

The Efficacy of the International Administration's Policy of Coerced Co-operation in Kosovo

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Biography

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Introduction

Contemporary international engagement with Kosovo has profound implications for international relations and is indicative of modern approaches to, and norms regarding, a wide range of seminal issues from humanitarian intervention to statebuilding (Weller 2009, p. 259; Wheeler, 2000, p. 242). While Kosovo formally declared independence in February 2008 international involvement remains and Kosovo continues to constitute a “work-in-progress” of great significance. This article critically examines the attempts made since 1999 to create a “multi-ethnic” Kosovo. I argue that while efforts were made to contrive ethnic pluralism in Kosovo with a view to cultivating inter-ethnic political cooperation, this policy has failed. Rather than constituting evidence of the pervasive influence of “ancient ethnic hatreds” this failure stems from the nature of the political situation in Kosovo and the ill-conceived policies pursued by the international administration that have proved counter-productive. The policies of imposing ethnic quotas and implementing decentralization on the basis of ethnic demographics embedded ethnicity in the political system and succeeded only in further solidifying ethnic division.

This paper begins by providing an overview of the emphasis placed by the international administration on forging multi-ethnicity, and contrasts this aim with the contemporary reality of ethnic relations within Kosovo. The subsequent

section argues that certain policies pursued by the international community – namely the use of ethnic quotas, the protection of minorities, and the policy of ethnic decentralization – militated against any significant diminution of mutually antagonistic ethnic identification or inter-ethnic cooperation. The final section argues that the attempt to promote and create a multi-ethnic Kosovo was a function of the desire on the part of the various international actors involved to demonstrate their own competence and capacity rather than a policy tailored towards the exigencies within Kosovo.

Promoting Multi-ethnicity

Throughout the majority of the 1990s international engagement with Kosovo was half-hearted and sporadic, despite the fact that the importance of Kosovo to stability in the wider Balkans was widely acknowledged (Weller, 1999, p. 33). By 1998, however, and largely as a function of the escalating violence, there were concerted international mediation efforts culminating in the Rambouillet conference held in February 1999. The Rambouillet Accords – eventually signed by the Kosovar Albanian delegation but rejected by the Yugoslavs – served as the basic template for many of UNMIK's later initiatives and the goal of inter-ethnic harmony was embedded in the ill-fated draft. The Accords included the statement, '...the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosovo are necessary for the harmonious development of a peaceful society' (Rambouillet Accord, Chapter 1). It was not at all clear, however, that the preservation of Serbian and Albanian

identities was required for there to be peace in Kosovo; in fact, evidence suggested that so long as these identities were preserved, let alone promoted, they would actively undermine peace and stability in the province. It was certainly historically true that actively stifling the national identity of the Kosovo Albanians and the Serbs had led to tension and conflict but this was not necessarily evidence of the need to 'preserve and promote' each identity.

Following the failure of the Rambouillet negotiations NATO launched Operation Allied Force, a 78-day bombing campaign which routed Yugoslav forces from Kosovo. UNMIK was established in the wake of NATO's intervention and its remit was detailed in Security Council Resolution 1244. The powers vested in UNMIK constituted a significant accentuation of anything the UN had ever previously undertaken (Matheson, 2001, p. 76) and UNMIK described its own mission as 'a sweeping undertaking...unprecedented in both its scope and structural complexity' (UNMIK 1999). Unprecedented power was vested in UNMIK and in particular the Special Representative of the Secretary General (SRSG) (Mertus, 2003, 162). While these extensive powers were legitimized at the time as a temporary arrangement, by 2003 UNMIK's powers had in fact grown and were arguably greater than was required of an administration ostensibly mandated to promote self-government (Sobjerg, 2006, 67).

To ensure Russian and Chinese support Resolution 1244 recognized '...the sovereignty and territorial integrity of the Federal Republic of Yugoslavia' thereby creating significant difficulties for UNMIK given the demographics in Kosovo following NATO's intervention; over 90% of the population were ethnic

Albanians who bitterly opposed any role for Belgrade. The resolution described UNMIK's role as overseeing the establishment of interim political institutions 'pending a final settlement' without ever specifying what this settlement would entail. Given that the key contestation in Kosovo, and the source of the previous conflict, was the competing claims over Kosovo's sovereignty (Lang 2010) this fudge was unattractive to both the Serbs and especially the Kosovo Albanians. At the time, however, it was argued that a 'constructive ambiguity' surrounding Kosovo's final status would facilitate the diminution of antagonistic claims on Kosovo and provide space for compromise (Independent International Commission on Kosovo, 2000, p. 261).

The result of the ambiguity, however, was that UNMIK was unable to advance a coherent long-term strategy around which local politics could mobilize, and discontent amongst the Kosovo Albanian community grew. Politics in Kosovo continued to be consumed by the issue of final status and by 2003 it was clear that the ambiguity was no longer tenable. In December 2003, in an effort to mobilize momentum UNMIK launched the 'Standards for Kosovo' initiative. The logic underpinning this idea was that Kosovo's final status would be addressed only after eight standards were achieved, hence the policy came to be known as 'Standards before Status'. This would, it was claimed, give the political institutions and actors in Kosovo something to work towards and, if the standards were achieved, politics in Kosovo would have necessarily moved into a new phase of inter-community cooperation which would make final status negotiations easier to conduct.

UNMIK proclaimed that the aim of the standards was to achieve ‘a multi-ethnic society where there is democracy, tolerance, freedom of movement and equal access to justice for all people in Kosovo, regardless of their ethnic background’ (UNMIK, 2003, p. 3). Each of the eight standards contained very ambitious targets and peppered with provisions to ensure that the political system, the judiciary and the police reflect Kosovo’s ethnic diversity. The then SRSG Harri Holkeri stated in a February 2004 address to the Security Council that the aim was to create ‘a democratic, tolerant, multi-ethnic Kosovo that will be at peace with itself and the rest of the region’ (UNMIK Press Release 2004, p. 6).

In March 2004 UNMIK published the ‘Kosovo Standards Implementation Plan’, outlining how the ‘Standards for Kosovo’ were to be achieved. The plan outlined the highly ambitious aims of the policy;

The “Standards for Kosovo” describe a Kosovo where public institutions are representative and democratic, where the rule of law is effective, respected and accessible to all...where all individuals, regardless of ethnic background, can travel and work safely, and use their languages (and where that use is respected) anywhere and in any institution of Kosovo...In short, a truly multi-ethnic, stable and democratic Kosovo which is approaching European standards (UNMIK 2004).

In practice, however, the Standards actually served to obscure meaningful debate on human rights and ethnic relations as they constituted an externally

conceived notion of rights and normative ethnic-relations to which locals were expected to unquestioningly cohere. The standards thus constituted, and were perceived as, artificial constructs which had little practical utility; within a year Kofi Annan openly questioned their value (Annan 2005). All discourse on rights and inter-ethnic relations were framed by UNMIK's standards rendering local perspectives and initiatives peripheral. According to Ana Devic the standards were '...used as a tool for suppressing public debate on "sensitive" political issues' (2006, p. 264). Thus, rather than catalyzing a meaningful dialogue on inter-ethnic relations that standards served to actually inhibit reconciliation between communities by steering all discussion towards a externally contrived and controlled discourse based on platitudes which attenuated rather than tackled the key sources of contestation.

In March 2004 riots erupted across Kosovo as an estimated 51,000 ethnic Albanians 'acted with ferocious efficiency to rid their areas of all remaining vestiges of a Serb presence' (Human Rights Watch, 2004, p. 1). The riots highlighted the manifest failure of 'Standards before Status' policy and illustrated that avoiding Kosovo's final status was untenable. The earlier normative evolutionary progression from the achievement of standards to the determination of status was re-evaluated in light of the 2004 riots and the evident political stagnation. A 2005 report by Kai Eide, Special Envoy of the UN Secretary-General, noted '[UNMIK is] increasingly being seen as engaged in a holding operation, unwilling to address...[the] crucial issue [of Kosovo's final status]'

Eide warned of 'a growing sense of frustration and stagnation' (United Nations Security Council, 2005, pp. 6-7).

In October 2005 Martti Ahtisaari was appointed head of the UN Office of the Special Envoy for Kosovo and tasked with beginning the process to determine Kosovo's future status. Ahtisaari's proposal, published in February 2007, outlined a reconfigured balance of competencies between the local institutions and the international administration. The plan contained a number of proposals which continued to reflect the ambitious attempt to create (or ostensibly preserve) Kosovo's multi-ethnic character; 'Kosovo shall be a multi-ethnic society' (Comprehensive Proposal for the Kosovo Status Settlement 2007, Article 1.1); Kosovo should have a 'flag, seal and anthem, reflecting its multi-ethnic character' (Ibid, Article 1.8); the new constitution must, 'Affirm that Kosovo is a multi-ethnic society based upon the equality of all its citizens and the highest level of internationally recognized human rights and fundamental freedoms' (Ibid, Annex 1, 1.3).

In February 2008 Kosovo declared independence and produced a new *Constitution of the Republic of Kosovo*. The 65-page constitution is replete with references to the preservation of Kosovo's "multi-ethnic" character and advances a very ambitious ethos for the new republic;

...the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right of property, the

protection of environment, social justice, pluralism, separation of powers and a market economy (Ibid, p. 3).

Chapter II of the Constitution – ‘Fundamental Rights and Freedoms’ – is by far the longest chapter and outlines an extraordinary array of human rights which, if realized, would make Kosovo the envy of the world.

Had the constitution been drafted by the Kosovo Albanian’s we could characterize this as ambitious and perhaps naïve. This was not the case, however. Initially a ‘Unity Team’, comprising the main political actors in Kosovo and a supporting ‘Political-Strategic Group’, comprising 21 members appointed by the President and the Assembly of Kosovo, was established to draft the constitution. The process was actually dominated, however, by external actors, in particular the Pre-Constitutional Working Group established by the US Office in Pristina. According to Mark Weller disappointment with the local Albanian’s drafts, ‘prompted international representatives in Kosovo to inhibit the initiation of drafting by the Kosovars’. The ‘highly unusual’ constitutional process driven by the US Office in Pristina eventually admitted only one international expert chosen by the Kosovars (2009, p. 257). Given the ‘heavy international involvement’, the ‘lack of local ownership’ and the fact that the process was ‘tightly managed by the US mission in Prishtina’ (Ibid, p. 258) it is clear that the expansive provisions are the product of external actors who evidently treated the constitution as a wish-list with little concern for the capacity of Kosovar society to implement or guarantee such expansive provisions.

The attempt to present an idealized image of ethnic relations in Kosovo is evident in the way the post-independence government has depicted inter-ethnic relations. For example, despite overwhelming evidence to the contrary the President of Kosovo has stated that accusations that Kosovo Albanians have attacked Serbs is 'not true...in the last three to four years there is no evidence of inter-ethnic conflict with the exception of those incidents which are general in nature and that can occur anywhere in the world' (Hehir 2010, p. 200). He further stated,

...any of the Serbs that wish to do so can freely come to Kosovo, to the Grand Hotel or any of the cafes in Pristina or any other city in Kosovo and they will be welcomed. The problem is a few members of the Serb community want to make a spectacle of it and they come to some areas of Kosovo to show that apparently there is some kind of insecurity...I go out and I visit all parts of Kosovo and literally I cannot see any person from any other community that touches the Serbs anywhere I go (Ibid, p. 201).

The President's claims do not accord with the reports of many independent international human rights NGOs. For example, Human Rights Watch's 2010 World Report noted that in the first 8 months of 2009 alone some 275 'inter-ethnic incidents' were reported with non-Albanian communities suffering the majority of attacks (Human Rights Watch, 2010, p. 444).

The Contemporary Situation

In terms of inter-ethnic violence there is no comparison between the situation in Kosovo in 2010 and that of the 1998-1999 period. Nonetheless, the Kosovo Albanian and Serb communities, with few exceptions, remain deeply divided. The inability to reconcile competing visions for Kosovo during the status negotiations highlighted the broader division within the international community with respects to Kosovo while the positions of Kosovo's Serbs and Albanians remained 'diametrically opposed' (Weller 2008, p. 659).

Kosovo's ethnic communities remain physically divided with the literal division of Mitrovica serving as a symbol of the broader societal cleavage. While in the southern province of Štrpce some co-operation between Serbs and the Kosovo Albanian administration has occurred this is very much the exception and there are signs that this too is in jeopardy (International Crisis Group, 2009). A report by Human Rights Watch in late 2009 warned, 'In many areas, inter-communal tensions appear to be rising' and with respect to the possibility of the return of non-Albanians expelled since 1999, noted, 'arguably nowhere else in the Balkans is as dangerous for returnees' (Human Rights Watch, 2009). Human Rights Watch's 2010 *World Report* described Kosovo as characterised by a 'volatile political situation, continuing inter-ethnic incidents...and [a] poor economic condition' (Human Rights Watch, 2010, p. 444). While there has, therefore, certainly been a reduction in violence since the international administration took over in 1999, there has not been a significant move towards normalizing ethnic relations, promoting significant inter-ethnic dialogue or facilitating ethnic integration. An April 2009 study by the United Nations

Development Programme demonstrated the depth of ethnic segregation; the report in particular noted a 'drastic decrease' of 22 percentage points from October 2008 in the percentage of Kosovo Albanians willing to work with Serbs, the lowest figure since December 2002 (UNDP 2009, p. 7).

Explaining the Persistence of Ethnic Segregation

The persistent ethnic division within Kosovo requires some explanation beyond the "ancient ethnic hatreds" shibboleth. While one may reject the ancient ethnic hatreds thesis as essentialist and flawed (Mazower 2003, 14-15) it would be disingenuous to claim that inter-ethnic relations are not very poor. The dominant contrasting approach, however, has been to exaggerate the capacity of international engagement to forge inter-ethnic harmony and implement unrealistic – and counterproductive – policies.

Evidence suggests that there are two situations likely to facilitate inter-ethnic accommodation. First, where there are a large number of ethnic groups neither one of which is dominant. Second, where there are a small number of large ethnic groups evidencing a high degree of geographical dispersion and intermixing (Taylor, 2002, pp. 65-66). Neither situation existed in Kosovo in 1999 which constituted, Andrew Taylor noted, 'a multi-ethnic society in which one ethnic group predominated, and which was spatially organised in ethnically homogenous electoral districts' (Ibid, p. 67). Given the demographics in Kosovo, and not least the violence of the 1995-1999 period, Taylor warned, 'No amount of constitutional engineering or type of electoral system could, at this stage in

Kosovo's history, mitigate the bitterness and divisions in society' (Ibid, p. 111). This empirically-based appraisal of the situation was evidently overlooked in favour of a policy based on aspirations and the international administration's inflated sense of its own capacity. The following sections outline the various international policies which have contrived to produce the ethnic segregation prevalent in Kosovo today.

Ethnic Quotas

From the beginning ethnicity was central to UNMIK's organization of the local administration with the new arrangements for Kosovo's political system and judiciary designed to ensure ethnic plurality through the use of ethnic quotas. UNMIK initially established an Interim Administrative Council comprising four Albanians, one Serb and four representatives from 'other' communities, while Kosovo's Assembly, constituting 120 seats, had to reserve 20 seats 'for the additional representation of non-Albanian Communities' (UNMIK, 2001, section 9.1.3b). Ten of the seats were reserved for the Serbs, four for the Roma, Ashkali and Egyptian communities, three for the Bosniak community, two for the Turkish community and one for the Gorani community (UNMIK, 2001, section 9.1.3bii). The seven-member-Presidency had to include one member from the Serb community and one from outside the Kosovo Albanian and Serb communities. Government ministries were apportioned along ethnic lines with two of the ministries reserved for minority communities, one of which had to be a Serb. Ethnicity also determined the composition of many other newly established

institutions such as the Committee on Rights and Interests of Communities, the independent media commission and the public broadcaster's editorial board (UNMIK, 2001, section 5/4, b-c).

The Ahtisaari plan similarly evidenced the international commitment to contriving "multi-ethnicity" through ethnic quotas; various institutions including the Assembly, the judiciary and prosecution service, the police, the intelligence services, the Kosovo Security Force, and even 'local names, street names and other topographical indications' were expected to 'reflect Kosovo's ethnic composition' (Comprehensive Proposal for the Kosovo Status Settlement 2007,, Article 3.1.i). These provisions were reflected in the 2008 constitution. The arrangements for Kosovo's political system and judiciary are proscribed to contrive ethnic pluralism in a manner which closely resembles the initial system established by UNMIK. In the elections to the Assembly candidates must declare themselves as Serb, Roma, Ashkali etc. (Constitution of the Republic of Kosovo, 2008, Chapter IV, Art 64.2). Ten of the Assembly's 120 seats must be occupied by Serbs while an additional ten are divided among the Roma, Ashkali, Egyptian, Bosnian and Turkish communities (Ibid, Chapter IV, Art 64). Two Deputy Presidents must be from non-Albanian communities, one of which must be Serb (Ibid, Chapter IV, Art 67.4). One Minister and one Deputy Minister must be Serbian while one more must be from a non-Albanian community (Ibid, Chapter VI, 96.3). Ethnic quotas also exist for the Kosovo Judicial Council (Ibid, Chapter VII, 108.6), the Committee on Rights and Interests of Communities (Ibid, Chapter IV, Art 78.1) and the Central Election Commission (Ibid, Chapter XII, Art 139)

While the use of ethnic quotas ensures a literal plurality of ethnic identities it does not necessarily increase actual cooperation or lead to the diminution of mutually exclusive ethno-centric agendas. A simple majority system is in operation within the Assembly meaning that the twenty seats reserved for non-Albanian representatives can always be out voted (Constitution of the Republic of Kosovo, 2008, Chapter IV, Art 80.1). Article 81 outlines exceptions to this simple majority system whereby proposed legislation on certain issues requires an additional majority amongst the 20 seats reserved for non-Albanians. These “vital interests” include changes to municipal boundaries, laws on the rights of communities, laws on language, cultural heritage, religious freedom and community symbols. They are, therefore, issues which are directly related to issues of identity and thus cross-ethnic support is only a pre-requisite on those emotive identity-based issues. Day-to-day legislative procedure can proceed without any need for cross-community cooperation and hence the majority Albanian community are neither required nor incentivized to cooperate with the minority representatives in the Assembly as is the case, for example in Northern Ireland (Hughes 2009, p. 289-290). There is, therefore, no need for the majority community to reach out to the “other”, and thus a lack of what Donald Horowitz cites as key to the emergence of genuine inter-ethnic cooperation in post-conflict societies such as Nigeria, namely incentives incorporated into the political system for parties to compromise across ethnic lines (2004, p. 251).

The ethnic quota system, therefore, is organized in a way which renders the result of the quota system – a plurality of ethnicities – essentially cosmetic.

Simply ensuring that representatives from a number of communities sit in the Assembly or have a particular number of ministries cannot of itself constitute cross-community cooperation unless the underlying divisions which necessitated the quota system in the first place are addressed. Indicative of the failure of the ethnic quota system is the attempt to contrive a multi-ethnic police force in Kosovo. “Community policing” was advanced as a means by which a Kosovo police force acceptable to all could be created by ostensibly reflecting Kosovo’s multi-ethnic character. While this certainly constituted a theoretically sound solution to the divisions within Kosovo it was in practice unworkable regardless of the extent to which the ethnic composition of the force was manipulated to include a certain ratio of non-Albanians. While community policing theoretically ensures the police force reflects the community it polices, in Kosovo it has led to anger amongst ethnic Albanian officers and to the segregation of the police force along ethnic lines – the anathema of what community policing is designed to achieve. The result of the quota system, therefore, was not a multi-ethnic police force but rather an ethnically segregated police force; as Barry Ryan notes, ‘when one speaks about community-police relations in Kosovo it is with reference to one community policing itself against another community’ (2010, p. 127). The ethnic quota system was doomed given the underlying social context. The new police force was asked in effect, Ryan argues, to ‘enforce a liberal democratic multi-ethnic constitutional order that does not exist’ (2010, p. 191). Evidence suggests that the majority of ethnic Albanians do not actually want a multi-ethnic Kosovo (Welch 2006) and yet this pervasive social trend was ignored by UNMIK

in favor of an externally conceived notion of peaceful pluralism which did not reflect the reality in Kosovo in terms of both the aspirations of the dominant community and the demographic reality post 1999 which rendered policies on multi-ethnicity 'redundant' (Hughes 2009, p. 291).

Ethnic Identification and (In)Security

To a significant extent human's form group identities on the basis of the instrumental belief that there is security in numbers. To achieve personal security, therefore, it is prudent to cohere with a group identity (Bloom 1990, p. 23). It stands to reason that a rise in real or perceived threats will lead to a heightened sense, and indeed projection, of group identification, particularly ethnic identification in the context of political breakdown when identification with the state erodes. Thus, where we can identify ethnic mobilization there is a strong likelihood that the catalyst for this will be some comparable level of insecurity (Guelke, 2004, p. 50). Clearly this corresponds with the rise in ethnic identification in Kosovo, and indeed the former Yugoslavia generally, over the past thirty years. As the Socialist Federal Republic of Yugoslavia began to unravel individuals, fearful of their own security, increased their identification with their ethnic kin leading to a vicious circle whereby the heightened ethnic mobilization of one group induced another to increase their ethnic mobilization, and vice versa (Pestic, 1996, 33-34).

The cause of the problem, therefore, was not mutually antagonistic ethnic identification; this was the symptom derived from the broader political, and

indeed economic, collapse of Yugoslavia (Bennet, 1995, 70). As Adrian Guelke noted,

violent conflict does not arise out of the existence of ethnic groups as such, even in cases where such conflict is lazily attributed to the persistence of ancient ethnic hatreds. Antagonism arises between ethnic groups in a particular social, economic or political context (2004, p. 244).

Despite this causal link between societal breakdown and ethnic mobilization external observers are often guilty of what Roger Brubaker describes as 'groupism' whereby they 'uncritically adopt categories of ethno-political practice' (2004, p. 34-6). Clearly in Kosovo in 1999 "Serbs" and "Albanians" exhibited pronounced mutual enmity and extreme ethnic identification but this should not have led UNMIK to formally tailor its policies around these identities. Apportioning key positions in Kosovo according to an ethnic quota system could only have reinforced the centrality of ethnicity in Kosovo society. While UNMIK hoped that contriving ethnic pluralism in the political system, judiciary and police would demonstrate the inclusivity of the new system, the contrived nature of this pluralism reinforced ethnic exclusivity. As Aldo Blumi argued, the new arrangements '...reconfirmed the immutable boundaries between each "ethnic" group as opposed to creating any co-habitational spirit' (Blumi, 2003, p. 220).

Given the casual link between insecurity and ethnic mobilization it was vitally important the UNMIK and KFOR brought peace to Kosovo yet they manifestly failed to do so. After Operation Allied Force, and despite the

deployment of NATO throughout Kosovo, there followed a 'disturbing spate of cold-blooded killings' and thousands of non-Albanians were forced from their homes (IICK, 2001, p. 104). At the time Carla Del Ponte, Chief Prosecutor with the International Criminal Tribunal for the former Yugoslavia, stated, 'What is currently happening is as serious as what happened there before' (Bardos, 2003, p. 150). According to Human Rights Watch during the March 2004 riots NATO and the UN 'failed catastrophically in their mandate to protect minority communities' and the organization accused the international community of being 'in absolute denial about its own failings...KFOR and UNMIK seem happy to continue with "business as usual" rather than putting in place the reforms needed to prevent a recurrence of mass violence' (Human Rights Watch, 2004, pp. 2-3). The ICB similarly criticized the insecurity prevalent in Kosovo and stated that the international community had 'clearly failed' to provide security for the people of Kosovo (2005, pp. 19-20). Insecurity remains prevalent in Kosovo; an April 2009 study by the United Nations Development Programme found that 43% of the population felt 'unsafe while out on the street' up from 18% in October 2008, while the number of respondents who felt safe had dropped some 27 percentage points to 53% (UNDP 2009, p. 6).

The counter-ethnic cleansing in June 1999 and the mass violence in March 2004 demonstrated that the Kosovar Albanian community did not share the vision of a multi-ethnic society advocated by UNMIK. Eide's 2005 report to the Security Council outlined the extent to which national identity in Kosovo was inherently negative and constructed on the basis of opposition to other national

groups. According to Eide, '[Kosovo Albanian] identity is – to a large extent – built on controversial events, personalities and symbols, often in opposition to the identities of Kosovo Serbs and other communities' (United Nations Security Council, 2005, p. 7). The International Crisis Group described Kosovo Albanian society as 'damaged' and 'slow, and even reluctant, to face up to its own visage' (International Crisis Group, 2004, p. 32). They noted the influence of 'semi-literate extremists' who have been free to 'dictate their terms with threats to prominent Albanian intellectuals who have spoken out against attacks on minorities' (Ibid, p. 33). The Kosovo Albanians, according to the International Crisis Group, aimed to 'cleansing the entire territory of foreign bodies' (Ibid, p. 33). The image of the Kosovo Albanians as passive victims peacefully pursuing a noble cause has thus become increasingly untenable since 1999.

Decentralization

In April 2004, a month after the March riots, the President of the Security Council issued a statement calling for, 'new institutional arrangements...to allow more effective local government through devolution of central non-reserved responsibilities to local authorities and communities in Kosovo' (UN Security Council, 2004, pp. 2-3). Though this was still justified as part of a process aimed at creating 'a democratic and multi-ethnic Kosovo' the timing and nature of the policy shift suggests a different rationale based on a belief in the need for ethnic segregation.

Eide's 2005 report advanced a bleak appraisal of ethnic relations in Kosovo noting, 'With regard to the foundation for a multi-ethnic society the situation is grim'. He further noted, 'Multi-ethnicity is often not seen as a goal' (United Nations Security Council, 2005, p. 3 & 4). Eide advocated a new policy of decentralization and 'enhanced competencies at the local level' suggesting this 'could include a number of new municipalities where the Kosovo Serbs, in particular, would have a comfortable majority' (United Nations Security Council, 2005, p. 17). Thereafter this approach came to dominate proposals on revitalising political participation in Kosovo.

While the Ahtisaari plan was touted as a means to achieve a 'multi-ethnic, democratic and prosperous Kosovo' the plan actually advanced a policy which legitimised ethnic segregation in Kosovo. The plan advocated a policy of decentralization which very clearly segregated the two largest communities through a system of municipalities based on ethnic demographics. The proposal's decentralization policy enshrined specific competencies in municipalities 'in which the Kosovo Serb community is in the majority' (Annex III, Article 4.1.3). The plan additionally included provisions for a census to be held after one year and noted that six months after the submission of the census results the International Civilian Representative may revise the existing municipal borders according to 'demographic developments' (Annex III, 14.2). Annex III, Article 12.4 allows for the creation of further new municipalities if a particular community 'makes up at least 75% of the population of a concentrated settlement with a minimum total population of 5000 inhabitants'. The decentralization plan is,

therefore, quite explicitly based on ethnicity with the result that inter-ethnic political interaction is minimised and the need for cross-ethnic cooperation is greatly reduced. This is most obvious with respects to Mitrovica; whereas previously there was a municipality “Mitrovica” the Ahtisaari plan created two new municipalities; “Mitrovica North” and “Mitrovica South” reflecting the ethnic division on either side of the river Ibar. Additionally the plan proposed the creation of five new municipalities four of which - Gračanica, Ranilug, Parteš and Klokot-Vrbovac – are essentially mono-ethnic Serb enclaves.

While Annex III, Article 9 of the Ahtisaari plan notes ‘municipalities shall be entitled to cooperate and form partnerships with other Kosovo municipalities’ there is no incentive or compulsion to do so. Indeed, while there is one article in the Ahtisaari plan on inter-municipal cooperation there are two articles on cooperation between Serbian municipalities and the Republic of Serbia. This recognition of the right of Serb-dominated municipalities to enter into formal relationships with Belgrade – without any concomitant need to engage with Albanian municipalities – led to disquiet amongst the Kosovo Albanian community. The pro-independence group *Vetevendosje!* warned against the ‘clear ethnic and institutional apartheid of Kosova [sic]’ noting that Albanian minorities would now be forced to live in Serb-run municipalities with strong links with Serbia and little meaningful interaction with the central government in Pristina (Vetevendosje!, 2009). In effect, therefore, the issue which has caused so much conflict in the Balkans in the past twenty years – the relationship between majority and minority communities – has permeated to the municipal

level in Kosovo. Instead of overcoming the antipathy between the Albanian and Serb communities the policy of decentralization has divided Kosovo internally along ethnic lines and as it is not possible in every case to have a mono-ethnic municipality there are now Albanian and Serb “minorities” throughout Kosovo decrying the unrepresentative nature of their municipal governors. This gives new meaning to the term Balkanisation and manifestly clashes with the idea of a multi-ethnic Kosovo.

Decentralization is not inherently antipathetic to inter-ethnic cooperation and there are potential advantages to be gained from a policy which orientates political participation to a local level thereby potentially increasing minority participation in political life (Thürer, 1995). Yet, the applicability of decentralization is naturally influenced by context. One must be sceptical about the efficacy of a policy of decentralization based on ethnic demographics in a post-conflict society evidencing a pronounced level of ethnic antipathy. While decentralization may produce positive results – in terms of inclusivity and participation – in countries such as Switzerland, the policy has altogether different effects in more divided societies with a recent history of conflict. As Walter Kalin observes, in such contexts decentralization has at times actually served to ‘reinforce and perpetuate the very causes of many of today’s ethnic conflicts’ (Kalin: 306). The policy of decentralization in Kosovo is quite obviously organized according to ethnic demographics and while this does not preclude demographic change or inter-municipal cooperation the policy serves to reaffirm the ostensible differences between ethnic groups. In effect, if not in spirit,

decentralization which utilises ethnic demographics as its organising principle creates formal divisions between ethnic groups, elevates the role of ethnicity in everyday political life and complements the agenda of those local ethnic entrepreneurs who have a vested interest in proliferating an image of immutable and antagonistic identities.

The Utility of Championing Multi-ethnicity

While members of the Kosovo Albanian community have clearly been responsible for a number of reprehensible acts since 1999, and the community as a whole has been largely guilty of a failure to acknowledge this, one must accept that this community has many reasons to feel angry and vengeful. The NATO intervention was, from the perspective of the Kosovo Albanian community, a victory for their separatist struggle. As James Ker-Lindsey notes, 'As far as the Kosovo Albanians were concerned, the NATO intervention had taken place for their benefit and represented a further step towards independence' (2010, p. 171). Yet, expectations of imminent independence soon dissipated with Resolution 1244's recognition of Yugoslavia's jurisdiction over Kosovo and UNMIK's vacillation over Kosovo's final status. After 1999, therefore, multi-ethnicity was not a goal for the Kosovo Albanians; the sole focus was independence and UNMIK was unable to offer any sufficiently attractive inducements to change this. Kosovo's economy continued to perform poorly with Eide warning that the economic situation was a source of tension between Kosovo's communities (United Nations Security Council, 2005, pp. 11-12) and

thus “continued prosperity” was not an inducement that could be used to compel Kosovo Albanians to support UNMIK’s broader agenda. The ‘Standards before Status’ policy was predicated on the notion that if final status could be made conditional on the achievement of certain benchmarks of inter-ethnic harmony the Kosovo Albanians would work towards achieving this goal as a step towards independence. Yet, the Kosovo Albanians quite logically refused to abandon their call for the commencement of status negotiations and continued to force this to the top of the agenda while doing the minimal required to achieve the standards (Van Meurs and Weiss 2005).

When the status process began the Kosovo Albanian position had not changed and they steadfastly refused to countenance recognising any significant formal role for Belgrade in Kosovo’s political system. The outcome we now have – namely contested statehood – is that which the international community sought at all costs to avoid, and thus the long fudge from 1999-2008 – which proved decidedly counter-productive – was clearly of little utility. Ker-Lindsey’s characterization of the process of determining Kosovo’s final status – namely ‘a “diplomatic train wreck” eight years in the making’ – is therefore quite apposite (2010, p. 174).

As the previous sections have shown contemporary Kosovo cannot be described as multi-ethnic unless one takes that to mean a polity comprising more than one ethnic group. Such a modest understanding of multi-ethnicity would enable one to describe virtually all states as multi-ethnic and does not cohere with the spirit of the use of the term by international administrators in Kosovo.¹

The conflict in Kosovo was not ultimately about human rights; rather, the key contention was control over Kosovo (Lang, 2010). The attempt to create a multi-ethnic society without addressing the fundamentals of the conflict – namely who controls Kosovo – can therefore be seen as an ahistorical and ultimately impossible goal. By 1999 the Kosovo Albanians had long gone beyond calling for enhanced civil rights as they had done in the early 1980s.

It is unclear, then, why multi-ethnicity was made such a focal point of the international administration of Kosovo even after the ascendancy of ethnic decentralization. Championing multi-ethnicity, indeed going so far as to predicate Kosovo's final status – the very crux of the issue – upon the achievement of ethnic harmony and pluralism was a policy which did not cohere with the wishes of the local population. The focus on 'forging' and 'protecting' multi-ethnicity' was, therefore, a questionable policy which appears to have been born from externally conceived notions of both the normative end-point of post-conflict administration and the capacity of the international administration to met this ambitious goal. Indeed the International Commission on the Balkans observed, 'A multi-ethnic Kosovo does not exist except in the bureaucratic assessments of the international community' (2005, p. 19) while Kai Eide's report was sceptical about the evidence of meaningful multi-ethnicity, the willingness of local communities to work towards this goal, and the capacity of the international community to achieve it, suggesting that the international community should only promote 'reconciliation' (United Nations Security Council, 2005, p. 20).

There were a number of factors which have compelled the international administration to place such emphasis on a policy based on forging a multi-ethnic Kosovo. The intervention in 1999 was justified on humanitarian grounds with UK Prime Minister Tony Blair going as far as to describe it as a war 'fought for the values of civilization' (Clark, 2001, p. xx). Thus it was politically impossible to accept that the outcome of this humanitarian intervention was a mono-ethnic Kosovo despite this being, in essence, the logic of intervening in support of the KLA. UNMIK, additionally, was the largest operation of its kind ever undertaken by the UN and thus significant political capital rested on the UN's ability to fashion a multi-ethnic polity; the very viability of the UN was arguably tied up with success in Kosovo (Matheson, 2001, p. 83). The EU also invested heavily in Kosovo and it too was loathe to bankroll the construction of a new mono-ethnic polity in the Balkans. Thus, concerns about the prestige of the international institutions and states involved in the initial intervention and subsequent statebuilding in Kosovo appear to have led to the continued promotion of multi-ethnicity even when the actual policies – especially decentralization – would seem to be derived from a belief in the need for ethnic segregation.

The future trajectory of Kosovo is of obvious importance to its inhabitants and the wider Balkan region but its implications go much further. As Ker-Lindsey notes, 'Kosovo is a crucial issue because it raises profound questions about the future of the contemporary system of international politics that was first formulated at the end of the Second World War' (2010, p. 168). Kosovo's importance to the international community has, therefore, been both a blessing

and a curse; while Kosovo has received a degree of international attention that is the envy of many less prosperous states, its international importance has meant that the wishes of its inhabitants have very often been sidelined by external actors pursuing their own agenda.

Conclusion

Peter Feith, the International Civilian Representative, has spoken of Kosovo's 'bright future as a democratic and multi-ethnic society' (ICO, 2009). There is, however, scant evidence to be so optimistic about future ethnic relations in Kosovo. Clearly, the attempt to create a multi-ethnic Kosovo has so far failed. While there are a number of ethnic groups still living in Kosovo this hardly equates with the normative connotations of multi-ethnicity.

While human rights and civil liberties have historically been sources of this conflict the key contestation in Kosovo has long since overtaken the call for mere political, societal and economic reform. UNMIK's focus on achieving standards related to human rights was, therefore, a policy some ten to twenty years out of date. Having received the military support of NATO in routing the vestiges of Belgrade's authority in 1999 and endured ethnic cleanings during NATO's military campaign, the Kosovo Albanians assumed – not without reason – that the struggle for independence had progressed beyond the point of no return. The idea that the Kosovo Albanians would focus on forging a multi-ethnic Kosovo before achieving independence was therefore naive. Focusing on more expansive goals related to multi-ethnicity was neither warranted nor prudent and,

in the manner in which the attempt was made, was actually counter-productive as the standards became reviled barriers to independence.

Forcing Serbs and Albanians to sit together in externally controlled political bodies was a manifestly artificial means of coercing merely illusory ethnic pluralism. This contrivance may have produced the appearance of ethnic plurality and cooperation but it was superficial and clearly did not constitute the expression of the two community's own recognition of the need for cooperation. If relations between Serbs and Albanians in Kosovo are to ever normalise this is likely to only be achieved organically and by building on local civil society which has a history of inter-ethnic cooperation, albeit modest, which predates the establishment of UNMIK. This potentially invaluable foundation for a new era in Kosovo's history has, however, '...been largely unrecognized and even weakened' by international administrators and aid agencies' (Devic, 2006, p. 271).

Ethnic quotas and the policy of decentralization have served to simply reinforce the centrality of ethnicity in Kosovo. The political system created by UNMIK 'attack[ed] autonomous sources of legitimacy', meaning that citizens in Kosovo were 'forced to act within boundaries of behavior set by the discourse of ethnicity' (Blumi, 2003, pp. 226-7). Additionally the failure to provide both security and employment has contributed to the anger and fear in Kosovo. The constitution unveiled in 2008 was largely a product of external actors and once again reflected their rhetorical commitment to a multi-ethnic Kosovo though the

actual political system that has been created more accurately reflects a policy of ethnic segregation.

Endnotes

1 It is noteworthy that there is no definition of multi-ethnicity in any of the official documents which employ the term.

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