Kosova Women's Network, Prishtina
- Mujë Rugova, Rector of the University of Prishtina
- Naser Mrasori, Vice-Rector for International Cooperation, University of Prishtina
- Leon Malazogu, Project on Ethnic Relations
- Bedri Selmani, Rector, University College "Victory"
- Avni Kastrati, Mayor of Mitrovica
- Valdete Idrizi, Executive Director, Community Building Mitrovica
- Bojan Stojanovic, Mayor of Gracanica
- Qemajl Mustafa, Mayor of Gjilan
- Srdjan Jovanović, deputy mayor for communities of Gjilan, Serb Leader
- Galip Iseni, Roma Leader, Gjilan
- Kamajl Shai, Turk Leader, Gjilan

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