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Kosovo: A Success or Failure?

A Study of State-Building

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Abstract

In this thesis I have discussed the ongoing international state-building mission in Kosovo in the context of the final status issue and examining the future prospects. The main question of this study has been in which direction the state-building process is moving Kosovo and whether it can be regarded as a success or a failure.

This qualitative case study has employed the “institutionalization before liberalization” (IBL) strategy as theoretical framework, which is a modified strategy of the liberal peace theory.

My conclusion is that the state-building process in Kosovo has reached a status quo, which results in negative outcomes. The state-building mission has not managed to create the foundation for a stable and sustainable peace. In order to overcome the status quo and move the process forward in a sound direction the status of Kosovo must urgently be determined. Further, Kosovo needs to advance from a first stage of state-building to a second stage. This means that Kosovo needs to move from a protectorate to a member-state building process, where a full membership of the EU is the final goal.

Key words: Kosovo, State-Building, “Institutionalization Before Liberalization”, Final Status, International Interim Administrations, European Union

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List of Abbreviations

AAK	Alliance for the Future Kosovo
EC	European Commission
EU	European Union
FRY	Federal Republic of Yugoslavia
IBL	Institutionalization Before Liberalization
ICG	International Crisis Group
ICTY	International Criminal Tribunal for the Former Yugoslavia
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KPS	Kosovo Police Service
LDK	Democratic League of Kosovo
NATO	North Atlantic Treaty Organization
PDK	Democratic Party of Kosovo
PISG	Provisional Institutions of Self-Government
SRSG	Special Representative of the Secretary General
UN	United Nation
UNMIK	United Nation's Mission in Kosovo

1 Introduction

Almost seven years have passed since Kosovo became a protectorate authorized under the United Nation Security Council Resolution 1244¹, which legitimized the establishment of an international interim administration, UNMIK². This was the inevitable solution that followed after NATO's 77-day military campaign against Yugoslavia came to an end (Knoll, 2005:638). Yet has the status of Kosovo not been determined since the international community took up a "wait and see" approach on this issue. The present condition of Kosovo is severely complex for all parties involved. It is a UN protectorate within a state – Serbia and Montenegro³ – which is still in the possession of the official sovereign territorial right of Kosovo. Although, Serbia has not had any real power since UNMIK took over the authoritative control in June 1999.

In the beginning of the year 2006, the first talks towards negotiations on the status of Kosovo⁴ started between Serbian and Kosovo Albanian representatives, under the mediation of the United Nation's special envoy to Kosovo, Martti Ahtisaari. It is not an easy task to complete, and before the negotiation process on the final status actually takes place several issues should be clarified.

1.1 Statement of Purpose

The aim of this thesis is to examine the future prospects of Kosovo. I intend to look at the current state-building process in the context of the final status issue. The major concern of the research problem is in which direction the state-building mission in Kosovo is heading from a political perspective. This research is a qualitative case study with Roland Paris's strategy of "institutionalization before liberalization" in the context of state-building as theoretical framework. The essential issue here is to search for possible nuances which can expose whether

¹ For more details on resolution 1244 see: <http://www.unmikonline.org/scres.htm>

² United Nation's Mission in Kosovo.

³ The State-Union, constituting Serbia and Montenegro, is now what is left of the Federal Republic of Yugoslavia (FRY). It is a fragile union with a Montenegrin referendum coming up in May 2006 on the notion of separation from Serbia. Henceforth the term Serbia will be used throughout the thesis, since the conflict in Kosovo is more or less related to the power in Belgrade. If Montenegro decides to leave the union with Serbia, Kosovo will still officially belong to Serbia until final status has been agreed upon.

⁴ For the sake of the simplicity, I will throughout the thesis use the name Kosovo which is the internationally recognized name of the province. It appears to have the most neutral connotation. Though, it should be noted that the Serbian name is Kosovo and Metohija, whilst the Kosovo Albanians use Kosova. This discourse is highly emotive for both parts.

the current situation in Kosovo is facing an “institutionalization before liberalization” approach of state-building, or if the transitional progress has been carried out too quickly with consequences of pathological outcomes. This study does not intend to produce factual solutions of the complex issue of Kosovo’s future status; instead, the intention is rather to search for suggested solutions within the state-building framework. It is also of importance to bring light upon the complexity and the different standpoints of Kosovo respectively Serbia regarding the issue of status.

Neither the European Union, nor the United Nations will be expected to expose their possible embedded problematic structures or approaches that might produce negative outcomes in the state-building process in Kosovo. In other words, I do not expect a high degree of self-criticism to be launched. Instead I presume to find suggestions of improvements where underlying problems of the approaches of the organizations themselves hopefully will appear.

In order to meet the purpose and reach the aim of this study I will propose two empirical questions:

In what direction is the state-building process leading Kosovo?

Which are the future prospects within this context and with regards to the final status issue?

1.2 Theoretical Approach: “Institutionalization Before Liberalization” Strategy

The focus of this study lies on the state-building process in Kosovo and aims at looking at its future prospects in the context of the final status. In order to meet this aim Roland Paris’s peace-building strategy appears to be the most suitable theoretical framework for this purpose. The strategy proposed by Paris is a modification of the liberal peace theory, and has been given the name “institutionalization before liberalization”. It consists of several elements, which will be briefed in this chapter. Paris has also distinguished a number of negative outcomes, or pathologies as he calls them, deriving from the embedded problems of the methods pursued by peace-building missions in order to reach the goal of the liberal peace theory.

For the purpose of the thesis three elements and three pathologies of Paris’s theory will operate as the instrumental tools of the analysis. These are the elements of *wait until conditions are ripe for elections*, *design electoral systems that reward moderation*, and *promote good civil society*; and the pathologies of *bad civil society*, *ethnic entrepreneurs*, and *elections as focal points for harmful competition*. The focus will thus be from a political aspect. The elements and pathologies chosen as the instrumental tools will be employed as measuring-rods in order to evaluate the direction the state-builders are moving Kosovo in. All the pathologies and elements will still be briefed in order to do Paris justice. It should be observed that the choice of focusing just on the political aspect is made

deliberately and therefore may the final results differ from those where also an economic aspect had been taken into consideration.

1.2.1 The Liberal Peace Thesis and its Embedded Dilemmas

The liberal peace theory is built upon the idea that liberalization is the remedy for war-shattered states. Paris uses the name Wilsonianism, which refers to the U.S. President Woodrow Wilson whose major principles of foreign policy at the end of World War I was that democratic forms of government tend to be more peaceful, both internally and internationally, than other forms of governments. Today, there is a general consensus around the principle that market democracies do not generally go to war against each other (Paris, 2004:40-42). The liberal peace theory is widespread among Western democracies and was absorbed into the peacekeeping missions of the 1990s. The fundamental belief here is that through the export of institutions and practices of market democracy to non-democratic states, both the international and the internal peace will be enhanced. This argument has also been adopted by the UN (ibid: 44).

Paris is focusing on the underlying dilemma of this approach. One reason to doubt that liberalization promotes peace is that countries in transition may be vulnerable to internal and international conflict.

[S]tates that are undergoing a transition from authoritarian to democratic rule are more likely than either established democracies or nondemocracies to be involved in an international war, because political opportunists in such states often employ belligerent nationalism as means of building domestic political support. (ibid: 45)

Another fundamental problem with the liberal peace theory is the question of an existing state. In the context of peace-building missions, the existence of a functioning state tends to be taken as a given. States that have recently experienced war generally lack even the most basic governmental institutions, which often have been disregarded. In turn, when the existence of a functioning state is taken for granted, it creates the most important and difficult task for peace-builders to confront: the question of how to establish a functioning state in an environment of turmoil (ibid: 46-47).

A similar argument that opposes the assumption of taking the existence of a state as a given can be found in Michael Ignatieff:

[M]arkets alone cannot *create* order; markets *require* order if they are to function efficiently, and the only reliable provider of order – law, procedure, safety and security – is the state. (Ignatieff, 2003:124)

Paris has, through several case studies of peace-building missions launched in the 1990's, distinguished a number of unanticipated outcomes in transitional countries, as a consequence of hasty advanced democratization and marketization. He calls these outcomes *the pathologies of liberalization*, and these pathologies may undermine the liberalization process itself or jeopardize the internal peace. The common denominator uniting these problems is that they

derive from the societal competition fostered by democratization and marketization (Paris, 2004:159).

In a democracy an active civil society is presupposed to fulfil several means, including counterbalancing and scrutinizing the state; creating networks of cross-cutting social groups; and educating the population in the practices of peaceful compromise. Although, “encouraging the growth of civil society does not necessarily promote pluralism, moderation, accommodation – or democracy”, instead it may foster the pathology of *bad civil society* (ibid: 160). In the bad civil society the liberal principle of tolerance may be rejected. Instead, organizations might deliver hatred and violence, which then remove them from the educative functions that are needed in a democracy. In the case of the bad civil society organization within a transitional society, the encouragement of political participation can result in increasing “polarization, intolerance, and antagonism”, rather than serve as support of democratic compromise (ibid: 161).

The second pathology that might endanger the liberalization process is in the context of *ethnic entrepreneurs*, which refers to opportunistic leaders who take opportunity in gaining political support within their own ethnic group in ethnically divided societies through exploiting inter-communal distrust. They generally play upon people’s fear of being dominated by another ethnic group, i.e. the fear of becoming the minority. This in turn encourages the other ethnic groups and leaders to follow the same discourse which results in a polarization of the party system along reciprocally ethnic lines. Ethnic political entrepreneurs are likely to succeed in a poor democratic country, where citizens do not have the skills needed to be able to participate in democratic politics; where the institutions of representatives, political parties, and the free media are weak or under reconstruction during the early phase of the transition (ibid: 162).

The consequences of the rise of ethnic entrepreneurs could be observed in the Western Balkans in the 1990s. In the wake of the disintegration of Yugoslavia in late 1980s and during 1990, all political leaders of the six constituent republics employed nationalistic rhetoric to propagate hatred and intolerance, in order gain support and size power (ibid). Paris argues that

[s]ocieties in the earliest phase of liberalization, where ethnic identities are stronger than democratic traditions, seem to particularly vulnerable to such mobilization strategies. (ibid: 163)

The promotion of democratic elections, before the political conditions are ripe, can result in a polarization of the electorate and thus aggravate already existing societal conflicts. It may also harm the prospects for further democratization, and regenerate violence. As a consequence, which makes up the third pathology, *elections can serve as focal points for harmful competition* among different factions and groups in a transitional society (ibid).

The fact that elections may encumber democratization and cause violence, even though holding elections does not always necessarily result in violence and damaging polarization, challenges the argument that that elections are increasing the prospects of democracy and peace.

While it is true that periodic and genuine elections are a necessary precondition for liberal democracy, to place one's faith in the universal beneficial effects of elections is to oversimplify and mischaracterize the complex and sometimes negative relationship between voting and peace. (ibid: 164)

There is a risk that freely elected political leader will use their new status to damage or sabotage their own country's transition to democracy in order to eliminate future democratic challenges. Free elections in an early phase of the transition can thus foster and legitimize powers of this kind (ibid). This is the pathology of *saboteurs and failed transitions* which can generate new forms of regimes pendulum in the grey zone between liberal democracies and dictatorship (ibid: 165). This pathology will not be used as a tool in the analysis. Since UNMIK still has the authoritative power in Kosovo it is too early to measure developments of this kind. The political leaders in Kosovo are not in the position to exercise such actions.

The last and final pathology that is likely to evolve out of a hasty transition is *the danger of economic liberalization*. This pathology will not be employed as a tool in the analysis due to the limited time schedule and to prevent the risk of being overloaded with work. Nonetheless, capitalism "is inherently competitive" (ibid: 167) and it generates winners and losers. When it comes to market-oriented adjustment policies, these tend to widen the gap between rich and poor, and the overall distribution of wealth tends to exacerbate. Such competitive environment in a post-conflict state can thus easily fuel social tensions (ibid: 166-167).

1.2.2 Institutionalization Before Liberalization (IBL) Strategy

First, it is important to note that Paris does not reject the Wilsonian approach to peace-building. Instead his purpose is to modify its embedded dilemmas into more sensible options. The main goal is still to establish peace in war-torn countries by transforming them into liberal market democracies. He does agree with the argument that market democracies tend to consolidate peace both internationally and domestically. What he objects to is the methods, which the peace-building missions of the 1990s have employed by the large, of reaching this goal (ibid: 185). Paris claims, with the endorsement of his research, that the prevailed peace-building strategy is weak as a conflict management method due to its strong confidence in the effects of democratization and marketization in post-conflict states. The process of transforming a country into a liberal market democracy is in itself turbulent and conflictual, and is therefore in need of capable governmental institutions, something that most war-shattered states lack (ibid: 151-152). In the context of modern liberalism, the state-building process is concentrated on limiting and dividing the power of the government. The modern liberals advocate an efficient government as small and limited. Nonetheless, "[a]uthority has to exist before it can be limited" (Huntington quoted in Paris: 186).

The peace-building strategy proposed by Paris is the "Institutionalization Before Liberalization" (IBL) strategy. It invokes the Wilsonian goal of transforming war-shattered states into liberal market democracies, but in the long

run. Countries that have just been emerging from conflicts are in need of political stability and the establishment of functioning administration over the territory as a prior to a fast political and economic development. The first task peace-building missions should concentrate on is therefore to construct a framework of effective institutions. The liberalization process should, in other words, be delayed and political and economic freedoms limited in the short run (ibid: 187-188).

In order to achieve the main goal of the Wilsonianism, and to ensure a stable and sustainable peace, the IBL strategy is the method. This strategy includes six key elements. The first element of the IBL is to *wait until conditions are ripe for elections*. Paris argues that quick elections might not promote peaceful competition or foster governments that are committed to preserve democracy, which includes the capability of resolving disputes through compromise and negotiations. To believe that elections are a signal of success of the peace-building process is not necessarily accurate. Elections have the ability to impede the actual goal of establishing a stable liberal democracy if the winning party or parties are seeking to undermine the democratic institutions that brought them to power, or if they are devoted to violations against their rivals. There is also a risk that the parties participating in the election try to build support by appealing to populist and nationalist sentiments in their campaigns, which can spark the conflict again. In such circumstances, a vital threat constitutes of those individuals or organizations that recently took part in the war (ibid: 188-189).

Paris suggests peace-builders to use different methods to promote moderation in the parties contesting the elections. By putting election on hold, the hostile sentiments within the post-conflict state might hopefully cool down in course of time. Another effective method is to use incentives and punishments, i.e. carrots and sticks, in order to encourage moderation among new parties and leaders before the election takes place. Incentives can include financial support to parties that publicly rejects violence and violent rhetoric. Punishments, on the other hand, may include banning of parties from elections if they advocate hatred and violent acts (ibid: 189).

The second element of the IBL strategy is to *design electoral systems that reward moderation*. It is a great challenge for peace-builders and political engineers to reward moderations and penalize extremism. In post-conflict states with former warring parties, the consolidation of stability and compliance is one of the hardest tasks to fulfil. It is difficult to expect that nationalist political parties in war-shattered states are willing to cooperate or to form alliances with parties in rival ethnic camps. The problem is thus that

[i]f individual politicians in these circumstances have little to gain and much to lose by appearing to be 'soft' on their ethnic adversaries, political parties would presumably also face strong political incentives to maintain a hard line toward rival groups. (ibid: 194)

Peace-builders should seek to formulate electoral and constitutional rules that induce serious political candidates to secure a large support across the different communal groups. The engineers need to design such rules in order to obtain

moderation and cross-factional compromise from the parties contesting for election and from governments seeking re-election (ibid).

The third element of the IBL strategy is to *promote good civil society*. The challenge here, to promote a “good” civil society, aims at developing cross-factional social groups in a post-conflict society. This development is ought to take place simultaneously as restraining the “bad” variant of a civil society (ibid: 194-195). The peace-builders should have a strict approach towards both the establishment of clear criteria for groups or organizations seeking international support, and towards groups or organizations that advocate violence against other social groups in the society. In the latter case, such groups or organizations must be shut down since their behaviour is a threat to the consolidation of peace and democracy. The recent peace-builders have been reluctant to exercise such power efficiently, even though they have been in possession of the reserved right of dismissing officials or preventing certain individuals from serving in government (ibid: 195-196).

The last elements of the IBL strategy will not be used as instruments of the analysis The fourth element because it would require a completely different thesis with regards to the methodological approach, and the fifth for the same reason as was motivated in the earlier section on its counterpart pathology.

The fourth element is to *control hate speech*. One of the corner stones of a democracy is free media. Peace-builders should therefore aim at encouraging the development of such. However, a liberalization of the media can harm the peace-building process in post-conflict countries if it enhances news that deliberately provokes hatred and violence against other groups in the society. In order to constrain such an outcome “codes of conduct” should be established for print and broadcast media. Together with a licensing system, the regulation of hate speech would easier be obtained. Time will later produce mechanisms for self-regulations of the liberalized a responsible press (ibid: 197-198).

The element of *adopting conflict-reducing economic policies* aims at delaying market-oriented reforms until the political conditions are ripe. The political institutions are fragile, if existing at all, in post-conflict societies. In order to manage market-oriented reforms, and the competition and disputes that come along, there need to be functioning governmental institutions and legal systems with a high degree of capacity (ibid: 199-201). A rapid change towards market economy might increase distributional inequalities among the societal groups, and in turn rekindle the conflict (ibid: 200). The IBL strategy delays such economic liberalization, or stretches the reforms over a long period of time, until the governmental and legal frameworks needed for regulating a market economy have been constructed and established (ibid: 204).

The sixth and final element sums up the previous elements as *the common denominator: rebuild effective state institutions*. Thus it concludes that democratization and marketization are highly unreliable approaches and can result in counterproductive approaches to peace-building if they are promoted too quickly in war-shattered states with weak or non-existing institutions (ibid: 205).

Peace-building needs to take time, and there is no cheap, quick, or easy way of establishing a functional state that can ensure a stable and sustainable peace. The

IBL strategy requires a stronger commitment for time and political and financial resources, in order to rebuild functional central governments and institutions in post-conflict countries. An international administration needs to staff governmental institutions with their own personnel, and then gradually transfer these powers with adequately trained locals. The sectors of security and justice must be paid with particular attention within this context (ibid: 206).

Finally, to sum up, the adoption of the IBL strategy requires the peace-building missions to remain in place for as long as it takes to construct and accomplish well functioning central governmental institutions. They should also ensure that democratization and marketization is evolving in the right direction before departure (ibid: 207).

1.2.3 Criticisms of the IBL

The prominent IBL strategy of Paris and his modification of the Wilsonianism are of significant importance in the context of modern peace-building missions and international interventions. Despite of this, one of the major problems with the IBL strategy, which is striking, is that Paris does not problemize the conception of legitimacy. In other words, he does neither discuss the relation between the local citizens and the international actors, nor between citizens and the local government. Neither does he discuss the difficulties of legitimizing the authority of the state, which is being reconstructed. One of the fundamental principles of democracy is that the government is legitimized by its people. In post-conflict states, governed by international interim administrations together with power-limited provisional national institutions, one can assume that the loyalty and support from the population should not be taken for granted. Peace-building missions should be aware of the risk of establishing puppet governments due to imposed standards and principles if these do not meet the wishes of the local people. As will be demonstrated later, this is an issue that has been emphasized in several of the articles and reports of the empirical material. Therefore this dilemma will be taken into consideration in the analysis later under chapter 3.1.3. Further, Michael Ignatieff has been observant of these problems and he argues that the dilemma of local leaders, for example, is:

[...] that the more pliable they are to the will of internationals, the less credibility they have with their local population, and the less use they ultimately prove to be to the internationals. The international community does not want to rule through puppets, since puppets will never last. The trouble is that puppets are usually all they can find. (Ignatieff, 2003:50)

I will take this opportunity to extend Paris's theory by adding the perspective of legitimacy to the theoretical framework of the analysis.

1.3 Methodology

The method chosen for the research problem is a qualitative case study. The motivation for this choice lies in the uniqueness of the case itself. It might be desirable to use comparative methods for a greater understanding of state-building missions and in order to draw trustworthy generalizations. One could refer to Bosnia-Herzegovina, Afghanistan and Iraq as potential cases in comparison. However, the situation that Kosovo is facing and the complex of problems that lies within it make the case unique of its kind. Also, the fact still remains that Kosovo's status has not yet been determined and is officially a province within an already existing state.

Qualitative methods are generally designed as case studies and employed in order to study one specific case exclusively (Lundquist, 1993:105). The characteristics of the qualitative case study are the depth of the case, rather than the width; the specific, rather than the general; the focus on relations and processes, rather than on results and final products (Denscombe, 2000:43), which is applicable in the case of Kosovo. The researcher aims for description and understanding, and puts an emphasis on the peculiarity, the uniqueness, or the deviant (Lundquist, 1993:104).

One of the advantages of a case study as a method of research is the concentration on one or few units. This allows the researcher the possibility to focus on refinements and difficulties in complicated social environments. The case study can be useful in a small-scale research study, because it allows the focus on one (or a few) research fields (Denscombe, 2000:52-53). On the other hand, one of the major disadvantages of case studies is the difficulty of drawing trustworthy generalizations out of its results, due to lack of the ability to compare the case with other similar cases (ibid: 53). This study will not be able to produce generalizations. On the other hand, the result can possibly generate hypotheses that can be applied on and tested on other cases.

In this thesis Paris's pathologies and the IBL elements will be employed as measuring-rods in order to evaluate whether the state-building mission in Kosovo can be characterized as a success or a failure.

1.4 Material

The empirical study of this thesis intends to be based on documents, meaning that the source of data collected for the purpose will be constituted of selected documents. A document is understood to be a written source. It can be defined, in a broad sense, as any kind of written communication (Merriam, 1994:117). The information that documents can provide can be used in the same ways as information extracted from interviews or observations. Documents can provide both descriptive information, as well as offering a deeper understanding for

specific developments and processes of a case, and also trace certain trends. One of the major advantages with the use of documents as data is its stability (ibid: 121-122). Further, it is important to bear in mind that the understanding of the data completely relies on the researcher, i.e. me in this case. It is also my responsibility to make it understandable within the theoretical framework. Therefore, the result of the analysis will be based on my interpretation of the empirical material and thus be sensitive for criticism.

The source of data that has been collected for the purpose of this study mainly constitutes of secondary material in form of reports, articles and assessments. However, the reports of the International Commission on the Balkans and the UN's Special Envoy can be regarded as primary material. In order to give both a greater breadth and depth to the problem, and also to try to prevent a one-dimensional perspective, the material has been gathered from various sources. The empirical material collected for the purpose of this thesis constitutes reports and articles published by the European Commission (EC), the UN's Special Envoy to Kosovo, the International Commission on the Balkans, the International Crisis Group, Freedom House, and scientific articles written by prominent scholars.

1.4.1 Definitions and Limitations

Paris is using the conception of “peace-building” in the context of international interventions in war-shattered states and regions. I will deliberately replace this conception with the conception of “state-building” in order to meet the purpose of the thesis and to be able to connect it more appropriately with the discourse of the process taking place in Kosovo. According to Paris, peace-building is “action undertaken at the end of a civil conflict”. The purpose of peace-building missions is to consolidate peace and ensure stability in countries that are *just emerging from a civil war* (Paris, 2004:38). Kosovo is no longer at the end of a civil conflict, nor just emerging from a civil war. Thus the peace-building mission has entered the stage of state-building, which involves the creation of self-sustainability, and building its political and economic infrastructures from scratch (Ignatieff, 2003:51). The concept of state-building involves far more sophisticated tasks and methods than peace-building, and the conception of state-building is also coinciding closer with the ongoing mission in Kosovo.

The purpose of this thesis is to look at the current state-building process in Kosovo in the context of a final status. The starting date for the final status process to begin has been set in the autumn of 2006. Therefore it is important to concentrate on data relevant for this purpose. The selected empirical material of this study has been published during 2005 and the first half of 2006. It would be pointless to include documents published before 2005, and it would not do the thesis justice.

2 Background

[I]n Kosovo, history is not really about the past, but about the future. (Judah, 2000:2)

History plays a significant role in the complicated relationship between the Serbs and the Kosovo Albanians. The past has been conflictual and lays the foundation for the situation of today, both regarding territorial claims and on the issue of final status.

The Kosovo Albanians perceive themselves as descendants of the Illyrians who inhabited the south of the Balkan Peninsula before the arrival of the Slavs (the ancestors of the Serbs). The Slavs' settlement in the Illyrian-Albanian region is from an Albanian point of view, regarded as an annexation and occupation of Albanian territory. From this perspective the Kosovo Albanians conceive themselves as the rightful inheritors of Kosovo since they were the majority on the territory when the Slavs arrived (Daskalovski, 2003:18).

The Serbian national history rejects the origin claim of the Kosovo Albanians. In the Serbian perspective they were either Slavs that had converted to Islam or originated from the Turks. Kosovo was incorporated into the Serbian medieval empire during the late twelfth century, when Serbia was expanding its power. The empire experienced its peak in the fourteenth century, and by this time, Kosovo was the political, economic, religious and cultural centre, or in other words, the heart of the Christian Orthodox Serbia. However, the Serbian empire was invaded by the Ottoman Empire in the late fourteenth century and later defeated. The battle of Kosovo Polje, on 28 June 1389 has played a major role in the Serbian national history. Whether this battle was of any significant magnitude or not in reality is inessential. The important point is that it has been created into the major historical myths of Serbian mentality. The myth has then been distorted into a historical fact. Therefore, Kosovo is today viewed as the cradle of the Serbian nation (Daskalovski, 2003:14-15). National history of both Albanians' and Serbs' has been mythologized, which later have become key components in nationalist mobilization. In this context the past outlines the complexity in resolving the conflict of today.

2.1 The Political Status of Kosovo in Modern History

Kosovo became a part of Serbia in 1912, after being under the Ottoman Empire for several centuries. Serbia had already been emancipated from the Ottomans decades earlier. It was a conflictual period of liberation movements and wars. For a short period during the World War II Kosovo was a part of Greater Albania,

created by Italy (Daskalovski, 2003:16). After the war it was incorporated into the new socialist Federal Republic of Yugoslavia as a part of Serbia. In 1974 Kosovo gained the status of an autonomous province, which implied it the right of its own constitution. The new status deprived Serbia its control of the province, and it came to fuel Serbian nationalism and enhanced the Kosovo Albanian conscience of national identity (Guzina, 2003:33), simultaneously as Serbs in higher positions in Kosovo were supplanted by Albanians (Pond, 2005:24).

The Kosovo Albanian nationalist movement started to grow in the early 1980s on account of young university students. They organized mass demonstrations in Pristina to protest against the rapid economic and social deterioration of the province. The peaceful demonstrations turned into an uprising of the Kosovo Albanian population. They demanded their rights they should have gained already in 1974. The protests were suppressed by a harsh governmental response. The defiant behaviour of the Kosovo Albanians produced fear amongst the Serbs in Kosovo, and in turn fostered the rise of the Serbian nationalist movement (ibid: 35).

The nationalist movements and sentiments escalated among Serbs both in Serbia and Kosovo, and among Kosovo Albanians, in several ways and on several levels. The rise of Slobodan Milošević in the end of the 1980s reinforced the tensions between Serbia and Kosovo, since he played on peoples fears against the alleged enemy and exploited the nationalist emotions. The issue of Kosovo became a crucial tool for Milošević to seize power. He revoked Kosovo's autonomous status and returned the rule to Yugoslavia, which was a great provocation for the Kosovo Albanians (Judah, 2000: 33-34). The Serbian state imposed several policies of ethnic discrimination, which included expelling Kosovo Albanians from higher positions in the public administration (Pond, 2005:24). This resulted in the establishment of a parallel state in Kosovo, in the 1990s, headed by the elected shadow president Ibrahim Rugova. He employed non-violence as method of achieving the claims of the Kosovo Albanians, and as opposition to Serbian administration in Kosovo. Despite the efforts of a non-violence approach, an Albanian guerrilla movement emerged in Kosovo simultaneously, the so-called Kosovo Liberation Army (KLA). They advocated a revolutionary alternative to passive resistance. The KLA carried out several attacks targeted at Serbian police and military forces that responded harshly, with the consequence of the outbreak of war in Kosovo in 1998 (Guzina, 2003:43-44).

2.2 The State-Building Mission

The state-building mission in Kosovo is a new type of international intervention that emerged in the 1990s. Similar missions have been and are being performed in places like East Timor and Afghanistan. The characteristic commitment for this type of intervention is that it constitutes both a military and a civilian aspect (Bieber, 2003:2). The state-building mission performed in Kosovo and under the

authority of UNMIK has been called a “multi-dimensional peace operation” or a “second-generation UN peace-keeping operation” (Pula, 2003: 199).

NATO decided to attack Serbian targets by air force in March 1999 due to Serbian political and social repression and harassments against the Albanian population in Kosovo. The decision was taken after the long negotiation with the Belgrade regime had broke down. The NATO attacks were responded by Yugoslav military and paramilitary forces expelling half of the Kosovo Albanian population out of the province (Freedom House, 2005:768).

When the NATO air campaign came to an end in the summer of 1999, the international interim administration UNMIK was established under the authorization of the UN Security Council Resolution 1244 (Pula, 2003:201). The mission was shared between the NATO led Kosovo Force (KFOR), responsible for the military aspects, and UNMIK, responsible for the civilian aspects. Although, the conflict did not end immediately since the returning Kosovo Albanians responded with vengeance upon Kosovo Serbs and other minorities allegedly collaborating with Serbia with the consequences of new expulsions and the emergence of Serb enclaves (Bieber, 2003:1).

One underlying problem with the mandate of the international mission in Kosovo is embedded in the Resolution 1244 itself. It can be regarded as ambiguous for several reasons (Pula, 2003:202), although the major ambiguity is the issue of final status that has not been defined in the resolution. It confirms Yugoslavia’s (FRY), but not Serbia’s, sovereignty over Kosovo. Simultaneously, it affirms substantial autonomy and self-government for the people in Kosovo within FRY. However, this substantial autonomy has not been defined clearly. Further, the crucial problem is that the Kosovo Albanians will never accept to be ruled by Belgrade again, as Kosovo Serbs do not want to accept secession from Serbia. The resolution was a compromise between USA and the international community on the one hand, and FRY and Russia on the other. The people of Kosovo, who were to be the subjects of UNMIK, were not taking part in this compromise (Pula, 2003:202-203; Ignatieff, 2003:68-69). Ignatieff perceives this compromise as “political science fiction” (2003:68). It is important to understand that the resolution created the foundation for a “wait and see” approach entailing possible challenging affects on the future prospects for Kosovo.

3 A State-building Success or Failure?

Kosovo is in a position of an authoritarian state-building model under the rule of UNMIK, which makes it one of Europe's two protectorates together with Bosnia-Herzegovina. The UNMIK administration in Kosovo was designed in order to restore the stability after the armed conflict and to respond to potential threats to public order. The task that the interim administration had to accomplish was to create basic institutional structures, which can be referred to the goal of Paris and the liberal peace theory. The accomplishment has been rather successful with the help of a NATO military presence, i.e. KFOR troops. The mandate the international community approved UNMIK implied a temporary end of the conflict by a "wait and see" approach. (Knaus – Cox, 2005:48).

3.1 The State-building Process of Today

Kosovo has made a significant progress in the development of a new institutional framework, according to the UN's second Eide report⁵. It has moved forward from a period of political stagnation and a widespread frustration to a new period of dynamic development, leaving the post-conflict institutional vacuum of 1999 behind. It is steadily adapting to liberal democratization. Nevertheless, the province still faces several major problems and obstacles (Eide: 2005:2). The institutions lack of accountability and transparency and the government has not been coordinated satisfactory. The relationship between the central and municipal level still needs to be further defined. Neither has basic public service provision been provided successfully to all communities, which has reinforced parallel structures in the Serb dominated areas (EC, 2005a:26)

Nonetheless, significant transfer of competences from UNMIK to the local institutions has been accomplished and the Kosovo Police Service (KPS) has gradually taken on new and more demanding tasks, although within a limited extent. UNMIK is still handling the more severe and serious cases of crime (Eide, 2005:2-3). So far the KPS has managed the basic policing well and might be regarded as the least corrupt police force in the region. The challenge for the Kosovo Albanian dominated KPS will be the maintaining of standards and integrity, as well as encouraging minority, particularly Serb, participation. If it

⁵ Kai Eide was appointed Special Envoy of the Secretary General to Kosovo in May 2005. This report was compiled for the purpose of assessing whether the conditions are ripe for entering into a political process designed to determine a final status of Kosovo.

remains under a mono-ethnic or mono-party domination the UNMIK will impose constraints of further transfer of power (ICG, 2006:6-7). UNMIK tries to maintain clear criteria of conduct in order for the KPS to obtain an educative function in society.

The international state-building process of today in Kosovo reinforces a status quo, referring back to the “wait and see” approach, that is embedded in the UN resolution 1244. The past years of institution-building have frozen the conflicts rather than resolving them, which signifies that security has not yet been ensured (Knoll, 2005:658-659). According to the report of the International Commission on the Balkans⁶ (henceforth Balkan Commission), the status quo is not the solution for Kosovo, it is rather the problem for three reasons. First, the citizens conceive the status quo as a problem, and there is a startling distrust towards both the government and the opposition, which can be referred to the issue of legitimacy that will be discussed in the section 3.1.3. The political reality is thus permeated by the loss of hope and perspectives, which can endanger the stability; second, the gap has widened between economic and social performances in the Western Balkan region on the one hand, and the EU-candidate countries Bulgaria and Romania on the other. The status quo has created a radical gap between winners and losers. There is a great risk that the Western Balkans, with Kosovo included, will arise as a European ghetto in the middle of an integrating continent if the status quo prevails (Balkan Commission, 2005:11-12). This raises a question to Paris’s theory of the state-building process. If the developments in the subjected area do not coincide with developments in neighbouring countries, the state-building mission might run the risk of resulting as a failure; third, the citizen and the government of Kosovo perceive the process of European integration as the only means to achieve stability and prosperity. At the same time though, the dysfunction of the protectorate is a major obstacle for the integration process (ibid: 12).

3.1.1 Political and Electoral Systems

The first elections in Kosovo were held on 17 November 2001 and the Provisional Institutions of Self-Government (PISG) was established in March 2002 (DG, 2004:47). Although, the internal party democracy has remained weak. UNMIK’s approval of the electoral system limited the accountability of politicians to voters in the latest election and favoured the political leaders that emerged during the conflict above political leaders from a younger generation (Pond, 2005:30).

The latest election for the provincial parliament was held in October 2004. The election was boycotted by almost the whole Serb community, as a response to

⁶ The establishment of the International Commission on the Balkans was initiated and supported by European and American foundations in 1995. Its members constitutes of well-known European and American politicians in consultation with several prominent experts in the field. The comprehensive 2005 report was carried out after four study tours, over the course of one year, to the countries of the Western Balkans.

the Albanian riots in March the same year and can thus be regarded as exacerbating ethnic relations (Pond, 2005:30). Due to this boycott of the elections Freedom House⁷ is currently rating Kosovo's status of political rights as non free (Freedom House, 2005:768). Although, the boycott did not change the political composition significantly, as Kosovo's president Ibrahim Rugova's party Democratic League of Kosovo (LDK) remained in power as the leading party. LDK formed a coalition government together with Ramush Haradinaj's Alliance for the Future Kosovo (AAK). Ramush Haradinaj was given the post as prime minister. However, when he was indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in March 2005 he resigned from this post and voluntarily surrendered for The Hague. His indictment did not spark any unrest in Kosovo which shows a positive development (EC, 2005b:10). Further he was one of few political leaders "who was trying to modernize his organization away from an autocratic, top-down patronage nexus by means of significant grass-root participation" (Pond, 2005:31). From this point of view Haradinaj can be regarded as a political leader that should be encouraged according to Paris's strategy. He has shown efforts in moderation and the ability of influencing the Kosovo Albanians positively.

The second largest party of the election was former KLA leader Hashim Thaci's Democratic Party of Kosovo (PDK) (Freedom House, 2005:769). Another important remark here is that Kosovo's second largest party is lead by a former member of one of the warring parties in the conflict. Although Thaci has dissociated himself from the use of violence and is condemning such action, he might still be questionable as a democratic leader.

Although the government and the assembly are making efforts in growing as political institutions the political life is far from stable. The relations between the Kosovo Albanian parties are tensed. For example, the government has been accused of corruption (EC, 2005b:10-11), and the parties PDK and AAK have been associated with criminal elements, which include accusations of assassinating political opponents (Freedom House, 2005:769).

The Kosovo Serb community is rigorously fragmented and marginalized both geographically and politically. It has no political centre of its own and is totally dependent on Belgrade. Its large urban area around Mitrovica is highly insecure, and with many refugees. In the larger rural areas, on the other hand, the situation is more rooted and stable but it lacks the capability of generating a political elite. Many Kosovo Serbs find themselves disoriented between an imperious and manipulative Belgrade on the one hand and an indifferent Pristina on the other (ICG, 2006: 27).

The Kosovo Serbs have chosen to stay outside the central political institutions and have established and maintained parallel structures in the sectors of health and education services, supported and financed by the government in Belgrade. The PISG is met with great suspicion and distrust. Many Serbs fear that they will have

⁷ Freedom House is an American non-profit, nongovernmental organization with the aim of promoting and defending democracy and freedom worldwide.

a limited ability to influence in decision-making if they participate in the central political institutions and in particular after the violent events in 2004. The Kosovo Albanians have done little efforts to change this perception. Nonetheless, the Eide report seeks to encourage the Kosovo Serb representatives to return to the assembly, since it assumes their interests can be better served there. It also demands the Kosovo Albanian parties to stimulate a return of Serbian representatives back to the political arena. In order to facilitate such all-embracing participation Belgrade must abandon its negative approach (Eide, 2005:2).

One important remark with regards to the political system in Kosovo is that the constitutional framework was shaped in accordance with the belligerent elites in order to bring the conflict of 1999 to an end. This implies that power is allocated by group affiliation, which is defined according to ethnicity, with the consequence of reinforcing ethnic differences and in turn undermining central state institutions (Balkan Commission, 2005:15-16).

The reality of the state-building mission in Kosovo is thus that encouragement of moderation among political leaders cannot be perceived as successful. The failure can be derived from the constitutional framework, which is perpetuating polarization among ethnic lines. The decision of holding elections already in 2001 has reinforced the power of those political leaders who emerged during the conflict and who advocate secession from Serbia as nonnegotiable. UNMIK can therefore not be considered as capable of decreasing the space for ethnic entrepreneurs. The government in Belgrade also plays a crucial role in this case, which UNMIK cannot be blamed for since it is not under its control. Further, the current political and electoral systems still foster harmful competition among, at least, the Albanian politicians. Further, the design of the electoral system does not award moderation among political leaders, rather the contrary. Perhaps, Haradinaj appears to be the only politician that has acted with responsibility. The final conclusion is thus that election procedures so far have had negative outcomes, which can be considered as the result of holding election too early in the first place. The elements of the IBL strategy have not had a significant impact in regards the design of the political and electoral systems.

3.1.2 Civil Society

The aim of the international community to ensure a sustainable multi-ethnic society has up to date failed. Kosovo is characterized by ethnic fragmentation with a clear absence of inter-communal interaction at all levels. Two thirds of the remaining Serbs live in Kosovo Albanian dominated areas. They are gradually disappearing from the mixed urban areas, reduced to isolated enclaves. One third of the Serbs live in the Serb dominated triangle in the north, which includes three municipals north of the divided town of Mitrovica. The post-war Serbian take-over of half the town has not been recognized by Pristina (ICG, 2006:7).

In order to guarantee the multi-ethnicity in Kosovo the PISG and the majority of the Albanian society have been held to a programme of democratic standards. In spite of this, the programme has been criticised by the Serbs for allowing the

Albanians to establish a façade of multi-ethnicity in Kosovo, which could easily be demolished after a possible independence (ibid: 10). In many places a multi-ethnic society is not even seen as a goal. This has rendered the difficulties to move the return process of refugees forward. Many of the minorities, not only the Serb minority, still find themselves subjected to discrimination by several levels of the society, which includes “basic civil, political, social, economic and cultural rights” (Amnesty International quoted in Freedom House, 2005:772). A large number of displaced persons are still living in camps in hazardous conditions, with a particularly concern to the Roma community. This is an urgent matter that should be dealt with immediately (Eide, 2005:3-4).

With regards to the violent events of March 2004, which rekindle the Kosovo Albanian aggression towards the Serb community and destabilized the province, the international confidence in the Kosovo Albanians commitment to a tolerant society was damaged. The international community was signalling demands of a decentralization of powers to Kosovo Serb communities (ICG, 2006:10). In this regard, the demand for decentralization was a tool for UNMIK to punish the behaviour of the PISG for not taking responsibility, which was considered as a threat to the stability. The Serbs perceive the riots of 2004 as an organized attempt of the Kosovo Albanians of cleansing them from the central parts of the province. Today most Serbs are obliged to restrict their movements around Kosovo due to the lack of public and personal security (ibid: 7).

In order to sustain stability and ensure the security to minority groups a wider decentralization process is thus required. The parallel structures sustained in the Serb community should be absorbed into legitimate entities. Although, it is crucial that such arrangement does not endanger the central institutions in Kosovo or weaken Pristina’s authority (Eide, 2005:4). If the decentralization is taken too far it could benefit Belgrade’s project of ensuring territorial rights by trying to re-centralize Serb dominated areas under the control of Belgrade (ICG, 2006:16).

The legal and judicial institutions have remained weak and together with the issue of security it is one of the major concerns to the stability and the development in Kosovo. Organized crime and corruption have increased tremendously in the past few years, and neither UNMIK nor the provisional institutions have managed to get it under control. They are also struggling to encourage Kosovo Albanian judges to deal more efficiently with cases involving Albanian crimes committed against non-Albanians, something they have proved weak willingness to. Further, it has been difficult to guarantee the physical security of judges from minority groups (ibid: 771). A further transfer of competences in the areas of the judiciary and the police must be considered with caution due to their fragile structures, which might threaten the stability in Kosovo. In this respect, attention has been paid to sensitive areas, which Paris advocates. These are the most important sectors for the international state-builders to construct and secure.

For this purpose a continued international presence with executive powers in sensitive areas is inevitable. The reduction in numbers of international prosecutors and judges that is currently being carried out is thus questionable and should be reconsidered (ibid).

Another remark is that the traditional clan society among Kosovo Albanians still plays a crucial role both in all aspects of everyday life and in society in large. Increases in numbers of blood feuds, vendettas and murders that have been carried out in accordance with the old legal code have been noted (ibid). The promotion of a civil society from UNMIK's point of view does not overlap well with the traditional clan society. This might cause misunderstandings and distrust for both parties. If the judicial institutions remain weak the possibility of enhancing the beliefs in traditional conducts might grow, which can hamper the promotion of a good civil society.

A good civil society in accordance with Paris cannot be viewed in Kosovo today. There is no direct propagation of hatred and violence, and no rejection of the liberal principle. The main goal among the people of Kosovo is rather the development of a modern democratic society in line with European standards. However, this perspective does not appear to include the idea of multi-ethnicity. There is an obvious polarization among ethnic affiliations, which increases the risk of fostering ethnic entrepreneurs. There have been few, if any, developments of cross-factional social groups. One reason might be the harsh fragmentation of the society itself. The population in Kosovo is almost totally separated with no inter-communal interaction, particularly between Serbs and Albanians. The current society is stable, although fragile and divided. The conclusion is thus that the state-builders have failed in order to encourage the development of a good multi-ethnic civil society in Kosovo.

3.1.3 Democratic and Political Deficit: The Issue of Legitimacy

One of the central problems for transitional societies, and particularly in protectorates such as Kosovo, is the issue of legitimacy. The local governments need to meet up with both the demands posed by the international community and the wishes addressed by their voters, simultaneously as they are lacking the authoritative power. It is a significant concern for the state-building process in order to achieve the goal of the liberal peace theory.

When UNMIK took over the control in Kosovo after the conflict, the post of the Special Representative of the Secretary General (SRSG) was established as chief of the mission. The tasks of the SRSG include the responsibility of implementing civilian aspects of the agreement ending the war (Freedom House, 2005:770). However, after almost seven years the SRSG still has the mandate to exercise extraordinary power, which is including the authority to override decisions. The problem with the post of the SRSG is not the authoritative power, it is rather the extent of this power and the occasion for where it is ought to be used. Neither of it have been clearly defined, nor well understood. As a consequence, the power sharing between UNMIK and the PISG becomes rather confusing, and with a constant shift in accountability. This leaves the Kosovo citizens with an unclear view of who is responsible for what (Balkan Commission, 2005:17).

The Eide report has noted that the institutional development has been undermined by a strong tendency among politicians to see themselves accountable

to their political parties rather than to their voters. Many appointments are made on the basis of political or clan affiliations, rather than on competence (Eide, 2005:2). Thus, as discussed above, the traditional clan structures also permeate the political institutions.

The absence of the Serb community from the political scene in Kosovo, due to the boycott of the 2004 elections, has increased the democracy deficit. Only the members of the Serb Civil Initiative took their seats in the assembly and are participating regularly. The seats to the assembly and other positions in the PISG are allocated by quotas and have reserved seats for minorities. On the account of the Serb absence from the political institutions in Kosovo the promotion of the legitimate Kosovo Serb interests have been hampered. Neither has the PISG nor the majority media made satisfactory efforts in facilitating the Kosovo Serb participation back into the political process (EC, 2005b:9). In turn, the Serb parallel structures have increased and are reinforced by the support and assistance of Belgrade, although unaccountable to the Kosovo institutional framework.

The PISG does not appear to function as a puppet government to UNMIK as Ignatieff predicted as a major risk, but at the same time causes the undefined powers of the SRSG as well as the power sharing confusion and loss of accountability. The tendency of political leaders to find themselves accountable to their parties rather than to their voters enhances the risk of increasing distrust among the voters.

3.2 Towards Final Status

Kosovo and the whole region of the Western Balkans are facing major challenges in the coming period regarding their future prospects. It will be depending on the Kosovo status process and the constitutional arrangements of Serbia and Montenegro. If these issues are handled successfully it could open the way for a rapid progress. A failure could possibly entail serious consequences for all the countries concerned, as well as for the region as a whole, and for European security (EC, 2006:3).

The approach of the international community on the issue of final status has, up to recently, been characterized by a “standards before status” policy, which demanded the political leaders of Kosovo and the society overall to make significant improvements in areas such as democratization, minority rights, the respect for the rule of law, and respect for neighbouring states. However, the aftermath of the violent events in 2004 and the failure of bringing the Serb community back to political participation in the assembly have brought new uncertainties upon the future of Kosovo. Therefore, the approach of the international community has been reconsidered and a quick move toward final status negotiations appears to be the necessary solution (Freedom House, 2005:769-770).

The international community has declared four parameters for any settlement of Kosovo’s final status, which are “no return of Kosovo to Serbian rule”; “no

immediate full sovereignty for Kosovo”; “no partition of it”; and “no mergers, for example, of Kosovo and Albania” (Pond, 2005:23).

The Balkan Commission sees the determination of Kosovo’s status as tremendously urgent in order to move the province from a status quo condition, and thereby the whole state-building process forward. Independency is regarded as the only possible outcome, although conditional. They suggest Kosovo’s independence to be achieved in four stages: first, the stage of “a de facto separation from Serbia”; second, “independence without full sovereignty”; third, a “guided sovereignty”; and finally, “full and shared sovereignty” which will be marked by Kosovo entering the EU under an agreed consensus among all member states (Balkan Commission, 2005:20-22).

For the time being the Kosovo Albanians demand nothing less than instant and full independence (Pond, 2005:31). They believe that the final status process offers the opportunity to get out of the Serbian rule for good. Therefore, the outcome of the process needs to be well defined (ICG, 2006:17). On the other hand, Belgrade will not accept any form of independence for Kosovo. The Serbian budgeted proposal offers “more than autonomy, less than independence” (Pond, 2005:31). They will try to delay the determination of independency indefinitely or entirely during the negotiation process, and take advantage of the ambiguity of resolution 1244 in order to separate Serb-associated territories from a direct Albanian control (ICG, 2006:21).

Therefore, the negotiation process toward a determination of Kosovo’s status should be moved with great caution. It is vital that all parts involved are brought and kept together throughout the whole process. The outcome of the status process must be stable and sustainable. Once the process has started it is irrevocable and cannot be blocked. The process must be brought to a conclusion (Eide, 2005:4-5). Keeping Belgrade on board the status negotiations will be one of the key priorities for the mediators and the greatest challenge. The international community is reluctant to impose solution that all parts do not agree on (ICG, 2006:13). In order to compensate Serbia for a possible loss of Kosovo they are in need of incentives, for example, integration into the Euro-Atlantic framework and cooperation (Eide, 2005:5). If Belgrade does not accept or recognize the conclusion of the status, the same integration should be blocked, which would serve as a punishment for lack of cooperativeness (ICG, 2006:12). Such a method is suggested by Paris. From this perspective Serbia does not really have any options, and one can consider if it is a fair approach or not. The Kosovo Albanians also have to make efforts in order to obtain an auspicious solution for all parts. The Albanian negotiation team should offer a package of rights for the Serb community as well as for other minorities (ICG, 2006:30).

The leverage of the UN should be switched to the EU once the status process has reached a conclusion. The EU should shoulder the responsibility of making the settlement work (ICG, 2006:14).

A status of conditional independence for Kosovo means entering the second stage of an international presence (ibid: 14). A new, more intrusive, transitional interim administration needs to be considered for the north, in the Mitrovica area (ibid: 28), and an arrangement of a High Representative (or a similar post) for

Kosovo anchored in the EU (Eide, 2005:5). Although, any new international mission “should desirably be based on agreements with the new state and preferable founded in its constitution”, and its presence should be mandated on fewer powers (ICG, 2006:i).

3.3 EU-Membership: The Carrot of Mirage?

According to the European Union’s self-evaluation, the EU is the future prospect to the whole region of the Western Balkans, including Kosovo. The EU has taken an active part in the state-building process in Kosovo in order to facilitate the progress towards a democratic and multi-ethnic society.

By making the European perspective of Kosovo more tangible, the [European] Commission can make an important political contribution to resolving outstanding issues and ensuring the stability of the whole region. The Commission has developed instruments of proven effectiveness during the pre-accession and enlargement process. This experience should be used to help Kosovo achieve the future [...] and to ensure that the same standards are applied across the region. (EC, 2005c:2)

With the implementation of the Thessaloniki Agenda⁸ in 2003, the European Union confirmed all the Western Balkan countries, including Kosovo under the resolution 1244, as potential candidates. The Thessaloniki Agenda provides the framework for the European course for these countries all the way to an eventual future accession to the EU (EC, 2006:4). In order to approach European standards the EU has initiated required implementations on certain issues. The countries of the Western Balkan are also offered to participate in community programmes and agencies in order to learn and get used to the European agenda (ibid).

The question is, though, does the rhetoric commitments of the EU coincide with the commitments exposed in its practises? Knoll argues that Kosovo’s obligation to gradually bring its legislations and institutions into the line with the European mainstream is a difficult achievement, since Kosovo’s political institutions are demanded to meet standards beyond their control, which is rather under the control of UNMIK and Serbia (Knoll, 2005:641).

3.3.1 From State-Building to Member-State Building

Kosovo has succeeded to complete the first stage of state-building. This includes the comprehensive material and institutional reconstruction that has restored the stability in Kosovo in line with the liberal peace theory. It is therefore time to

⁸ For more details on the Thessaloniki Agenda and its commitments see:
<http://europa.eu.int/comm/enlargement/see/ded1.htm>

move on to the second stage of state-building, which is turning Kosovo into an effective state (Knaus – Cox, 2005:48).

The EU has declared that all the countries of the Western Balkans share “a common European destination”. However, the authoritarian state-building model currently applied on Kosovo differs significantly to the model of member-state building applied on the EU-candidate countries Bulgaria and Romania. The two models have the same goal, which is to establish liberal market democracy in line with European mainstream, but they differ in the methods of reaching this goal, thus produce very different results (ibid: 40-41). In protectorates, such as Kosovo, aid is constantly declining over time of progress, while it is accelerating in the case of candidate countries as they are preparing for EU’s cohesion policies. In member-state building processes the focus is on information and analysis, aiming to build an accurate evaluation of the conditions in the country. This is neglected in the authoritarian state-building model. For example, no census has been carried out in Kosovo for decades. How can a government possibly carry out credible policies in the areas of health and education services, for example, if it cannot make correct estimations of its population (ibid: 48)?

Knaus and Cox argue that Kosovo has been provided with the wrong toolkit in order to be able to develop in a sound direction (ibid: 49). The authoritarian state-building model does not function in preparing Kosovo for the accession process towards the EU. What Kosovo really needs is “a form of international assistance that builds, rather than substitutes for, domestic capacity”. If the state-building model of today prevails Kosovo is running the risk of becoming a European ghetto. Therefore, the structures in Kosovo should be replaced by structures of European enlargement that has been applied upon the candidates. Finally, the conclusion is thus that the protectorate in Kosovo should be brought to an end, and that the EU should shift its engagement into member-state building. The offer of becoming a full member would be the only incentive for Kosovo to activate real domestic engagement in the state-building process (ibid: 51-52).

4 Conclusion

The purpose of this thesis has been to examine the future prospects of Kosovo in the context of the final status and focus on which direction the state-building mission is heading, within the framework of a modified version of the liberal peace theory, i.e. the IBL strategy. This strategy aims at transforming war-shattered societies into liberal market democracy, but where institutionalization is prior to liberalization. The main question of this thesis has been whether the state-building mission can be regarded a success or a failure.

Wait until conditions are ripe for election – elections as focal points for harmful competition

The first elections in Kosovo were held two years after the establishment of the interim administration. With regards to the current political composition one can assert that this decision was taken before the conditions were ripe. The polarization among ethnic lines has been perpetuated. The Albanian majority is dominating the political scene due to the Serb refusal of participation. This boycott was a respond to the violent events in 2004, which demonstrates that a stable and sustainable peace has not yet been achieved. The elections have also fostered harmful competition among the political leader, at least among the Albanians. Politicians have been accused of corruption and for involvement in assassinations of political opponents.

Design electoral systems that reward moderation – ethnic entrepreneurs

The design of the electoral system does not encourage moderation in line with the IBL strategy in order to consolidate stability and compliance. However, the current design derives from the constitutional framework that was shaped in order to bring the conflict to an end. The power of those political elites that emerged during the conflict has been reinforced. Although no one is explicitly advocating hatred and violence against other groups of the society small efforts have been made in order to promote participation and multi-ethnicity. UNMIK can therefore not be considered as capable of decreasing the space of ethnic entrepreneurs. In this context the government in Belgrade also plays a vital role since they are sustaining and supporting the parallel structures and opposes Serb participation in the PISG. One positive remark, though, is that the former Prime Minister Haradinaj voluntarily surrendered for The Hague and that his indictment did not cause any unrest among Albanians. His approach can render influential affects on the political and social life at large and should therefore be rewarded.

Promote good civil society – bad civil society

There is a clear tendency that the promotion of a good civil society in Kosovo has failed. Kosovo is deeply divided and fragmented in all aspects and there are few, if any, cross-cutting social groups or networks. The encouragement of

political participation has rather fostered polarization and intolerance, although not necessarily in explicit expressions like violent actions, for example. The Albanian majority is dominating most parts of Kosovo, while the majority of the Serbs live in scattered enclaves restricted in movements due to the lack of security. The Serb boycott of the elections together with the parallel structures has increased their marginalization. The conditions for many other minorities are also severe. Another remark is that the Albanian traditional clan society still has a functional role, which does not coincide well with the standards promoted by UNMIK. Finally, UNMIK has been reluctant to exercise efficient measures in order to achieve and maintain a good multi-ethnic civil society.

Legitimacy

The issue of legitimacy is clearly relevant for the case of Kosovo. The mandated power of the interim administration chief, the SRSG, can be questionable since the extent and its use have not been well defined. This makes the power sharing with PISG rather confusing since the accountability is constantly shifting. Though, the main issue of political and democratic deficit regards the absence of the Serb community from the political scene in Kosovo. Since there is almost no Serb participation their legitimate interests can thus not be promoted. They rely on Belgrade and the parallel structures, which are unaccountable to the institutional framework in Kosovo. The PISG does not appear to be a puppet government of UNMIK, although its power is limited. The problem is, though, that many politicians see themselves accountable to their parties rather than to their voters which can enhance the distrust among the people.

The conclusion is thus that, in this regard, the state-building process is heading towards a pathological outcome, which impedes the actual goal of the liberalization. This result can be perceived as terrifying. However, there are some positive proposals for the future prospects.

4.1 Future Prospects

The major obstacle for a further state-building progress is embedded in the ambiguous resolution 1244. It does not define the status of the province. It confirms Yugoslavia's, a state that does not even exist any longer, sovereignty over Kosovo, simultaneously as it affirms substantial autonomy within Yugoslavia for the people of Kosovo. This lays the foundation for vague and doubtful interpretations, which can be manipulated in order to claim territorial rights. This has been observed in the Serbian case as well as in the Albanian. Further, the resolution mandated the international mission with a "wait and see" approach, which is today reinforcing a status quo. In order to overcome the status quo and move the process forward the final status must be determined. Neither of the involved parts appear to be willing to change or make any further efforts until final status have been agreed upon, no matter the form. The most likely outcome

of a final status process appears to be conditional independence with a continued international presence.

After the status has been determined Kosovo needs to advance to a second stage of state-building in order to move forward, which would turn the province into an effective state where the EU plays the key role. The state-builders have been provided with the wrong toolkit for preparing Kosovo for a possible accession process towards the EU. The authoritarian state-building model, which makes up Kosovo as a protectorate, should be replaced by a member-state building model guided by the EU. The real offer of a full membership would be the only incentive for Kosovo to achieve full institutionalization and to activate real domestic engagement in the state-building process.

Even though Paris argues that the process towards liberalization should not be invoked too quickly it is important that Kosovo develops in line with its neighbours, although with caution and awareness. Otherwise, Kosovo runs the risk of falling behind and becoming a European ghetto in the middle of an integrated continent, which can destabilize the whole region again. Thus Kosovo needs a status, a new state-building model, and to be absorbed into the European mainstream, although with a continued international presence, in order to succeed.

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