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Crossing the bridge

Moving towards ethnic reconciliation in Kosovo

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Abstract

The wounds from the bloody conflict over Kosovo in the former Yugoslavia are still very much unhealed in the Newborn state. This thesis purpose is to examine why there has been a failure to establish a base for reconciliation between the two largest ethnic communities in Kosovo, the Kosovo Albanians and the Kosovo Serbs. It initially gives a thorough account of the conflict in Kosovo by describing a history of apartheid, distrust amongst the two communities and open warfare.

The analysis that follows is based on the theory for sustainable reconciliation from Lederach from which crucial components of reconciliation are conceptualized and used to form the analytical framework. Through three dimensions, “Coexistence & Integration”, “Rule of Law & Justice” and “Civil Society & Participation” this thesis finds that the lack of security, freedom of movement, weakness of the judicial system and weak civil society enforce the deep divisions that have resulted from more than a decade of ethnic tension in Kosovo.

Key words: Reconciliation, Kosovo, United Nations, Peace, Justice

Table of contents

1	Introduction.....	1
1.1	Statement of purpose	1
1.2	Theoretical background.....	2
1.2.1	Conceptualizing reconciliation, justice and peace?.....	2
1.3	Analytical framework.....	5
1.3.1	Coexistence and integration	6
1.3.2	Rule of Law and justice.....	6
1.3.3	Civil society and participation.....	7
1.4	Methodology	7
1.5	Material	8
1.6	Limitations and disposition	8
2	Conflict Background: Obstacles to reconciliation?	9
2.1	Milosevic Era 1989-1997: A legacy of apartheid	10
2.2	War breaks out 1997-1999	11
3	UNMIK: Responsibilities and tasks of the international presence in Kosovo?.....	12
3.1	Failure to establish a base for the process of reconciliation in Kosovo	13
4	Analysis: Why has there been a failure to establish a base for the process of reconciliation in Kosovo?.....	14
4.1	Coexistence and integration	14
4.2	Rule of Law and justice.....	17
4.3	Civil society and participation.....	20
5	Conclusions.....	23
6	References.....	26
7	Appendix.....	30

1 Introduction

“Everything started with Kosovo and everything will finish with Kosovo”, this is a citation that refers to the coming of power of Slobodan Milosevic and his nationalist stand that would eventually lead to the breakup of Yugoslavia, it also serves to show the importance of stability in Kosovo for the whole region (Vickers, 1998:289). In 1999, after a violent conflict in Kosovo, NATO launched an air campaign against Serbian military and paramilitary forces in Kosovo, which would last 78 days and bring about the retreat of all Serbian forces from the territory of Kosovo. The UN adopted the Security Council Resolution 1244 establishing the umbrella organization UNMIK that consists of the UN, NATO, OSCE and the EU (Knudsen & Laustsen, 2006:12). These organizations were given the difficult task of administering the whole of Kosovo, being the first time the UN undertook such a project, it presented the UN with a rather unique experiment (Söberg in Knudsen & Laustsen (ed), 2006:57).

Since then over eight years have passed and the UN is preparing to relinquish control over the territory to its elected representatives. On the 17th of february 2008 the democratically elected leaders of Kosovo declared the independence of Kosovo. This highly symbolic and historical act was met with fierce opposition by the serbian minority in Kosovo. Mass protests in the ethnically divided northern city of Mitrovica turned violent only one week after the declaration of independence and is only one of recent acts of mobilized ethnic violence threatening the peace in Kosovo, violence that in essence hights the fragile peace created in Kosovo.

These ethnically motivated acts of violence raise important questions that might serve to prove a key lesson to future international missions of peace. The case of Kosovo leaves us with the opportunity to look back and examine why such a wide-reaching and actively engaged international mission of peace has been unable to set the ground for the reconciliation in Kosovo, leaving the territory ethnically divided.

1.1 Statement of purpose

The ultimate goal of this thesis is to examine why there has been a failure to establish a base for the process of reconciliation. This will help me explain why there has been a failure to bridge divisions in the disputed territory and set the foundations for sustainable peace. Essentially the hope is to depict the importance of reconciliation between ethnic groups as a major step from conflict to sustainable peace. A key purpose of this thesis is also to highlight the obstacles

facing inter-ethnic reconciliation in Kosovo since every case is unique in itself. In this regard I will also present the responsibilities of the international presence in Kosovo. Reconciliation is not a process that is easily assessed as a failure, success and/or completed, a reality that reflects the formulation of my study aim and questions.

This thesis will argue that what is needed to subdue threats of ethnic violence and prevent a future violent conflict in Kosovo is for international organizations to assist in locally driven processes for reconciliation. The two first questions are of descriptive nature and are necessary if we are to understand the context while question three is of explanatory nature and this study's main question.

The questions that this thesis seek to answer are therefore:

- What are the historical obstacles facing reconciliation in Kosovo?
- What is the responsibilities and tasks of the international presence in Kosovo?
- Why has there been a failure to establish a base for the process of reconciliation in Kosovo?

1.2 Theoretical background

Obviously the nature of my thesis will require me to conceptualize important aspects of conflict transformation. There is an apparent need to clarify reconciliation, justice and peace, and in so doing, determine the instrument of measure that will form the base for my analysis of reconciliation in Kosovo. This section will cover what reconciliation is, how it can be achieved and why it is important for peace.

1.2.1 Conceptualizing reconciliation, justice and peace?

There is truly no single answer to what reconciliation is. It is a complex term because it is both a goal and process striving to reach the goal. It also encompasses aspects such as justice and peace. John Paul Lederach, who has spent many years working in divided societies and has wide experience of peace building, argues that what is needed for sustainable peace is a broad approach that takes into account many aspects of society based on the experience and reality shaping people's needs (Lederach, 1997:24). Reconciliation is in this context viewed as the building and/or restoration of relationships in divided societies (Ibid). It is not about working to minimize groups' affiliations but about creating the base for coexistence and engaging the sides of a conflict as "humans-in-relationship" (Lederach, 1997:26). Reconciliation is according to the international institute for Democracy and Electoral Assistance ideally, the reparation of past injustices and the building of non-violent relationships between communities

(Bloomfield et al, 2003:20). Lederach also outlines how reconciliation can be brought about and sees the bottom-up approach as the approach that will activate most of the population in the process (Lederach, 1997:39). Here local NGOs play a crucial role since they have the opportunity to work in a community level (Lederach, 1997:55). This obviously brings up important questions of who should own the process; those that advocate for the bottom-up approach argue that “the foundation of the house has to be laid if the roof is to hold” while those that advocate for the top-down approach argue that “the head must first be constructed in order for the body to function” (Lederach, 1997:1997). These both approaches are crucial pointing to the need of an integrated framework that incorporates aspects of both approaches. The top-down strategy can help initiate and assist the process of reconciliation while the bottom-up approach, that obviously reaches more, is branded as potentially successful since it can utilize home-grown and local initiatives (Bloomfield et al, 2003:25). A combination of approaches and initiatives is also important for the reason that one size does not fit all and that the actions must take into account the nature of the conflict and build upon the uniqueness of each conflict (Ibid).

Reconciliation is therefore a “place” that includes clarification about atrocities, support and justice for victims and the creation of security for a better future (Lederach, 1997:28ff). In practical terms this means that any society that strives to reckon with past crimes should investigate and make the truth public (Crocker in Prager & Govier (ed), 2003:44). This aspect is important since knowing who the perpetrators are helps individualize guilt. On the other hand this highlights one of the crucial dilemmas of reconciliation; truth does not only have its benefits but also its downside regardless of how absurd this might sound. Truth can cost too much by deepening ethnic divisions (Crocker in Prager & Govier (ed), 2003:46). In order to individualize guilt, a factor that is seemingly important in ethnically divided societies such as Kosovo, trials are believed to be better suited than truth commissions (Crocker in Prager & Govier (ed), 2003:47). In connection to this the rule of law is a sector that needs to be supported and developed so that those that committed crimes are held accountable for their acts. The rule of law also contributes to the prevention of acts of revenge on the part of individuals which means that it is highly important to help create an environment where justice is made by treating all impartially (Crocker in Prager & Govier (ed), 2003:50f). Some even argue that without justice there can never really be peace (Montville in Abu-Nimer (ed), 2001:129).

Making sure that justice is made requires us to define what justice means. Obviously different sides of the conflict will have different notions of justice (Pankhurst, 1999:241). What justice is for the Kosovo Serbs might not be the same as what justice is for the Kosovo Albanians; both sides might conceive their part of the conflict as fighting with just causes and might not understand why they are to be made accountable for only “rightfully protecting” what is theirs. The challenge is therefore to create a notion of justice that is to some degree acceptable to both sides of the conflict. The dilemma is also how many to include in prosecution. If only political leaders are brought to justice then justice might end up being partial and incomplete, but bringing too many to justice might prove

a logistical problem and might even be inappropriate if reconciliation is to be hoped for (Pankhurst, 1999:242).

Justice in this aspect may also mean the protection of basic human rights, such as the freedom of movement and the protection of property if peace is to be built and maintained. This maximalist conception of the rule of law gives a broadened view of what is needed for long-term engagements in maintaining peace (Pankhurst, 1999:243). Justice is from this point of view conceptualized as restorative justice, which is a justice that not only strives to punish criminals but also to repair the injuries from the crime (Estrada-Hollenbeck in Abu-Nimer (ed), 2001:74). In this approach the actual law-breaking is secondary and what constitutes primarily as the crime is the conflict between individuals that has resulted in injustices (Ibid). This approach is hailed as more appropriate than retributive justice with the critique that retributive justice misses to take into account important factors such as the victims suffering and the life situation of the offenders (Forget in Prager & Govier (ed), 2003:116). A restorative justice approach seeks therefore to strike a balance between punishing the offender and making sure that the offender is supported. The method to achieving this is by incorporating not only offenders and victims but also their communities with the goal of seeking accountability for the crimes and at the same time reuniting the communities divided by the violence. In this way both parts gain some type of closure. The demands are obviously high, since the method must meet both the needs of the victims and the needs of offenders at the same time as they take their responsibility for crimes committed (Forget in Prager & Govier (ed), 2003:199f).

On the other hand, the supporters of the more traditional retributive justice approach questions whether restorative justice can bear the weight of more serious crimes. Some offenders and/or victims can be favored on basis of ethnic background, political allegiance or gender (Bloomfield et al, 2003:113). The retributive justice camp argue therefore that for justice to be made and for potential reconciliation, this type of justice is the best suitable to limit the ethnically and politically motivated violence that can erupt after civil war. This is important because if violence erupts again the first step of reconciliation, the prospects for co-existence, may worsen (Bloomfield et al, 2003:98). Using traditional criminal trials will also bring about the potential of not only preventing future violations of human rights but also satisfy the victims and eventually prevent them from taking the law into their own hands (Theissen, 2004:3). Obviously this type of approach does not incorporate the whole community but this does not have to be a downside since individualizing guilt can lead to avoiding what might be a dangerous perception about the whole community (Bloomfield et al, 2003:98). In the case of Kosovo this would mean that the whole Serb community or Albanian community would be held responsible for the acts of few individuals.

Prosecution of criminals and especially war crimes has also a democratic value in itself since it may instill confidence in the post-conflict institutions. Failing to prosecute criminals may only resurrect the cycle of impunity that constitutes injustices and threatens peace. In situations such as Kosovo, where the minority has gone from an oppressed minority to being the dominating majority in

a new state formation, the international ad hoc criminal tribunal for the Former Yugoslavia may be an opportunity to help build confidence in a shared future (Bloomfield et al, 2003:100). It is believed that by having war crimes tried by a neutral third party it will help build a society based on the law and not on impunity or revenge. Another condition within justice and the rule of law is the reparation of physical conditions for the safe return of refugees'. Barry Hart has emphasized this in his study of reconciliation efforts in Bosnia by finding that many refugees were reluctant to return to their homes because of an unsafe environment both physically and politically (Hart in Abu-Nimer (ed), 2001:296).

I believe that it is not necessarily so that these approaches must be in conflict with one another, but depending on the context one may consider seeking to apply both these approaches by separating the offenders in categories. Those that are deemed as instigators' of violence would be the subject of the retributive approach and those minor offenders would be the subject of a restorative approach. Regardless of the gains and losses with each approach one must take into account the delicacy of the local context in where these approaches will be applied since they have a significant impact on reconciliation and ultimately peace.

The concept of peace is just as difficult to conceptualize but for the purpose of this study the concept of positive peace will be applied. Positive peace is the view that peace is when all types of violence have ceased to exist. This conceptualizing includes the seizure of violence that occurs on all levels and settings, including indirect violence that might reduce the opportunity to enjoy human rights. John Galtung defines positive peace as "[...] the capacity to deal with conflict nonviolently and creatively" (Galtung in Abu-Nimer, 2001:3). When peace on the other hand is of term as negative peace it strictly indicates the absence of violence (Ibid). Having outlined some of the key conceptualizations needed to clear out the theoretical jungle that often is the case with complex terms I must stress that each of the terms outlined above are interdependent of one another and there is truly no direct predetermined path towards reconciliation or a roadmap one can use in any case. It is my belief that I have outlined the fundamental dilemmas of reconciliation and stressed the importance of justice, peace and coexistence.

1.3 Analytical framework

The analytical framework is intended to provide for an instrument of measure covering broad areas of society and based on the theory and concepts that will have a direct impact on the prospect of reconciliation. The choice to analyze only dimensions on a broad society level is made for reasons outlined in the statement of this thesis and the theoretical background that argues for an integrated framework including not only justice, the respect for human rights and rule of law but also coexistence and civil society in building a base and prospect for reconciliation.

Each dimension will start with a brief discussion on its possible implications in the context of Kosovo and will end with questions that I will pose when

seeking to address successes and failures in the areas. Obviously these dimensions are seemingly also very much important for the culture of democracy in Kosovo.

1.3.1 Coexistence and integration

Coexistence and integration as a first dimension is highly central in determining why ethnically motivated acts of violence are still very much a reality in Kosovo. This dimension might in itself serve to give crucial answers since, as outlined in the theoretical background; it is the first step to reconciliation. Coexistence is defined as the possibility of members of the Kosovo Albanian community and the Kosovo Serb community living together without resorting to violence against one another. This is termed as the minimalistic perspective of coexistence. Nonetheless, coexistence takes on a broader understanding than that of the minimalistic perspective in my thesis since other aspects in society can help facilitate coexistence, such as the equality in economic position, political power etc constituting a sense of mutual respect and tolerance (Kriesberg in Abu-Nimer, 2001:48).

“Coexistence means to exist together, in conjunction with, at the same time, in the same place with another” (Weiner, 1998:14). How, then, can coexistence be measured and examined? We can look at the degree of integration of Serbs in post-conflict Kosovo and the degree of imposition, meaning what degree the imposing of relationships has reached (Kriesberg in Abu-Nimer, 2001:49). For example, if the integration level is moderate and the imposition level is mixed and moderate then we can expect to see some type of domination and segregation. Obviously this situation may shift since any change in context, be that political or social, may affect coexistence (Kriesberg in Abu-Nimer, 2001:50ff).

In sum, when addressing this question in the context of Kosovo I will be looking into the degree of integration in political institutions and integration society-wide of the Kosovo Serb minority. I will also be addressing why and what hinders coexistence in Kosovo. Interesting here is also to reflect upon the effect of the disputed political status of Kosovo on coexistence and integration.

1.3.2 Rule of Law and justice

The second but nonetheless just as important dimension that I will be using to explain the failure to establish a base for reconciliation in Kosovo is the rule of law and justice. I have already addressed justice and its general implications on reconciliation in the theoretical background but will here present what I will be looking at specifically in the terrain. The rule of law is defined in a minimalistic form as when all laws in a society are fairly applied by relevant state institutions and the judiciary. In strict form it means that no one should be above the law (O'Donnell in Diamond & Morlino (ed), 2005:7f). The legal system in Kosovo should therefore make sure that political and civil rights are respected.

Especially interesting in our context is to look at the degree of confidence in the judiciary, the general performance of courts and police and the measures taken to assure the safe return of refugees. An important feature of this dimension is also the making of justice after the violent conflict in Kosovo and the prosecution of war crimes will be at heart here. Are war crimes prosecuted? What type of justice is being applied in prosecuting such crimes? Retributive or restorative justice? What is the general security situation in Kosovo? Are the minorities integrated in the security and other rule of law sectors? Are the physical damages subject to reparation? As seen here some of the questions in the dimension cut through that of questions of coexistence and integration and this is the nature of all dimensions since they are interdependent of one another.

1.3.3 Civil society and participation

The role of NGOs and civil society in general is crucial to the process of reconciliation by having the opportunity to activate a greater part of the population. It can help provide popular support for peace and reconciliation among the Albanian majority and the Serbian minority in Kosovo. In addition NGOs are often believed to be more effective than state actors since they act on a grass-root level, typically not constrained by any mandates and can create an arena in where people meet, organized and interact with one another (Orjuela, 2003:196).

NGOs close proximity to the people gives it the possibility, if active, to create social capital and sustain trust and cooperation effectively bridging ethnic, religious and cultural divisions (Orjuela, 2003:197). The role of civil society is therefore also closely connected to that of the rule of law, coexistence and integration. Grassroots reconciliation work can take the form of lobbying governments to address injustices and inform the public of projects undertaken to improve citizens' standards of living. For instance, the reparation of property destroyed can foster trust and coexistence if the people on the local level are involved in the reparations. These practical steps that NGO:s can undertake or assist are well suitable in difficult political and ethnical contexts such as that of Kosovo. Even though they don't directly aim at reconciling the parties they provide for a neutral ground (Theissen 2004:9f). This is especially suitable since the mere word of reconciliation is quite charged in Kosovo and may pose difficulties in engaging former adversaries' in the process (Bloomfield et al, 2003:25).

1.4 Methodology

This thesis is guided by a method best suitable to its purposes, that is to say a single country case study with merits such as the ability to find concrete specifics in one case rather than abstract and insufficient findings while studying many

cases (Merriam, 1994:27). Obviously there are different types of case studies. My study is a heuristic case study, with the intention to create new understandings and/or confirm my theoretical stand (Ibid). On the other hand this method will make it utterly difficult to draw generalizations of the findings; nonetheless one should not undermine the importance of this method since it may result in hypotheses for possible testing in future studies. This qualitative approach is chosen since it is highly suitable for those interested in understanding and explaining processes (Merriam, 1994:33). This study is of a theory-consuming nature with the ambition of using existing theories to explain and understand in depth the specifics in one case (Esaiasson et al, 2004:40).

1.5 Material

This thesis will entirely consist of documents, defined broadly as written material such as rapports, especially suitable for case studies (Merriam, 1994: 117). This means that my material will be of secondary nature and will therefore affect my results. It is imperative that I in my usage of these secondary documents use some guidelines that will filter out unsuitable material (Esaiasson et al, 2004:303). The most important aspect is that the author or organization that has brought about the rapport is independent and that the rapport is consistent with the purpose of this thesis. In practical terms this means that I will be eliminating rapports that come from authors or organizations with ethnically based interests of portraying the situation in Kosovo in a subjective manner. Albanian or Serbian material will therefore be entirely excluded from this thesis.

1.6 Limitations and disposition

This thesis will focus primarily on the relationship between the majority Albanians and minority Serbs. The most direct and obvious reason for this is the fact that these two groups are the largest ethnic groups and primary actors in the recent violent conflict in Kosovo.

The study will start with a background account of the conflict in Kosovo; I have chosen to set the starting point of this account on Milosevic coming to power and the end point when UNMIK was established. I do this because this time period covers a period of high explanatory value in finding initial obstacles to reconciliation. I then move on with the reconciliation efforts in Kosovo and the challenges faced with bringing together Kosovo's divided communities.

2 Conflict Background: Obstacles to reconciliation?

Kosovo is a landlocked territory bordering Serbia, Albania, Montenegro and Macedonia¹. It has approximately 2 million inhabitants of which around 10% are believed to be Serbs. It unilaterally declared independence on the 17th of February 2008 from the Republic of Serbia after talks aimed at resolving its political status had failed. The self-proclaimed republic of Kosovo has been recognized by most western powers and has up to date received forty-one official recognitions. Its independence is fiercely opposed by Belgrade and Kosovo Serbs. Kosovo is yet under significant international administration and is expected to take over the responsibilities of UNMIK on the 15th of June 2008².

There is most certainly a need to have a closer look of Kosovo's history if I am to be able to accurately determine the initial obstacles of reconciliation in Kosovo and the more recent failure to set the stage for such a process. Not very much is known about Kosovo prior to the 14th century. What is known is that a massive battle occurred on the Kosovo fields, located roughly in the centre of present-day Kosovo. This battle holds significant importance to Kosovo Serbs since Serbian forces; interestingly enough fighting alongside Albanians lost the battle against Ottoman forces in 1389 (Malcolm, 1998:61). The region would remain under Ottoman rule for nearly 500 years. Year 1912 marks another date of explanatory importance. The Ottoman rule ended, Serbia and Albania evolved as independent nations and present day Kosovo with a sizeable Albanian population was put under Serbian control (Malcolm, 1998:257).

What follows next is a period of communist rule under Tito and Yugoslavia which is in itself important but since this thesis purpose is not to give a full historical account of every time phase up to the situation of present-day Kosovo I will move on to more recent historical periods that have been deemed as the prime causes of division in Kosovo and subsequently outright war. The transition starts when Milosevic comes to power and Yugoslavia begins to crumble. What follows after have been overshadowed by the wars in Croatia and Bosnia but is crucial to understanding the current situation in Kosovo on a society level and the animosities between the Kosovo Serbs and Kosovo Albanians.

¹ Please see appendix for a geographic overview of Kosovo.

² For a further and more detailed account of the recent and present situation in Kosovo the reader is referred to BBC's Country profile and compilation of articles:

http://news.bbc.co.uk/2/hi/europe/country_profiles/3524092.stm

2.1 Milosevic Era 1989-1997: A legacy of apartheid

When Tito, the long time dictator of Yugoslavia died, the power was up for grabs and the one to succeed the best was Slobodan Milosevic. He frequently visited Kosovo to rally support for him, portraying the situation of Serbs in Kosovo as a threat to the whole nation of Serbia (Vickers, 1998:227f). He was given a hero's welcome because up to that moment few from Belgrade ever went down to Kosovo. He would also hold a famous speech commemorating the battle of 1389 and marking the start of what would be the breakup of Yugoslavia.

He addressed a crowd of nearly half a million Serbs with these words: *"Today, six centuries later, we are again fighting battles, they are not armed battles although such things cannot yet be excluded"*(Vickers, 1998:239).

Here he clearly indicated that the constitutional arrangements that gave Kosovo significant autonomy would be removed and effectively sending no hope of reconciliation for the Albanians (Ibid). While marking the 600th anniversary of the battle, portraying the threat towards Serbia and indicating that war was ahead, what Milosevic essentially did was make nationalistic sentiments and myths a reality that could be felt and suffered (Kühle & Laustsen, 2006:19). Using myths gave Milosevic the opportunity to portray a morally superior "Serbdom" being threatened by barbaric Albanians (Kühle & Laustsen, 2006:20-31). This is an aspect that in some regards has been inherited to the present day Kosovo, making reconciliation utterly difficult. For the pessimist this can pose the question of whether peace and reconciliation of people who see themselves as historical enemies is possible at all (Ibid). Being an optimist, one might instead argue that some myths and stereotypes are there to be broken down, they can be creatively altered to benefit coexistence and that, as clearly indicated in the theoretical background, reconciliation itself facilitates a process for the removal of collective guilt and stereotypes.

By the beginning of 1990 Belgrade had removed Kosovo's autonomy and prohibited the provincial parliament from holding meetings. During this time an emergency administration was imposed and soon after mass dismissals of Albanians was speeded up. No single part of everyday life was left unaffected by these moves as Albanian media, culture and health care was placed under emergency management effectively leaving the Albanian majority in Kosovo isolated (Vickers, 1998:244ff). Soon the Albanian and Serbian communities were living without any communication and in an apartheid situation. This would eventually lead to a phase of civil resistance in Kosovo. This was a strategic move since the Albanians in Kosovo were militarily weaker (Clark, 2000:64). Kosovo Albanians created parallel institutions that effectively divided Serbs and Albanians into two distinct political communities. The segregation of this time cemented prejudice between Serbs and Albanians since there was not much to say or do that would counter youngsters' experience of Serbs as abusers and privileged (Clark, 2000:104). While the Serbs were attending the regular schools and benefiting from the educational system the Albanians secretly organized education in home-settings and some argued at this time that the parallel

structures only amounted to a deepening of hatred between the two communities (Ibid). During this time the Albanians also organized parallel elections, elected a parliament, declared the sovereign “Republic of Kosova” and elected a President that would be the front figure of the non-violent resistance to Serbian oppression. The front figure, the now late President Ibrahim Rugova managed to retain support to his non-violent strategy for around seven years but the lack of improvement and international recognition of the human rights abuses occurring in Kosovo at this time undermined his credibility among the Kosovo Albanians (Vickers, 1998:298). The hope had been that the Dayton negotiations in 1995 would include a solution to the situation in Kosovo but that was not the case (Ibid). Radical forces grew as a result of this and the Kosovo Liberation Army was formed.

2.2 War breaks out 1997-1999

In November 1997 the resistance against Serb oppression in Kosovo that had so far been non-violent entered a new phase. The KLA attacked Serbian police offices and soon could claim to have killed 21 police officers (Clark, 2000:172). Soon after, Serbian authorities initiated the build-up of military and paramilitary forces to respond to the increasing threat that KLA posed. In these counter actions there were grave atrocities committed that came to serve as a recruitment incentive for Kosovo Albanians and many joined the ranks of the KLA (Clark, 2000:173). As expected the violence escalated and would also create different symbols than that of the nonviolent period of resistance, it created martyrs and national heroes for the Kosovo Albanians of what the Kosovo Serbs considered to be terrorists. Western leaders declared that they needed to prevent the humanitarian situation from getting worse and after peace talks in Rambouillet in France failed, the North Atlantic Treaty Organization launched a bombing campaign on 24 March that would last for 78-days (Judah, 2002:237-256). After the bombing, Kosovo Albanian refugees expelled during the conflict returned to their home and the coin was now flipped.

“Just as the policy makers underestimated the Serb will to expel or encourage the flight of as much of the Kosovar population as possible, they now underestimated the unrelenting thirst for revenge amongst the Albanians returning home” (Judah, 2002:286)

The violent conflict that erupted would therefore as one might expect, serve to be another facilitator of division amongst the two ethnic groups. The consequences of Kosovo’s violent background meant that any mission or attempt to establish any kind of base for the reconciliation between Kosovo Albanians and Kosovo Serbs would most definitely be difficult considering that the two communities had been divided by more than ten years of segregation and violence. Any attempt for sustainable peace would have to establish the reunification of the society in Kosovo.

3 UNMIK: Responsibilities and tasks of the international presence in Kosovo?

It is highly relevant to give a thorough account of the international presence in Kosovo since the mission established in Kosovo in 1999 is of such a nature never performed before by the United Nations. The missions' responsibilities and tasks are motivated by a desire to achieve sustainable peace in Kosovo (Söbjerg in Knudsen & Laustsen (ed), 2006:71f). The International presence in Kosovo was established with UN Security Council Resolution 1244 after NATO forces intervened and Serbian forces withdrew from Kosovo. The implementation of resolution 1244 is coordinated by three main international organizations, UN, OSCE and EU. The umbrella organization UNMIK consists of extensive responsibilities and tasks. Resolution 1244 provided for the establishment of an interim administration “[...]which will provide 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”³.

Within the umbrella organization UNMIK, the OSCE Mission is to train locals and strive for the building and strengthening of institutions. Its work is to “[...]be guided by the importance of bringing about mutual respect and reconciliation among all ethnic groups in Kosovo and of establishing a viable multi-ethnic society where the rights of each citizen are fully and equally respected”⁴. UNMIK has generally used top-down approaches in order to promote reconciliation (Johnsson, 2004:25). The goal is to include the Serb minority in democratic institutions and security forces. Minorities are offered privileged political participation by reserved seats in the parliament which would guarantee far more seats than would be the case considering the demographic position of Serbs in Kosovo (Hysa in Newman & Rich, 2004:290). In the mandate of OSCE there is absolutely nothing that indicates on how reconciliation should be reached in Kosovo and it appears that work on reconciliation is seen as part of the strengthening of human rights and multiethnic society. Equally UNMIKs mandate does not express any strategy for reaching responsibility for the acts of violence or the facilitating of relationships on the grass-root level (Johnsson, 2004:26).

³ For the full version of United Nations Security Council Resolution 1244 the reader is advised to visit: <http://daccessdds.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

⁴ For the full version of the OSCE Permanent Council decision 305 the reader is advised to visit: http://www.osce.org/documents/pc/1999/07/2577_en.pdf

3.1 Failure to establish a base for the process of reconciliation in Kosovo

Despite the establishment of UNMIK and its ambitious goals we have seen a recurrence of ethnically motivated acts of violence. The continued existence of enclaves, the mars 2004 riots and recently the violence after the unilateral declaration of independence are all painful reminders of the lack of reconciliation in Kosovo. The distrust and segregation that met the international presence in Kosovo is sadly enough still a reality in Kosovo.

Obviously UNMIK has had considerable success in constructing a system of political participation that is highly important in promoting reconciliation but justice, accountability for crimes, reparation and participation in other segments of society are interestingly enough missing (Johnsson, 2004:48). UNMIK cannot solely be held responsible for the lack of progress on reconciliation and hopefully the analysis below will shed some further light on the reasons for the failure to create a base for reconciliation in Kosovo.

4 Analysis: Why has there been a failure to establish a base for the process of reconciliation in Kosovo?

4.1 Coexistence and integration

Coexistence is not a reality in Kosovo. Integration of Serbs was a success in some areas of society with the creation of the Kosovo Police Force that included almost 10% Kosovo Serbs, but when Kosovo declared independence around 300 Serb police officers left their jobs refusing to work for an independent Kosovo⁵. One third of the ethnic Serbs live in northern Kosovo while the remaining live in the south which is dominated by ethnic Albanians. Most of the Serb minority is concentrated in enclaves and have ever since the end of the conflict lacked freedom of movement (Teutsch, 2005:26). Prior to the declaration of independence the only real integration Serbs had in these enclaves was that of Serbian police officers working alongside Albanian police officers.

Coexistence is not only hindered by divisions about the political status of Kosovo but also because of the security situation. Even though NATO had success in forcing Milosevic and Serb forces to retreat, it could not prevent the retribution against the Kosovo Serbs when Albanians returned to their homes. Serbs are considered to have been collaborators of the Milosevic and prior oppressive Serb regimes and were soon after the war ended victims of Albanian atrocities (Teutsch, 2005:23). Violence against the Serb minority has ever since continued even though with a lower intensity. Fear of harassment and provocations has led to the creation of Serb parallel structures in many aspects of daily life (OSCE, 2003:31). This means that in some areas Serbs do not leave their enclaves for essential services and are effectively isolated. Since these parallel structures are mostly situated in the north of the river Ibar in Mitrovica the Serb minority in the south of Kosovo is still in need of protection while travelling through Kosovo to benefit from these parallel structures. Obviously the threat of ethnic violence in Kosovo is of threat for the whole region since Belgrade continues to have a say in the lives of ethnic Serbs being the prime financial and political supporter of parallel structures in Kosovo.

⁵ The Christian Science Monitor 2008: Independence Strains Kosovo's Police Force (31 March). Please see: <http://www.csmonitor.com/2008/0331/p04s01-woeu.html>

Division between the ethnic Serbs and Albanians in Kosovo is also reflected in the views of what the factors to hampering coexistence and integration are. In a survey conducted by UNDP in 2003, the majority of Albanians related the cause to tense relations between Serbs and Albanians simply to a lack of readiness of Serbs for integration (UNDP, 2003:20). On the other hand, Serbs view the efforts of Albanians for the integration of Serbs as insufficient (Ibid). The failure to integrate Kosovo Serbs in the society is not only the result of the two communities living separate for almost nine years but by the fact that few Serbs know the Albanian language and the younger generation of Albanians don't know Serbian.

Tensions between the Albanian and Serb communities in Kosovo culminated in March 2004 after three young Albanian boys drowned in the Ibar river. The river serves as a physical line of division between the two communities and allegedly the boys had been chased into the river by Serbs (Human Rights Watch, 2004:19). What followed after were inflammatory reports by local media of how ruthless the Serbs had been and it set the stage for protests and attacks against the Serb minority across Kosovo (Human Rights Watch, 2004:20). The clashes led to the death of more than eight Serbs, hundreds injured, homes were burned down and sites of high cultural significance to the Serbs were vandalized and destroyed (Teutsch, 2005:25). Most importantly these violent acts contributed to low confidence in the security forces ability to offer the secure environment that is needed for coexistence to be able to exist. There were many cases where the international security presence and local police failed to prevent violent acts and in some cases didn't even show the intention to do so (Human rights Watch, 2004:22f). Regaining the confidence of all communities in Kosovo is therefore crucial to coexistence.

Interestingly enough the ethnic Albanians face similar problems in security, freedom of movement and lack of confidence in institutions that provide for their well-being. The Kosovo Albanians may pose a majority in the whole of Kosovo but there are some areas where they are subject to minority status and problems. The northern region of Kosovo and specifically northern Mitrovica is the home of a sizeable Albanian minority. They too are subject to extensive harassment and intimidation (Teutsch, 2005:28). Since the communities live isolated from one another afraid of the consequences of leaving the enclaves it is no wonder that reconciliation looks far away. When there is restricted freedom of movement then the issue of coexistence holds a secondary importance since existing at all becomes an everyday struggle. These restrictions have repercussions on the possibility to generate income and meeting basic needs (UNHCR, 2006:6). In order to review the achievements and failures in the rebuilding of Kosovo a review mechanism was established. The Norwegian diplomat Kai Eide was given the task of reporting his findings to the Security Council. His findings are interesting in determining why we see a failure to create a firm base for reconciliation since he addresses important factors such as a conflict among identities. On the one hand the Kosovo Albanians try to form their own identity but on the other hand they come in direct conflict to that of the Kosovo Serb interests of preserving their identity from assimilation (Eide, 2005:7). One must therefore acknowledge that the shift of power, from being under the rule of

Belgrade to being ruled by Pristina is a difficult transition for the Serbs. Obviously this is interesting in the sense that perceived and not only real threats are factors that hinder coexistence.

UNMIK has through its institutional arrangements tried to smooth the progress towards coexistence and reconciliation. Creating a sphere for peaceful political deliberation has apparently had little effect on the ground. Critics to this top-down approach argue that integration into politics is not the right way forward and other factors that affect the everyday life of Serbs should be addressed⁶. The return process is also a factor that most definitely affects the prospects for coexistence. This process suffered a major setback with the March 2004 violence. This is still an open wound and without addressing the wounds of the past it is not surprising that reconciliation might seem unachievable. It is acknowledged that inter-ethnic reconciliation in Kosovo cannot be achieved without providing security, respecting property rights but also promoting return of refugees and internally displaced persons. Achieving this creates the foundation for a multi-ethnic society and this has unfortunately not been achieved in Kosovo (Eide, 2005:14).

The return process has been very slow. Members of the Kosovo Serb community feared revenge attacks from Kosovo Albanians and fled to the neighboring countries after the war in 1999 and most of them have yet to return. The return process is obviously very important since coexistence would require the return of the other part in order to coexist. Only 12 400 out of the believed 65 000 that have fled had by 2005 found it secure to return to their homes (Teutsch, 2005:30). The methods used in trying to promote the return of refugees have been concentrated on the physical reparation of damaged property and financial incentives of up to 2 000 Euros for those that return. Clearly this has not had success because it is not a long term solution to the process of return. The long term solution would be securing access to vital services and protecting property rights. In order to succeed one must also direct considerable attention to the remaining minorities; attention must focus on the sustainability of the Serb community since those that return will most probably return in areas where they are not utterly outnumbered by Kosovo Albanians and where they can find services being available (Eide, 2005:15).

Some argue that the failure to secure peaceful coexistence and reconcile the two communities can be explained by characteristics in the Albanian culture. It is argued that the culture of revenge is the reason why Kosovo is segregated. This culture, coded in the traditional Kanuni i Lek Dukagjinit and based on customary law prescribes the use of violence to revenge a killed relative or someone under ones care (Johnsson, 2004:59). One must first and foremost clearly state that these are old traditions and part of a code of conduct that is banned. The Kanuni is also much more than a roadmap to achieving justice by revenge. It is based on four qualities that ethnic Albanians view as part of their identity and on the contrary to

⁶ Helsinki Committee for Human Rights (March 2008), *Forgotten World: Kosovo Enclaves*, please see: <http://www.helsinki.org.yu/doc/1st%20mission%20to%20Serb%20enclaves%20in%20Kosovo.%20report.doc>

that of revenge, these qualities are more widely embraced. These qualities, which consist of honour, hospitality, right conduct and loyalty to one's clan, can all be used effectively to promote coexistence and reconciliation (Clark, 2000:32). Equally the Serbs attach their identity in Kosovo to cultural and religious aspects that can be used to build confidence between the communities. In order to do this, sites of high cultural and religious value must be protected (Eide, 2005:16). Secure access and protection for these sites would help not only sustain the Serb community in Kosovo but also indicate the seriousness of the Kosovo leadership to promoting sustained coexistence and setting the ground for reconciliation.

4.2 Rule of Law and justice

Having established that the Kosovo Albanians and Kosovo Serbs live in two distinct spheres separated from one another as a result of the lack of security, freedom of movement and lack of initiatives to promote coexistence, another important dimension is the question of rule of law and justice after violent conflict. In short, the importance of addressing the past for a better future. Peaceful coexistence is vital to rebuilding trust among the Kosovo Albanian and Kosovo Serb community but understandably just as vital is the re-establishment of the rule of law and the prosecution of crimes.

Judicial institutions and the rule of law are key in helping people begin their needed memory work in dealing with the traumas of ethnic violence. This was especially difficult in Kosovo since with the departure of Serb forces and authority the judicial system was practically inexistent⁷. As noted in the theoretical background some kind of retributive justice is necessary if the victims are not to be left with revenge as their only means of justice. It is believed that a part of the answers to why human rights abuses are still very much common in Kosovo can be found in the weak judicial system (Human Rights Watch, February 2008:1). The general security situation in Kosovo contributes to the weakness of the judicial system since public and especially physical access to courts remains highly problematic. This is especially true in the divided city of Mitrovica where access to courts remains severely limited.

The violence that erupted on March 2004 would come to be a crucial test to the functioning of justice in Kosovo. It is reported that only half of the arrested suspects of violence and inciting hatred have been tried (Human Rights Watch, March 2008:7). The lack of justice in Kosovo may also explain why the Serb minority is incapable of integration. Confidence in the judicial system is very difficult to build if crimes are not punishable. Confidence is also negatively affected by a fact that the punishment given have been hardly expected since many were given very lenient sentences. This is explained by weak evidence but

⁷ Amnesty International (January 2008), The Challenge to fix a failed UN Justice Mission in Kosovo, please see: <http://www.amnesty.org/en/library/asset/EUR70/001/2008/en/EUR700012008en.html>

also by the unsecure situation that national and international prosecutors have to work in, being the target of threats and other forms of intimidations (Human Rights Watch, March 2008:16).

Another failure in the dimension of rule of law and justice is that there has been few prosecutions of war crimes. This is especially crucial in explaining why there essentially has been a problem to create trust, coexistence and paving the road to reconciliation. Amnesty International has found that impunity for war crimes continues. From 1999 to 2006 there were only 23 prosecutions for war crimes (Amnesty International, 2006:5). Questions over impartiality also contribute to the failure of the judicial system. Many trials of Serbs accused of war crimes against Albanians have had to be retried by international judges since the Albanian judges were considered to be unsatisfactorily impartial (Ibid). Similarly there has been no prosecution of members of Albanian armed groups that have been suspected of abducting members of the Serb community (Amnesty International, 2006:6).

Another major explanation to why we see such problems in the judicial system is that the system still, some years after the conflict, suffers from a shortage of judges and prosecutors. The cases are many but the personnel too few to deal with the overload of cases. In addition to this, those that are charged with the difficult tasks of bringing about justice lack the qualifications and experience needed (Teutsch, 2005:33). The inefficiency of the judicial system can be the source of insecurity and deteriorate confidence in the system that could lead to the straining of interethnic relations. The inability of the judicial system to resolve cases involving major offences in a limited timeframe has also shown to affect the Kosovo Police Force that up to recently has been rare example of cooperation and progress in interethnic relations. The police force is affected simply by having to work in an environment where people are less afraid of the consequences of their actions (UNDP, 2003:25).

Furthermore, UNMIK has been criticized for looking to international interests instead of local interests for not establishing a war crimes court that would address serious human rights abuses. Concentration of international prosecutors and judges has been on combating organized crime and corruption⁸. Combating organized crime and corruption is in itself irrefutably important for the rule of law but does little to bring closure to the many victims of Kosovo's recent bloody history. This brings us to one of the dilemmas in reconciliation and justice. In 2007 Ramush Haradinaj, then the prime minister of Kosovo and former guerilla commander, was charged by the UN tribunal in The Hague with killing 40 people during the conflict in 1998. The prosecution of Mr. Haradinaj was deemed to create instability in Kosovo and the prosecution was therefore resisted by international officials in Kosovo. Haradinaj was seen to have contributed to the easing of tensions between the Serb and Albanian communities and because of his

⁸ Amnesty International (January 2008), The Challenge to fix a failed UN Justice Mission in Kosovo, please see: <http://www.amnesty.org/en/library/asset/EUR70/001/2008/en/EUR700012008en.html>

background as a freedom fighter no Albanian was thought to be able to accuse him of betrayal when trying to integrate the Serbs as part of the society⁹.

Retributive justice in this sense may send the signal that all parties of the conflict are subject to the law but apparently in some cases, charging crucial individuals with war crimes is seen as a destabilizing factor rather than as confidence building. International justice through the war crimes tribunal for the former Yugoslavia is probably highly important considering the deficiencies of the national criminal court system in Kosovo. Nonetheless the work of the international tribunal is seen by the Kosovo Serbs as a method of punishing the Kosovo Serbs rather than achieving justice (Kühle & Laustsen in Knudsen & Laustsen (ed), 2006:32). In this regard only 32 percent of the Serbs supported cooperation with the court (Ibid). However the perception of the tribunal may be, the international judicial measures undertaken by the tribunal are aimed at reaching three crucial goals. The goals include bringing those guilty of crimes to answer for them, stabilizing peace by individualizing guilt in opposition to the collective guilt that reinforces hatred and ultimately building a base that helps contribute to reconciliation between the two communities (Fatic, 2000:1). As long as the judicial system in Kosovo is incapable of punishing war crimes the necessity of the international tribunal to take on this role will remain high.

Another question that is to be addressed in this dimension of the analysis is whether restorative justice, the quest to restore the injuries that victims have suffered, has been applied. This question is highly related to the return processes and issues concerning housing and property. As long as such issues are not resolved the parties in the conflict continue to be victimized. The Kosovo Property Agency was created with the purpose to solve these property issues. Despite some initial success the activity of the Kosovo Property Agency was significantly hindered by the lack of funding. As a result of this in the last year the agency has not been able to implement any of the decisions it issued on the claims (KPA, 2008:8). This is believed to be an evident threat to the rule of law, general security situation and the return of refugees (KPA, 2008:9f).

One must acknowledge that even if the KPA had managed to implement any of the property claims the displaced persons claiming the property would have to feel secure enough to repossess their property. The security situation has been an obstacle that often has led to the property being looted and reoccupied because the rightful owner has not been able to return. The existence of enclaves was touched upon as a factor that explained the failure to establish coexistence between the two communities but it also explains problems with restoring justice because leaving the enclaves is filled with uncertainty¹⁰. The situation of the rule of law and justice for the now independent Kosovo remains obviously gloomy. One must consider the fact that in such a small territory where violent acts in one

⁹ International Herald Tribune (April 8, 2007): Kosovo war crimes trial splits West and prosecutors, please see: <http://www.iht.com/articles/2007/04/08/news/kosovo.php>

¹⁰ World Politics Review (04 december 2007): Ethnic Minorities in Kosovo still lack freedom of movement, please see: <http://www.worldpoliticsreview.com/article.aspx?id=1405>

area rapidly are known and spread to other areas. It increases therefore the importance of prosecuting crimes since giving the perception that freedom of movement for the offender is tolerated then it will be no surprise that the victim does not enjoy the same freedom.

When UNMIK thins down its mission in Kosovo to adapt to the new situation on the ground it is apparent that the above issues must be addressed. The fact that the EU is to launch a specific Rule of Law mission in Kosovo, termed EULEX¹¹, is a further indication that the judicial system in Kosovo is in a critically weak position to facilitate any kind of reconciliation process and needs urgent support.

4.3 Civil society and participation

The development of civil society has for the purpose of this thesis been at heart since it is one of the most crucial components of Lederach integrated theoretical framework for sustainable reconciliation in divided societies. It is also the aspect that has the potential to incorporate the two communities in the work for a better future towards dialogue, trust and eventually reconciliation. The NGO sector in Kosovo is almost synonymous with civil society in Kosovo (Claussen, 2006:15). The activity or inactivity of NGOs in Kosovo has therefore the potential to explain why we see a failure to bridge ethnic divisions in Kosovo.

Civil society in Kosovo gained substance during the non-violent resistance phase in Kosovo but did not much to foster cooperation between the Kosovo Albanians and Kosovo Serbs. Most of the NGO:s active at this time were organizations supported by the majority public that essentially were advocacy organizations for independence (Claussen, 2006:10). During this time the Kosovo Albanians flocked to be active members of these organizations while the Kosovo Serbs coupled to state institutions. After the war and the establishment of UNMIK civil society boomed in Kosovo and more than 2000 NGO:s were formed (UNDP, 2005:4). As a result of this many Kosovars¹² view NGO:s with suspicion and associate it with groups of individuals that are well paid and drive expensive cars (KIPRED, 2005:4). This is also shown by surveys where NGOs are ranked lower than political parties on basis of trust (ibid). Nevertheless the strengthening of civil society is particularly crucial in Kosovo because of the remoteness of some rural areas and the inability for some to reach the institutions of Kosovo, due to security issues. NGO:s can in this situation assist and be a crossing bridge for those isolated groups (UNDP, 2005:4).

¹¹ EULEX is the European Union's Rule of Law Mission in Kosovo, it is expected to launch after the constitution of The Republic of Kosovo comes into force. It is stated that the goal of the mission is to "support the Kosovo authorities in their efforts to build a sustainable and functional Rule of Law system" Until then, UNMIK will retain full operational responsibilities. It is clearly stated that EULEX Kosovo will not replace UNMIK and the successor of UNMIK will be the Kosovo institutions. For more info, please see: <http://www.eupt-kosovo.eu/new/index.php?id=1>

¹² Kosovar is used as a term when referring to all communities in Kosovo

The problem is though that many of the NGOs in Kosovo are a type of hybrids, they are funded by international organizations but managed and staffed by locals and this has the effect of essentially creating NGO:s that base their local strategies on the policy goals of their funders (KIPRED, 2005:11). Integration, coexistence and the strengthening of the rule of law is obviously a long-term objective but work on these areas are difficult since much of the funding is on short-term projects and when the money run dry so do the projects (KIPRED, 2005:12f). This creates severe problems for the sustainability and most certainly for NGO:s accountability (Claussen, 2006:12). If NGO:s are to provide popular support for peace and reconciliation among the two communities they most definitely need not be accountable to primarily their funders but to the communities that their project aim to support. For example, when violence against minorities reached alarming levels the donors changed focus to the protection of minorities and then so did the community of NGO:s (KIPRED. 2005:14).

Still the methods used by most of the NGOs do not contribute to the increasing of participation or bridging between the two communities since they are instead oriented towards holding week-long training programs (KIPRED, 2005:22). NGO:s work in Kosovo is further complicated by the donor-dependency negatively affecting the cooperation between NGOs considering that they are competitors for funds primarily. This competition among the NGOs for international organizations money not only creates difficulties for local ownership but it also disconnects the Kosovars from civil society (Claussen, 2006:14). Essentially having a civil society dependent on the international community limits the impact on reconciliation (Belloni, 2001:175). The OSCE acknowledged after the riots in March 2004 that the NGO:s that were driven by the international community in Kosovo had failed utterly in fostering inter-ethnic tolerance and becoming a force of moderation. The problem is that the NGOs created in Kosovo after the conflict in 1999 were modeled not on existing community networks and structures but on a western model (Johnsson, 2004:56f). A very telling example is that of a local gender trainer who is lectured by international workers on how important gender issues are (Ibid). This adds further tension to an already fragmented society.

On the other hand positive developments over the years are that of the increasing number of Kosovo Serb NGOs, even though there are no indications that these are multiethnic, they do help ease the difficult situation of the minority (KIPRED, 2005:21). It is still highly problematic to include members of other communities within the ranks of predominately Albanian or Serb NGO:s. This is seen as a result of the high ethnic tensions in society at large since groups that support ethnic minorities are considered by some to be doing too much and therefore are “traitors” (Claussen, 2006:13). Other factors that could hinder the integration and participation of minorities in NGOs are insecurity and the lack of freedom of movement.

In addition, many of the more established NGO:s are well connected with Albanian political parties since they offered services during the parallel institution phase of the conflict in Kosovo and are not viewed as independent (Nietsch, 2006: 18). The March 2004 riots were a clear indication of this lack of independence,

members of NGO:s associated to the KLA were believed to have taken part in the violence against Serbs. Furthermore NGO:s were reluctant to issue statements criticizing members of the own community (Nietsch, 2006:31). Considering the fact that civil society in Kosovo is divided on ethnic lines it is difficult to see any progress made in facilitating reconciliation when participation in NGO:s is seen as way of making money or in the case of participation in multiethnic NGO:s, as betraying ones community.

It is believed that the potential role that civil society in Kosovo could have played was missed when UNMIK failed to strengthen moderate forces within civil society short after the conflict ended (KIPRED, 2006:25). UNMIK failed to utilize civil society and its own unique position in Kosovo to initiate reconciliation on grass-root level. No commissions were created to address the question of post-war justice and establishing the truth of what happened (Ibid). What UNMIK did instead was create an institutional framework that was thought to guarantee the participation of Kosovo Serbs by allocating ten out of the 120 seats in the assembly of Kosovo for the Serbs (Johnsson, 2004:21). What this essentially does is that it emphasizes differences and is a form of institutional segregation (KIPRED, 2006:26). Notwithstanding these institutional arrangements the Serb community continues to boycott elections. The latest general elections in Kosovo held November 2007 was marked with an extremely low turnout in general and with a near total boycott by the Serb community¹³. The elections were boycotted because many established Kosovo Serb political parties refused to take part in them in anticipation that whatever the outcome, Kosovo would declare its independence and this is unacceptable for the Kosovo Serbs.

In sum, despite that the civil society sector in Kosovo has had an upsurge of NGOs after the conflict they face severe sustainability problems because they are very much donor-dependent and oriented at holding short-term training programs. NGOs are also viewed with suspicion over their motives. Civil society in Kosovo is therefore very much like other aspects of Kosovo daily life, segregated and more interested at bonding than bridging between communities. In addition to this, the current security situation in Kosovo contributes to difficulties of participation in multiethnic NGO:s. Another factor is that any participation in such organizations may be seen as betrayal of ones community. The failure is explained further by lack of support from UNMIK, the main authority in Kosovo, for locally driven reconciliation work in Kosovo.

¹³ For in-depth analysis of the latest elections in Kosovo the reader is referred to the Council of Europe statement: http://www.coe.int/t/dc/files/events/2007_kosovo/prelim_statement_en.asp

5 Conclusions

The purpose of this thesis has been to examine why there has been a failure to establish a base for the process of reconciliation in Kosovo. In order to do that, what the base of reconciliation is must be addressed and therefore the main components of reconciliation are conceptualized to include coexistence, the making of justice and reaching a common understanding of who did what during the conflict. This has then been operationalized through an analytical framework. This integrated framework uses three dimensions for analysis. Coexistence and integration, rule of law and justice and finally civil society and participation. All of the dimensions are very much interconnected. The fact that Kosovo is still divided on ethnic lines is an ever evident proof that reconciliation in Kosovo has so far failed. But what can explain this failure?

First and foremost one must conclude that the international presence in Kosovo was faced with immense obstacles when it established almost nine years ago. The two communities, Kosovo Albanians and Kosovo Serbs had lived separated from one another for more than a decade. The segregation that characterized this era contributed to cementing prejudice and myths between Serbs and Albanians. This culminated further when war broke out and NATO intervened. It is still highly evident that the past continues to overshadow a sense of a common future. One of the specific goals of the extensive international presence that followed the bombing was to promote reconciliation and a multiethnic society.

This thesis has found several factors hindering the establishment of a reconciliation process in Kosovo. Coexistence, considered to be the first step towards inter-ethnic reconciliation is far away from being the case on the ground. Minorities are trapped in enclaves where the institutions of Kosovo fail to reach and where fear of contact with the majority prevents the integration of the minority. It strikes me as odd that the international community apparently has not taken advantage of aspects in Albanian culture that would have the potential to contribute to coexistence. The “Kanuni i Lek Dukagjinit” has the potential to be a reference point for Albanians to reach the qualities prescribed in it. Qualities such as hospitality and honour.

Another more evident explanation for the failure to create a firm base for reconciliation in Kosovo is the security situation that affects all dimensions. The lack of security for the minorities, whether it is minority Serbs in the south of Kosovo or minority Albanians in the north, means that peaceful coexistence is not possible. Fear and harassment when leaving the enclaves has obviously also created a need for parallel institutions in Kosovo. Obviously this only contributes to deepen the divisions amongst the two communities. This very same lack of security and subsequently freedom of movement prevents justice, a key

component of reconciliation from being reached. The results of my analysis lead me to come to the conclusion that the weakness in the judicial system and the reaching of justice after conflict severely weakens the prospect for integration, participation in civil society and essentially the much needed coexistence. The rule of law also affects the decision of refugees to return. Returns are key if Kosovo is to be truly multiethnic. They will most definitely not return if they feel that they are returning to a place where a sense of impunity is manifested by the fact that very few war crimes have been brought before a court of law. As a fact very few have returned. I have found that retributive justice has been insufficiently applied in Kosovo where only a handful of cases of war crimes during the conflict out of thousands in waiting have been brought to court. Despite the goal of reconciliation and despite the importance of justice after the conflict the international community has put a lion share of its efforts into combating corruption and organized crime.

When analyzing whether restorative justice has been applied as a means of compensating victims the analysis indicates that there is a clear will from the institutions to make sure that property rights are respected and that refugees upon return can repossess their property. Nevertheless it is clear that the lack of funding for the agency responsible with implementing property claims has severely hindered its effectiveness.

Not only has the international community failed in strengthening the rule of law in Kosovo but has in one occasion given the impression that some individuals may be considered beyond the reach of law because of their position in society as heroes. This most certainly does not contribute to individualizing guilt. The international war crimes tribunal in the Hague has an important role to play. Especially considering the inability of the Kosovo judicial system to prosecute war crimes. However, the affect of the international tribunals prosecutions are difficult to analyze since many polls show that Serbs do not feel that the court is fair and that it is out to primarily punish the Serbs.

When the rule of law fails to address the past, NGOs can take on the role of lobbying governments to address injustices and itself be involved in repairing the broken relationship between the two communities. However my analysis shows that the failures in this dimension contribute to the overall failure to establish a base for reconciliation since NGOs are seen with suspicion in Kosovo. The reason for this is what seems to be the creation of NGOs for the main purpose of employment. What this essentially shows is that NGO:s fail to reach the population on the ground and when they eventually do they are limited by their dependency on donors. The projects undertaken are often short-term and to insufficient to facilitate any considerable participation.

In my statement of purpose I stated that what was needed for reconciliation to take hold was for the international community to assist in locally driven projects but I have now come to the conclusion that this assistance must also prioritize the sustainability of the assisted local initiatives. Civil society is just as other aspects very much divided on ethnic lines. It is positive that international financial support has led to an increase of Serb NGO:s operating in Kosovo but my analysis shows that they have little potential to affect the overall situation in Kosovo as

long as these NGOs are not multiethnic. Multiethnic NGOs would be able to act as a bridge between the two communities.

Additionally, my analysis leads me to believe that the disputed political status of Kosovo has a significant explanatory importance to failures encountered during the analysis. The Kosovo Serbs do not participate in elections not only due to security issues but also due to the fact that participation would legitimize what they see as an illegal separatist move. This means that not only society but also politics are divided along political and ethnic lines exhibiting little trust for one another. For the time being what seems to have been created in Kosovo is what is termed as negative peace. How the new country will handle the process towards reconciliation remains of particular interest when the handover of more responsibilities towards the democratically elected institutions occurs.

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7 Appendix



Kosovo in its Balkan setting

(Vickers, 1998:xviii)