

Nationbuilding as Peacebuilding: Racing to Define the Kosovar

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Nationbuilding – (re)building a sense of community within a polity – can contribute towards peacebuilding. This article examines how the ambition to reduce the salience of ethnic identities and stimulate new integrative ones in Kosovo has figured in the international post-war reconstruction efforts. A number of arenas are surveyed – where contacts could emerge to break the present pattern of segregation and mistrust. In assessing the success thus far of international efforts to promote multi-ethnicity in Kosovo, the article contends that a mixed record of achievement is evident.

NATO's war against the Milošević regime in 1999 was set off by discrimination and ethnic cleansing against Kosovo's Albanian population. Since the war ended, sustaining multi-ethnicity has become a prime ambition of the post-war international administration. History's assessment of the war – and quite possibly the future stability of the Balkans – will depend on the success of these efforts.

A basic premise of this article is that nationbuilding can be a tool for reconciliation and peacebuilding after ethnic conflict, by means of softening ethnic divisions that have hardened during the conflict. A melting together of ethnic groups in this situation is unimaginable, but a gradual development of shared interests and experiences, that could build new bonds across ethnic boundaries, is not. From this premise springs the aim of the article: to examine how the ambition to reduce the salience of ethnic identities, and stimulate new, integrative ones, has figured in the reconstruction efforts in post-war Kosovo (as of summer 2003), and to address the question of how successful these efforts have so far been.¹ While the ambition of multi-ethnicity has been present in many endeavours of the international administration, it will be argued here that the rate of success varies significantly between different arenas.

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In much of the discourse on military intervention, 'nationbuilding' has become the catch-all phrase for a wide span of activities after and beyond the employment of military force. In particular, activities such as the building of political institutions, strengthening of civil society, and holding of elections are seen as belonging in this category. In this article, the term *statebuilding* is used to describe such activities.² The term nationbuilding is used more specifically for the efforts and/or process of (re)building a sense of community within the population of a polity. *Inclusive* and *exclusive* nationbuilding are also distinguished here. Inclusive nationbuilding describes efforts or processes that are encompassing several or all ethnic groups of the polity, whereas exclusive nationbuilding describes such efforts or processes taking place among only a few people or one ethnic group, with others being kept outside.³

The idea of 'building' suggests action – people are employed, working, using tools. Nothing – including nations some might add – is built by itself. However, agents for nationbuilding can be not only *people* (politicians, intellectuals), but also *structures* ('efforts and/or processes'). Identities take shape, for example, within borders and around institutions. However, there is not always a clear boundary between the categories, as institutions are sometimes created with a specific form in order to facilitate nationbuilding. In this context, we should also make the distinction that actions, or policies, can be consciously *intended* to have a nationbuilding function. At the same time, actions may serve such a function unintentionally, while policies with that as its prime intent may well fail.

Nationbuilding in Kosovo that encompasses not only the Albanians (inclusive nationbuilding) may seem far-fetched since majority and minority members barely come close enough to talk anymore. However, it is useful to see nationbuilding as a wider span of processes than what normally occurs. In such a perspective a sense of community among citizens may be virtually absent, but there may nevertheless be structures and policies at play facilitating its development. Thus, the spectrum of nationbuilding policies may be seen as spanning from facilitation of refugee returns and creating security for minority members, to the facilitation of inter-ethnic contacts, to developing common interests, loyalty to (and even pride in) the same institutions. At the other end of the spectrum, we can envisage processes that maintain the bonds between individuals who already feel a deep sense of community. This argument follows from the widely accepted notion that every individual has many identities. Some span wider than others, and the different identities do not necessarily overlap much.

Historically, it is clear that the homogenization of culture within the borders of a state has often driven the development of national identity. Anything that would imply shared interests or shared experiences could serve such as potential nationbuilding mechanisms or tools. Shared interests could be economic benefit in micro-level inter-ethnic economic transactions, or bringing growth into the national economy on a macro-level. Shared experiences could be uniform media exposure, military service, celebrating the same holidays, cheering the 'national' sports stars, relating to the same political and administrative authorities, and so on. Over time, the aggregate effect may produce a solid, common sense of unity.⁴

At present, due to physical segregation and a high level of mistrust, Kosovo has a limited number of arenas where shared interests and experiences may occur. Yet the 'internationals' (a term often used for foreign staff in international organizations) are striving to create them. This article now proceeds to discuss the methods and structures of nationbuilding that the internationals are using to break the present pattern of segregation and mistrust. We begin with the most fundamental requirement for interaction – refugee return – and the ways that interaction and common interests and experiences are forged.

Overview: Post-war Status of Inter-ethnic Relations

Both Albanians and Serbs in Kosovo would agree that relations between the two groups were not close even before the Milošević regime, and that impression is confirmed by scholarly findings.⁵ While there was a history of separate lives, and occurrences of ethnic violence at several times since the Second World War, relations grew significantly more tense as Slobodan Milošević was elected Serbia's party leader in 1987 and turned to Serbian nationalism for support. A turning-point was the abolition of Kosovo's autonomous status within Serbia in 1989. For several years, the Albanians' response to increasing oppression was non-violence. Rather than confronting the Serbian authorities' human rights violations head-on, the Albanians developed parallel structures of education, welfare, taxation, and even political representation, with a president (Ibrahim Rugova) and a parliament being illegally elected. The lack of progress by the non-violent line, and the fact that Kosovo was not addressed in the 1995 Dayton peace accords, caused a radicalization among young Albanians. In 1996, the Kosovo Liberation Army (KLA) made its first guerrilla attacks. This violence in turn caused yet harsher repression and excesses by the Serbian authorities (and was in part intended to have that effect.)⁶

In 1998, the Serbian authorities first initiated what may be described as a policy of ethnic cleansing, causing a first wave of Albanian refugees. During the 78 days of war in 1999, the repression culminated in a killing spree by which Yugoslav and Serbian forces drove an estimated 863,000 Albanians out of Kosovo, and several hundred thousands more were displaced within Kosovo. All in all, 90 per cent of Albanians were displaced from their homes. The material destruction was immense: 120,000 houses were damaged (up to 40–50,000 of them completely destroyed); 750 schools out of some 1,200 were damaged or destroyed.⁷ As Human Rights Watch concluded, the expulsion of Albanians ‘was well organized, which suggests that it had been planned in advance’.⁸ The organization’s own statistical analysis revealed killing patterns that further testified to the ‘systematic nature’ of the government’s campaign.⁹ The final death toll within Kosovo itself is contested, but by the end of 1999 the International Criminal Tribunal for Former Yugoslavia (ICTY) had exhumed 2,730 bodies from war grave sites,¹⁰ and by mid-2003 some 3,600 people from all ethnic groups were still unaccounted for.¹¹

While the war was still not over, and returns of the hundreds of thousands of Kosovo Albanian refugees had not yet begun, Serbs and Roma began to leave Kosovo for Serbia and Montenegro. Simultaneously, other minority members moved within Kosovo; some into Serb-dominated areas that would turn into enclaves, and others towards the north, with Mitrovica’s Ibar river as the main line dividing them from the Albanian population. The Serbs and Roma escaped in anticipation of revenge attacks, and such attacks came – if anything more brutal and larger in scale than feared by the new international authorities. Initially, the international presence failed to stop much of this violence. Soon, however, minority protection rose to the top of the internationals’ agenda. By the end of July 1999 the UNHCR reported that 155,000 non-Albanians (mostly Serb and Roma) had been displaced from Kosovo to Serbia, and another 23,000 to Montenegro. The great majority of these had left after the NATO air campaign ended; some 50,000 of the internally displaced persons (IDPs) in Serbia had arrived during the six months before that happened.¹² In August 1999, within two months of the war ending, Human Rights Watch documented a ‘wave of arson and looting’ of Serb and Roma homes throughout Kosovo, harassment and intimidation, as well as ‘a spate of abductions and murders’.¹³

By the end of 2001, there were 201,641 persons registered as displaced from Kosovo in Serbia-proper, and 29,451 in Montenegro. Among these were some 186,000 Serbs, and 45,000 Roma, Ashkhali and Egyptians (RAE). Some 46,000 were displaced within Kosovo itself. An estimated 100,000 Serbs and an undetermined number of

RAE remained in Kosovo.¹⁴ The Serbs (and Roma) who remained live mostly in a crescent of village enclaves just north and west of Pristina (in 2000 estimated at 27,000 people), and in north Mitrovica and in municipalities north of that city (100,000 people).¹⁵ In the capital, Pristina, with a pre-war population of some 40,000 Serbs, fewer than 300 remain, concentrated in a few apartment blocks.

Since the war several international organizations have documented a gradual decrease in violence against minorities, but also noted that this must be partly explained by the migration and segregation that has taken place. Life for minorities is marked by exclusion and fewer opportunities. In Albanian areas optimism is substantial and the economy is expanding from reconstruction funds, but enclaves are depressed and show dubious prospects of long-term viability. In the northern areas bordering on Serbia, the sense of relative security and loyalty is gained at the price of fewer public services and only limited access to international funds. In spring 2002 the UNHCR/OSCE assessment of minorities' situation in Kosovo concluded that problems still existed that 'continue to make the day-to-day life of many members of minority communities extremely precarious.'¹⁶ A year later, in March 2003 the assessment noted 'a limited increase in the level of security in some areas for minority communities'. Encouraging signs were detected in the gradual decrease in ethnically motivated crime, the removal of KFOR checkpoints and the adoption of more flexible and less intrusive security arrangements, as well as increased minority representation in the Kosovo Police Service (KPS) and the judiciary. But the assessment still found that minorities 'continue to face varying degrees of harassment, intimidation and provocation, as well as limited freedom of movement.'¹⁷

Geography plays a part in determining minorities' attitude towards the interim administration in Kosovo. The Serbs living in southern enclaves depend on the protection of KFOR and cannot hope for an eventual re-unification with Serbia to solve their problems. Thus, they are also more inclined to cooperate with the UN Mission in Kosovo (UNMIK), and to participate in elections. In contrast, radical nationalists are able to set the tone for politics in North Mitrovica and the other northern municipalities. Fuelled by Belgrade money and rhetoric, and having an eventual *de jure* division of Kosovo as a fall-back plan, they can afford to be more assertive. The interim administration and KFOR have yet to assume full control in the northern areas. Public services financed by Serbia continue to exist in 'parallel structures', in direct violation of Security Council resolution 1244 and the UNMIK—FRY Common Document of November 2001. Most worryingly, those include law enforcement forces and courts. In some fields, such as

health care and schooling, such services address needs caused by discrimination and exclusion, but they also serve to uphold a system of secondary services, and perpetuate the isolation of the minorities.

Mitrovica is where the Albanian goal of unifying Kosovo clashes with Serbia's efforts to maintain its influence in the North, with the long-term goal of partitioning Kosovo. North Mitrovica is one of the most ethnically heterogeneous areas of Kosovo today,¹⁸ but the figures of ethnic co-existence do not testify to harmonious relations. In areas where Albanians are a minority, the concerns about security and freedom of movement are very similar to those for the non-Albanian minority communities.¹⁹ In Mitrovica the existence of the Bridge Watchers, a group of Serb extremists who also double as a local police force of sorts, still highlights the limits of the international jurisdiction north of the Ibar river. They not only survey the the Ibar bridge and intimidate any Albanian or Serb who might cross it, they prevent moderate forces from voicing their views, and ordinary citizens from cooperating with the interim administration. In November 2001, they were reported to have prevented many from participating in the elections.²⁰ Scant progress was made when Kosovo held municipal elections in October 2002. A nationalist mobilization once again cancelled international efforts – including a direct appeal from both the UN Security Council and the UN General Secretary, Kofi Annan – to secure participation, especially of Serbs.²¹

The Struggle for a Multi-ethnic Kosovo

The relationship between ethnic groups was not touched upon specifically in resolution 1244 of 10 June 1999, which remains the fundamental mandate for the international post-war presence in Kosovo. Its main pre-occupation was with the restoration of order and security, and the return of refugees and IDPs. Soon, however, the conditions for minorities became a major focus for the international administration. On 1 July 1999, for instance, the OSCE Permanent Council decided that the OSCE mission would 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 individual are fully and equally respected.'²² Since then, these ambitions have been at the forefront of the policy priorities of the international administration of Kosovo, and they have determined policies in fields ranging from repatriation to elections, media issues and legal reform. For the international administration, it has become essential to prevent the consolidation of the vision of the territory as being the homeland of only one people – the Kosovo Albanians.

While the international community can be criticized for many decisions over Kosovo, and for lack of success in various endeavours, it is difficult to deny that since 1999 the interim administration has poured much effort into securing the multi-ethnic character of Kosovo. It was a question of reversing powerful trends: two thirds of the Serbs and possibly an even greater proportion of the Roma had already left, while yet more were displaced within Kosovo, and a system of enclaves and isolation was fast taking shape. The destruction of historical monuments and churches and desecration of cemeteries was erasing evidence of Serb history in Kosovo,²³ and the violence against Serbs and destruction of their property was making life there impossible. KFOR units found themselves witnessing the violence and destruction and were taken aback by the fierceness of it, did not trust that they could intervene safely, and on occasions the only orders they received were not to intervene.

One year after the NATO military campaign, the options in Kosovo had seemingly 'narrowed to policy failure (abandon the dream of a multi-ethnic society living peacefully together) or policy disaster (defeat at the hands of sullen and resentful Serbs and increasingly hostile Albanians waging a guerrilla war of independence).'²⁴ A final judgment on NATO's war and the post-war international involvement will depend on whether Kosovo survives as a multi-ethnic society. The war was justified as a response to emerging ethnic cleansing, and unless the reverse cleansing is corrected, the mission will be deemed a failure. The allies 'cannot afford to compromise' on the issue of minority protection, writes Dana H. Allin; not only would the emergence of a Serb-free Kosovo constitute 'a moral defeat'; in political terms it would be an entity that NATO governments in the long run would find it difficult to defend with military force.²⁵ In the words of the Special Representative of the UN Secretary-General (SRSG) until July 2003 Michael Steiner: 'We came to Kosovo to protect human rights and we cannot allow this country to become monoethnic'.²⁶ The danger, pointed out by Thakur and Schnabel, of a 'policy disaster' seems to have been diminished greatly.²⁷ But is it realistic to hope for a return to the co-existence of the pre-Milošević era, or even to go beyond to a new level of integration? The article now discusses the arenas where inclusive identities may be promoted – or counteracted.

Accomplishing Returns

With a minority population of less than 20 per cent before the war Kosovo was already more ethnically homogenous than most states. One can argue that a multi-ethnic Kosovo is an unrealistic dream – and was so even before the war that led to a reduction of the Serb

population by two thirds, and the Roma by even more. But it is also the case that the future Kosovo could be accommodating to the small ethnic minorities that remain. Multi-ethnicity is not only about numbers. Nevertheless, refugee returns are a fundamental requirement for upholding Kosovo as a multi-ethnic society. Experience in the 1990s shows that successful refugee returns are far fewer than lasting violence-induced demographic changes. The new demography is consolidated on many levels. Houses that have been left are destroyed or taken over by others, new social networks are created, work opportunities disappear – and international attention shifts elsewhere. The experience of refugee workers is that as time passes, the elderly make up a larger share of those who do return.²⁸ The young, and in particular those with resources that create opportunities elsewhere, will be less likely to return.

Even if large-scale returns eventuate, the radical difference in birth rates between ethnic groups would serve to keep the Albanian proportion of the population increasing. Kosovo has had a dramatic demographic development in the decades since the Second World War. The growth rate of the population was high throughout this period, increasing the total population from 733,820 in 1948 to an estimated 1,956,196 in 1991 (when the Albanian population boycotted that census), from a combination of a continuously high (albeit falling) fertility rate, and a falling mortality rate. The Albanian population has had a particularly high birth rate, which has brought its share of the population even higher in relative terms: as late as 1953 it was 65 per cent, whereas in 1991 it had increased to 82 per cent.²⁹ The Serb share of the population has fallen similarly. In 1961 it was still 24 per cent, while in 1991 it was down to 10 per cent (Albanian estimate: 8 per cent³⁰). The number of Serbs in this period fell, from 227,160 to 194,190. The Roma population has increased even more impressively than the Albanian. In 1948, Kosovo had 11,230 Roma; in 1961, it was down to only 3,202; but by 1991 it had climbed up to 45,745 (2 per cent of the total population). Consequently Kosovo today has by far the youngest population in Europe.³¹

Most agencies agree that the wish to return to Kosovo is still strong among the Serb refugees, not least in the light of the precarious life they presently endure in Serbia. Despite this the number of actual returns has been minimal, hardly aggregating 2,000 for the years 2000 and 2001, though some 3,500 returned during 2002.³² The issue is identified as a top priority by the interim administration and the UN Security Council, whose mission to Kosovo and Belgrade in late 2002 reported: 'Nothing is more important than a demonstrated commitment to multi-ethnicity, not only in words but also in deeds'.³³

Since security concerns are still acute, personal contact between members of the different groups is rare. Serbs living in an enclave like Gracanica have been going all the way to Serbia, even Belgrade, in KFOR 'shuttles', to do their shopping. Shuttles have also been the solution for schooling and for the few adults who work in Albanian-dominated areas. Shuttling has been reduced significantly by KFOR, without major security incidents, but the sense of insecurity among minorities remains high. The UNHCR/OSCE assessment found that changes made are 'not yet fundamental enough to conclude that conditions would exist for large scale return of ethnic minorities in the near future'.³⁴

Dealing with the issue of parallel structures is a pertinent part of the nationbuilding project for a multi-ethnic Kosovo. But because they are subject to harassment and alienation, the Serbs, and in particular those residing in the north of Kosovo, turn to Belgrade rather than to Pristina for protection. On a day-to-day basis the Serbs in the enclaves rely on KFOR, and their identification with Belgrade may be less solid. But the fact that most Serbs identify more with Serbia than with Kosovo – coupled with the lack of clarity over Kosovo's future status – is preventing the idea of a multi-ethnic, integrated Kosovo from taking root. This effect is also seen on the Albanian side, where the Serbs are perceived as being disloyal and resisting the consolidation of an independent Kosovo.

The unsolved status issue may well be part of the problem, in particular with regard to refugee returns. Serbs outside of (south) Kosovo might want to return to their place of origin if Kosovo remains part of Serbia and Montenegro, but not if it becomes independent. In any case, those considering returning would want to know the outcome before they made a decision. Most Albanians on their part seem to agree that having a minority population is a price well worth paying if that is what it takes to gain independence. What they do not want, however, is to have minorities returning that could soon afterwards be used as Serbia's demographic argument against independence.

Political Representation: Ethnic Sgendas

If the majority and minority parties do not talk or work together, can they be forced to do so? A prime policy of the interim administration has been to establish a new political system in Kosovo that is not only representative of the majority but also takes minority interests into consideration. Since all parties in Kosovo are presently ethnic in leadership and support, any 'majority' or even 'two-thirds' rule would mean that the ethnic minorities would be overrun.³⁵

By late 2001, both municipal assemblies, a Kosovo assembly, and a presidency had been elected. On 17 November 2001, elections preceded the creation of new Provisional Institutions of Self-Government (PISG), counting both an assembly and an executive. The aim of securing minority representation and balancing majority preferences has determined the character of these. Kosovars elected a national assembly of 120 seats, 20 of which were reserved for minorities – ten for Serbs and ten for other ethnic groups (Roma, Ashkali, Egyptian, Bosniak, Turkish or Gorani). In order to encourage minority representation, this minimum – which already represented a numerical overrepresentation compared to their share of the population – was guaranteed even in the case of a minority boycott. This meant that minority parties would be tempted to break out of any attempt at a concerted boycott.³⁶ When the assembly is complete, it elects a president who selects a prime minister, who thereafter composes the government. The assembly has a seven-member presidency (as well as a President of the Assembly), counting two representatives of the two largest parties, one from the third largest party, as well as one Serb and one non-Serb minority representative. A further regulation of over-representation and balancing affects the creation of the government: two ministerial posts shall be held by minority members, one of them Serb.

From a nationbuilding perspective, this policy of over-representation makes sense. At the least it avoids the further alienation that would occur if Kosovo got a permanent all-Albanian assembly. If 'success' goes beyond preventing a worsening of the present situation, political inclusion could stimulate a sense of ownership of the new institutions on the part of Serbs, whereby their politicians are gradually co-opted into the process. In this sense UNMIK and the OSCE are navigating between a negative goal – to prevent the present, exclusionist order from consolidating, and a positive one – to actively integrate and build a sense of community across ethnic boundaries. Thus far, the record is mixed. The Serb population appears to be divided equally between opting to participate in Kosovo elections and doing so in Serbian elections. The former category, which is more represented in the enclaves, votes for parties within the Coalition Return. The other category, more represented in the north, gives a large proportion of its votes to hardliners in Belgrade: In September 2002, 57.2 per cent of Kosovar Serbs participating in the first round of the Serbian presidential elections voted for Vojislav Seselj.³⁷

Since the 2001 elections, the Kosovo Assembly has counted as many as 35 minority representatives among its 120 members, among them 22 from the Serb multiparty Coalition Povratak (return).³⁸ Minorities,

then, are substantially over-represented in relation to their share of the population as a whole. That does not mean that they are over-represented in influence, however. Politics is thoroughly ethnicized, and minority MPs are easily overrun. In assembly proceedings, both Serbs and Albanians have proved willing and able to provoke the other side. Serbs cause irritation among Albanians, for example, by using the politically charged term 'Kosmet' (for Kosovo and Metohija). Albanians alienate the Serbs (and irritate the SRSG) by not allowing the final status issue to rest.³⁹ Similarly, the presence of two minority members in the government does not mean that their integration is smooth: the Serb minister, heading the ministry of agriculture, has found himself isolated, with Albanians from the agriculture sector refusing to meet him.

While 'cooperation by coercion' may force representatives of different ethnic communities to work together, and even buy into the political process, an issue of great significance appears in the longer perspective. If inclusive nationbuilding in a hostile climate first needs to make people talk, its main ambition is to de-ethnicize politics because ethnicity is the dominant social marker. The UNMIK-directed electoral system reflects this – but may also serve to perpetuate it as in Bosnia where a similar ethnicized election system was part of the Dayton agreement. As yet there is scant progress in the efforts to reduce the significance of ethnicity in Bosnian politics, and many analysts consider the institutional framework to be one major hindrance.⁴⁰

Ethnic 'Army', Multi-ethnic Police

Local security institutions offer potential as arenas for ethnic integration, but in practice the 'army' and the police have come to play very different roles in this respect. While armed forces are justified by reference to present or potential threats, debates over the abolition of conscript armies in various countries tend to bring up arguments about the nation-building functions such armies serve in bringing together people of different backgrounds. In Kosovo, the KLA was coerced into signing a demilitarization agreement on 21 June 1999, to be replaced by the Kosovo Protection Corps (KPC), set up under international auspices. Within the KPC – which, in the words of Tim Judah remains 'to all intents and purposes [the KLA] in mothballs'⁴¹ – the sense of pride remains great, and myth making portrays the force as having defeated the Yugoslav forces virtually single-handed. There is no doubt that the KPC views itself as the future army of an independent Kosovo. Internationals, however, view it with scepticism. Cooperation with the KLA was never comfortable, and its successor is the one new institution that

does not fit comfortably into UNMIK's administration model.⁴² At the same, the internationals see the KPC as lacking strength (with only 3,000 active and 2,000 reserve members) and competence. It is not thoroughly trained, either as a military force or as the emergency corps it is currently meant to be.

More to the point for this discussion, the KPC is far from being a mechanism for inclusive nationbuilding. The force may still be a source of pride for some Kosovar Albanians and serve to integrate them in this shared view. On the other hand, with such a small number of servicemen, it cannot 'streamline' the young (male) population through training within the ranks. Furthermore, it has no function in bringing the majority and minority populations closer to each other. On the contrary, for all practical purposes it is closed to minority Kosovars. Serbs see the KPC as an actively exclusivist, even enemy force, whose logo is exactly as the KLA's with different lettering.⁴³

In contrast to the case of the KPC, the internationals consider the Kosovo Police Service (KPS) as a success story. As of mid-2003, the number of candidates, including many with minority backgrounds, who have passed through the Vucitrn police academy is 5,300, proving that 'multi-ethnicity is neither dead nor a pipe dream in Kosovo', according to William G. O'Neill. It is one of two institutions in Kosovo (the other being the fire department) where Albanians, Serbs, Roma, Turks and Muslim Slavs work (and live) together.⁴⁴ Ethnically mixed police patrols are now found in many areas of Kosovo, although they rarely patrol in the places of most tension such as Mitrovica, which is mainly patrolled by UN Police.⁴⁵ On the other hand, the KPS has an easier job in recruiting minority personnel in places such as Leposavic and Gnjilane, where conflict was never as fierce, and reconciliation has gone further.

Equality Before the Law

An essential part of the integration project is to increase mutual trust in law enforcement agencies. Indeed crime prevention would seem to be an obvious issue of shared interest across ethnic boundaries and thus an arena for inclusive nationbuilding. Citizens cannot enjoy living in a situation where violence and extortion are rampant. But in civil wars, crime is often ethnicized. Killing one's neighbour or stealing their property may be interpreted politically as an heroic act on behalf of one's ethnic group. In post-war Kosovo, crime has easily been ethnicized. Extortion rackets in north Mitrovica appear to be funding Serb radicals in the Bridge Watchers. Albanians elsewhere have forced Serbs at gunpoint to sell their houses in so-called 'strategic sales'.

UNMIK has gone to great lengths to counter legal processes which can be ethnicized, including posting observers at local court proceedings, and systematically (albeit not very successfully) recruiting Serb judges and prosecutors. However, the suspicions and prejudice that characterize inter-ethnic relations also still penetrate into the legal system. On the one hand, Albanians are concerned and upset that they might in future be tried by Serb judges who served during the Milošević era. On the other hand, Serbs have a well-founded suspicion of the new legal system. In mid-2000, OSCE investigators concluded that there was a 'growing tendency by both the judiciary and prosecutors to introduce ethnic bias to the detriment of the minorities into judicial proceedings.'⁴⁶ An independent analysis of the judicial system also highlighted the need for UNMIK to continue building local capacity of judicial personnel.⁴⁷

Part of integrating minorities in Kosovo is to convince them that there is equality before the law, and that the post-war order is not simply the victor's peace. One important step therefore is to bring to trial war crime suspects on the Albanian side. Until February 2003, only Serb suspects had been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY). That month, however, four Kosovo Albanians suspected of war crimes were arrested and extradited to The Hague.⁴⁸ This led to protests in the streets of Pristina, reminding UNMIK that there is a limit as to how far it can risk being re-interpreted by Albanians as an occupying force. The consolidation of myths about the war, together with any move towards statehood, would make such cases harder to pursue. On the other hand, the popularity of leaders and organizations is not static; already, former KLA leaders have lost a good deal of popularity and may be more vulnerable to indictment. In turn, even-handedness serves to modify the negative view of UNMIK held by Serbs, as well as by many in some neighbouring states. In a wider context, it connects to the original justification for NATO's intervention: the extensive violations of international law conducted by Yugoslav forces.

Breaking the Ice: Commercial Activities

In many post-conflict situations, commercial activities have been one of the most important arenas for ice-breaking contacts across ethnic boundaries. With infrastructure collapsed, there is often significant profit in re-opening trade channels. As a minimum of trust between the parties is necessary to conduct the transactions, business can be very important for normalizing relations even unintentionally.

Employment creation is the means most frequently cited by local informants to ease ethnic tensions. Unemployment is estimated at 56 per cent for the country as a whole,⁴⁹ higher for the minority enclaves. After the war, the bloated state sector – strongly dominated by Serbs – was cut dramatically. Consequently, there is no work to return to for those who left such jobs in 1999. The huge mining and industrial complex of Trepça outside Mitrovica was closed by UNMIK due to serious pollution problems and lack of profitability. Serbs and Albanians in Mitrovica informed me that; ‘if they could get production started again, we’d be happy to work together’. However, the labour market generally remains segregated, and minority members in enclaves are devoid of opportunities. Petty trade, small-scale agriculture and working for UNMIK or international NGOs are the main alternatives.⁵⁰

The need to create jobs was also identified by UNMIK, but successes in securing large investments from abroad have been rare. Kosovo Albanian politicians tend to explain this in terms of uncertainty about Kosovo’s future status. Other factors – corruption, security concerns, property legislation – would seem to count more, but politically the status issue is certainly significant. Probably the greatest single opportunity to direct investment into Kosovo is through the work of the Kosovo Trust Agency (KTA), created by UNMIK to privatize state property. Remarkably, this is not used as a channel to promote a multi-ethnic Kosovo: ‘It is a hyper-capitalist affair, and allows no room for a social or multi-ethnic dimension. UNMIK is missing a great opportunity’.⁵¹

In one significant step towards a more inclusive job market, the SRSG decided that ‘affirmative action’ rules would apply to state administration, along the same lines as govern electoral representation. A fairly broad range of minimum representation – 8–18 per cent – was established and written into laws. But administrative rules to implement the policy are required, and reaching these levels is difficult partly due to scepticism among the minorities themselves.⁵²

Minorities in a New ‘National Culture’

Although multi-ethnicity is not only about numbers, the overwhelming numerical dominance of Albanians has had a decisive influence on the discourse concerning Kosovo’s ‘national symbols’. Janusz Bugajski identifies three possible definitions of Kosovars: as a subdivision of the Albanian nation; as a separate and emerging nation; and as ‘a territorial-wide, state-wide, or citizen’s identity regardless of ethnicity’.⁵³ While the third option is clearly the closest to the multi-ethnicity that the international community is striving to facilitate, the main discourse privileges

the first two. During the campaign for the 2002 local elections, Rugova raised the stakes on the status issue by presenting proposals for both a Kosovo flag and a hymn. Proximity to Albania, and the need to distinguish Kosovo from that country, led the Democratic League of Kosovo (LDK) to take a civic perspective of sorts on these issues: 'We have our national symbol, which is a flag, the flag of Albania, but we have to have our state flag, a flag of the state of Kosova'.⁵⁴ In other words, a need to define nationality in a civic rather than ethnic sense has been identified. But it springs not from a wish to avoid alienating minorities, but from the presence of another ethnic Albanian state next door.⁵⁵

Efforts towards inclusive nationbuilding within the boundaries of Kosovo are also obstructed – indeed, *exclusive* nationbuilding is fostered – by outside agents. The trans-border Albanian nationalism of the guerrillas in the Presevo Valley and Macedonia challenge UNMIK's multi-ethnic vision. Their project is to unite all Albanian territories and define the new entity in purely ethnic Albanian terms. At the same time, Serbia continually presses its own vision of 'inclusion', which is also undermining efforts towards multi-ethnicity. Initiatives such as the creation of a Union of Serb Municipalities in northern Kosovo were aimed to prevent the consolidation of Kosovo and it has that effect not least because it upholds Albanians' view of the Serbs as a fifth column.⁵⁶

The language issue, a prime marker of ethnic differences, is another structural development working against inclusive nationbuilding. The changed ethnic relations since the war led to a shift that by itself will make integration of minorities more difficult. The pre-war imbalance, whereby Albanians learned Serbo-Croat while Serbs rarely had an extensive knowledge of Albanian, has shifted with young Albanians seeing little reason to learn Serbian any more. And the remaining Serbs have yet to acknowledge a need to learn the majority language properly. With Kosovo's population being the youngest in Europe, a situation could soon arise where the Albanian majority and Serb minority will no longer be able to communicate in each other's language. Instead, the young have incentives to learn English – the third official language in today's Kosovo – so that this could become the lingua franca.

The role of the mass media is often emphasized in analyses of modern nationbuilding. Print media and broadcasting have the potential to expose citizens to common impulses, and thus serve to integrate them both by means of actual content and by a shared experience. In Kosovo, however, the media do not serve this function across ethnic boundaries. The circulation of newspapers is very low (their combined circulation estimated at 30,000). For the minorities, there is neither a

market, audience or sufficient capacity to sustain their own press. UNMIK rewards media with a multi-ethnic profile, and has allocated a third of the licenses for radio and TV to Serbian-language outlets. The public broadcaster, Radio & TV Kosova, uses 15 per cent of its time on minority programming. In Mitrovica, there is collaboration between Radio Contact Plus in the north and Radio Mitrovica in the south. In Gnjilane, local Serb and Albanian radio stations have exchanged programme tapes. Despite these achievements, however, the overall picture remains one of separate worlds with ‘*de facto* media segregation’, according to the Kosovo Temporary Media Commissioner.⁵⁷

If interest in the other group is not present, shared interests may be used to bring together people from different ethnic groups. In September 2002, a Civil-Military Cooperation unit flew in Norwegian rock artists for a Viking Rock Festival at Kosovo Polje. All Serbian and Albanian news channels covered the event, which attracted a 3,000–6,000 ethnically mixed audience. The organizer reported that: ‘Across the stage we had a banner with the Beatles song title “Come Together – Right Now”, and we had a sort of Live Aid finish singing that song. It may sound tacky, but it came out very touching and powerful’. The same unit arranged a volleyball tournament in early 2003 which included Albanian, Serb and also mixed teams. ‘My impression is that it really doesn’t take a lot. But I’m very negative about an overly instrumental view of this work. A lot of people want things to happen very fast. But they don’t,’ explained the organizer.⁵⁸

Reconciliation: Time and Direction

In order to create the political conditions for multi-ethnicity, UNMIK was advised to ensure ‘buy-in’ from the Kosovo Albanian leadership.⁵⁹ What has been achieved so far in this interplay between internationals and the Kosovar Albanian political elite? It may be argued that many of the achievements in post-war Kosovo have sprung from local needs – for instance, there already existed a strong wish for proper elections to be held. This cannot be said about any buy-in regarding returns and minority rights. On the contrary; to have called for reconciliation in 1999–2000 would have been to confront the overwhelming public mood, and was potentially dangerous. But since then, actors ranging from Prime Minister Bajram Rexhepi to former KLA leader Hagim Thaçi publicly stated their support for reconciliation and returns. Rexhepi was particularly forthcoming when he visited the patriarchate of the Orthodox Church and spoke Serbian, and when briefed on the

problems in getting minority members to apply for state sector jobs he volunteered to go to Zvečan to encourage potential applicants.⁶⁰

Multi-ethnicity was from the start an issue kept on the political agenda by the internationals. For instance, the inter-agency Advisory Board on Communities was a purely international endeavour up until 2003. In the municipalities, there remained great variation in the extent to which standards were upheld, even though written into the laws. According to an international working on refugee issues: 'We have Municipality Working Groups for Returns, but we can't make local politicians participate. They don't dare. High politics just don't trickle down'.⁶¹

It remains an open question whether the buy-in by politicians in Pristina is mostly lip service paid to UNMIK. One touchstone will be the extradition to the ICTY in The Hague of Kosovo Albanians suspected of war crimes. Albanian politicians and prominent figures approve of cooperation with the Tribunal, but the extradition of four suspects in March 2003 brought sharp complaints from leading figures as 'a step against reconciliation'.⁶² On balance, it may be that a critical mass of obligation has been reached, and that policies will develop greater convergence with rhetoric. As an UNMIK spokesman remarked: 'At least, the politicians have learned the language of the international community. And, though sometimes under pressure, they are sending positive messages to the people'.⁶³

The words of a senior UN Police officer in Gnjilane sum up the need for time: 'I come from Northern Ireland. We've had 30 years, and we're still only feeling our way. People here in Kosovo are being pushed too fast'.⁶⁴ Others point to Bosnia as an example that things take time, noting that the salience of group identity in post-war Bosnia 'has not been markedly decreased in either the political or economic realms'.⁶⁵ The Bosnia example also points to the importance of the reconciliation process also having a direction: a future to aim for, as well as powers to bring society there.

In the case of Kosovo, the issues of time and direction are interconnected. Multi-ethnicity is a priority of the international community, and as such provides a sense of direction. Efforts such as those detailed in this article, as well as others, are meant to contribute to this. But will the window of opportunity close – and this is where time meets direction – when Kosovo's final status is decided? At present, the most likely outcome of the status issue is independence for Kosovo (the status for the northern part being less certain). One can imagine that independence would reduce the outside influence on Kosovo's development, that refugee returns would cease, and that the conditions for minorities would grow worse.

A more optimistic perspective would hold that politicians' commitments to multi-ethnicity have reached a point where they can be trusted to protect their minorities. Indeed, Alexandros Yannis challenges the static framing of the Kosovo issue by identifying a 'competition over democracy' between Belgrade and Pristina starting in October 2000.⁶⁶ And Ken Booth argues intriguingly that reinterpreting Kosovo's past – showing that what happen did not *have* to happen – can be a way towards 'a more emancipatory future'.⁶⁷ Furthermore, the international community will not leave Kosovo completely in the foreseeable future. NATO forces look set to stay on, and some UNMIK personnel may remain in advisory positions. Yet more significantly, Kosovo would aspire to join a number of institutions – ranging from the Council of Europe to the European Union – each of which would make a series of specific demands regarding minority treatment. This has been the case in Latvia and Estonia with their large ethnic Russian minorities. Examining the development of their citizenship policies since independence, Lowell Barrington concludes that the choices of elites 'can be affected by international pressure, especially from international organizations of which the state in question is a member or, even more, seeks to join.'⁶⁸ Minority protection could, in other words, be ensured if not out of compassion then out of self-interest.

Conclusions

Since 1999, the international administration and NGOs have gone to great lengths to secure a future for Kosovo as a multi-ethnic society. With the minority population reduced to a third of its pre-war size, the return of refugees and IDPs is the most basic requirement for this vision to be realized. Actual returns have been very few, and time is working against the prospect for large-scale returns. Fewer wish to return as they find other opportunities elsewhere. Furthermore, as time passes the composition of the groups that return will change, including fewer young people. Finally, a substantial part of the Serbian refugees may not want to return to an independent Kosovo. Little progress has been made in making Serb and Albanian ambitions for Kosovo more compatible.

Ethnic divisions characterize virtually every sector of post-war society, and failure to take this fact into consideration in the creation of political institutions would clearly deprive minority members of a voice. For the authorities, it would be a lost opportunity to integrate minorities into the new institutions, and inspire a re-direction of their loyalties (in the case of the Serbs from Belgrade to Pristina). The experience

from the Kosovo Assembly and government thus far suggests that representation – or even substantial overrepresentation – is not the end of the matter. The workings of these institutions have not been easy, and many of the problems connect to the final status issue – where positions again are divided along ethnic lines.

Multi-ethnicity is not only about figures; it is also about the position of minorities in society. A combination of exclusion and self-exclusion has kept minorities from being drawn more into the workings of the new Kosovo. Security has rightly been a prime concern. It is less so than it was shortly after the war, but remains a major issue. Exclusion characterizes most aspects of the emerging Kosovo ‘national’ culture: with the majority all-dominant, the discourse about the future character of Kosovo – for example, whether it should be defined in civic or ethnic terms – is not much influenced by the presence of the remaining minorities. At times this exclusion is intentional, but often it simply reflects the view that minorities are irrelevant to the issue. Exclusion is taking place in other arenas, such as the media, where differing interests and the language barrier are also separating the ethnic groups as audiences. While integrating the ambition of multi-ethnicity in many of its endeavours, the international administration in Kosovo is experiencing varying degrees of success in achieving it. The contrast between the KPC and the KPS is a case in point: the former a KLA remnant that refuses to change; the latter potentially serving to soften ethnic divisions both within the ranks and in society at large.

To succeed, reconciliation after ethnic conflict takes time to find its way among people in their daily lives. But reconciliation also needs direction, and that is best secured at a political level. Politicians can contribute towards healing – or the opposite. Nationalist agendas can easily disrupt a vulnerable reconciliation process. For Kosovo, the first milestone of inter-ethnic reconciliation would be a return to conditions as they were prior to the Milošević era: to a situation where majority and minority lived side by side, if not always comfortably. Beyond that is the goal of achieving a sense of community shared by members of all ethnic groups.

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NOTES

1. Reconstruction obviously has many dimensions besides the ethnic one, and it may be argued that multi-ethnicity has been given relatively too much attention by UNMIK and the international community. However, it is also a fact that inter-ethnic relations connect with several other dimensions as well – from political culture to crime, economic policy and regional policies.
2. Several writers have identified problems with the catch-all understanding of ‘nation-building’; John J. Hamre and Gordon R. Sullivan argued in favour of replacing the phrase with ‘postconflict reconstruction’, in ‘Toward Postconflict Reconstruction’, *The Washington Quarterly*, Vol.25, No.4, Autumn 2002, p.85.
3. A distinction between ‘civic’ and ‘ethnic’ nationbuilding might have been an alternative to this distinction but could cause more confusion, as the ‘nation’ is by some understood in civic terms and by others in ethnic terms. My impulse would be to understand the nation more in the latter sense, but my preference is to avoid using the term descriptively altogether. I nevertheless find it meaningful to speak of such a phenomenon as nationbuilding (in lieu of a better word), even if one is reluctant to declare at what point a fully-fledged nation has appeared.
4. Indeed, it could be argued that the relationship between ethnic and civic identities is only one of degree: that historically, a successful civic nation-building project, which initially covered a number of lesser ethnic identities and did not explicitly aim to replace these, nevertheless over the years to a large extent has done just that.
5. See e.g. Marie-Janine Calic, ‘Kosovo in the Twentieth Century: A Historical Account’, in Ramesh Thakur and Albrecht Schnabel (eds), *Kosovo and the Challenge of Humanitarian Intervention: Selective Indignation, Collective Action, and International Citizenship*, Tokyo: United Nations University Press, 2000, pp.24–5.
6. For details on these developments, see Alex J. Bellamy, ‘Human Wrongs in Kosovo: 1974–99’, in Ken Booth (ed.), *The Kosovo Tragedy: The Human Rights Dimensions*. London: Frank Cass, 2001, pp.105–26.
7. *Kosovo 2001–2003: from Reconstruction to Growth: A preliminary Assessment by the Department of Reconstruction*. United Nations Mission in Kosovo (UNMIK) EU Pillar, December 2000, pp.34, 28, accessed at www.seecon.org/Kosovo/UNMIK/KosovoReconstruction2001–2003.pdf.
8. Human Rights Watch, ‘Federal Republic of Yugoslavia: Abuses Against Serbs and Roma in the New Kosovo’, HRW Report, Vol.11, No.10 (D) Aug. 1999, accessed at: www.hrw.org/reports/1999/kosov2.
9. Human Rights Watch ‘Under Orders: War Crimes in Kosovo,’ HRW Report, 2001, accessed at: www.hrw.org/reports/1999/kosovo.
10. ICTY doc. Report A/55/273 S/2000/777, p.28, accessed at www.un.org/icty/rappannu-e/2000/AR00e.pdf.
11. International Committee of the Red Cross News 03/89, 31 July 2003.
12. UN High Commission for Refugees, ‘Kosovo Crisis Update’, UNHCR Emergency Updates, 2 Aug. 1999.
13. HRW, ‘Federal Republic of Yugoslavia’ (see n.8 above).
14. US Committee for Refugees, *World Refugee Survey 2002*, Washington DC: US Committee for Refugees, 2002, p.257.
15. Figures from ‘The Delicate Balkan Balance’, *The Economist*, 17 Aug. 2000.
16. UNHCR/OSCE Ninth Assessment of the Situation of Ethnic Minorities in Kosovo (period covering September 2001 to April 2002), p.1.
17. *Ibid.*, Tenth Assessment.. (period covering May–Dec. 2002), March 2003, p.5.
18. According to the OSCE, 12,000 Serbs (including some 5,000 internally displaced persons – IDPs), 3,000 Albanians, 2,000 Bosniaks, 600 Turks and 500 Roma reside here. South of the Ibar river, there are fewer than 20 Serbs remaining, compared to the 300 families that lived there before the war. OSCE profile, cited in International

- Crisis Group, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, ICG Balkans Report No.131, Pristina/Belgrade/Brussels, 3 June 2002, p.3.
19. This is particularly the case in northern urban Mitrovica, and the northern municipalities of Zvecan, Leposavic and Zubin Potok – all areas with a Serb majority, where the situation for the Albanian minority was described as being ‘extremely precarious’. Among these locations, UNMIK has been relatively more successful in establishing provisional institutions of self-government in the latter three than in Mitrovica. See UNHCR/OSCE (n.16 above), p.63. In 1991, Serbs constituted more than two thirds of the population in the districts of: Zvecan (76%); Zubin Potok (74%); Leposavic (87%); and Strpce (64%). Arjan Gjonca, *Demography of Kosovo before the War*, prepared for the World Bank, Washington DC, 1999, accessed at: www.seerecon.org/otherdocuments/KosovoDemography.pdf.
 20. Anna Matveeva and Wolf-Christian Paes, ‘Trapped in its Own Maze’, *The World Today*, July 2002, pp.19–21.
 21. UNMIK News Coverage, 18 Oct. 2002 and 24 Oct. 2002, accessed at: www.unmikonline.org/news.htm.
 22. OSCE Permanent Council Decision No.305, 1 July 1999.
 23. The Serbian Orthodox Church produced a booklet documenting the destruction of some 100 churches and monasteries. For many of them, it states: ‘destroyed in the presence of KFOR troops’. *Crucified Kosovo: Desecrated and destroyed Orthodox Serbian churches and monasteries in Kosovo and Metohija (June 1999–May 2001)*, Prizren and Gacanica, 2001.
 24. Ramesh Thakur and Albrecht Schnabel, ‘Unbridled Humanitarianism: Between Justice, Power and Authority’, in Thakur and Schnabel (n.5 above), p.503.
 25. Dana H. Allin, *NATO's Balkan Interventions*, Adelphi Paper 347, Oxford: IISS/Oxford University Press, 2002, p.95.
 26. UNMIK Press release, 12 July 2002, accessed at: www.unmikonline.org/press/2002/mon/july/lmm120702.htm#1.
 27. Thakur and Schnabel (see n.24 above).
 28. As estimated by international refugee workers interviewed by the author in Kosovo, March 2003.
 29. This is an estimate disputed by Albanian scholars, who claim that the figure was as high as 90 per cent.
 30. Albanian estimates from M. Limani, *The Geographic Position, Natural Riches, Demographic Characteristics, and the Economic Development of Kosova*, Pristina, cited in Gjonca (see n.19 above), p.2.
 31. The third largest ethnic category were the Muslims, whose share of the population rose from 1% in 1953 to 3% in 1991. It rose from 8,026 to as much as 66,189 during this period. Gjonca (n.19 above).
 32. *Internally Displaced People: A Global Survey*, London: Earthscan (2nd edn) 2002, p.152; *World Refugee Survey 2003*, Washington DC: US Committee for Refugees, 2003, p.237.
 33. UN doc. S/2002/1376, ‘Report of the Security Council Mission to Kosovo and Belgrade, Federal Republic of Yugoslavia’, 14–17 Dec. 2002.
 34. UNHCR/OSCE (n.17 above), p.7.
 35. That is reflected in the preamble to the constitutional framework. While the Albanian representatives in the preparations had called for the explicit reference to the ‘will of the people’ in the determination of Kosovo’s future status, the final text states that it will be decided ‘through a process at an appropriate future stage which shall, in accordance with UNSCR 1244 (1999) take full account of relevant factors including the will of the people’. Simon Chesterman, *Kosovo in Limbo: State-Building and “Substantial Autonomy”*, International Peace Academy Project on Transitional Administrations report, New York, Aug. 2001, p.8.
 36. This point has been made by Chesterman, *ibid*.

37. National Democratic Institute (NDI), *Serbia Presidential Election Watch. Preliminary Results*. Vol.4, 1 Oct. 2002, accessed at www.accessdemocracy.org/NDI/library/1451_yu_serbia_100102.pdf.
38. 'Serb Turnout in Kosovo Vote Seen as an Encouraging Step', *New York Times*, 20 Nov. 2001.
39. Tensions rose so high in late 2002 that the entire group of Serb MPs from Coalition Povratak ceased to attend assembly meetings. Only in February 2003 did they return, on condition that the OSCE appointed a neutral observer to monitor all meetings of the Assembly. 'Kosovo Serb deputies return to province assembly', *Agence France Presse*, 25 Jan. 2003.
40. For a detailed discussion of the position of ethnicity in Bosnia's elections (in light of the early post-war situation in Kosovo), see Ian R. Mitchell, 'The Ambiguities of Elections in Kosovo: Democratisation versus Human Rights?', in Booth (n.6 above), pp.246–62.
41. Tim Judah, *Kosovo: War and Revenge*, New Haven: Yale University Press, 2000, p.300. Judah also details the flawed process of disarming the KLA and how its frequent criminal actions brought Ibrahim Rugova back from political invisibility.
42. Most immediately, this is indicated by the fact that the SRSG's 'standards before status' list 'appropriately reduced contingent', 'unqualified compliance with KPC mandate' and 'relations established with all communities and proportionate minority representation' as standard benchmarks. For the complete map of goals, prerequisites, benchmarks, and action by local entities defined by the SRSG, see www.unmikonline.org/pub/focuskos/apr02/benchmarks_eng.pdf.
43. For an analysis of the KPC, see Institute of War and Peace Reporting, 'Policing the Protectors'. *IWPR Balkan Crisis Report*, No.440, 30 June 2003.
44. William G. O'Neill, *Kosovo: An Unfinished Peace*, Boulder, CO: Lynne Rienner for IPA, 2002, pp.110–11.
45. A first group of 20 Serb KPS officers started regular policing in North Mitrovica in December 2002. See 'Mitrovica: Back to the Future', *Focus Kosovo*, Dec. 2002, p.7.
46. OSCE Mission in Kosovo, *Background Report: The Treatment of Minorities by the Judicial System*, Pristina (based on monitoring up until 27 August 2000). That same year, an international legal observer said there was 'overwhelming evidence that Kosovo Albanian judges are biased, or at least will be perceived as biased'. Steven Powles, 'UN denies Serbs Justice', *The Times*, Law Section, 7 Mar. 2000.
47. International Crisis Group, *Finding the Balance: The Scales of Justice in Kosovo*, ICG Balkans Report No.134, Pristina/Brussels, 12 Sept. 2002.
48. *Agence France Presse*, 24 Feb. 2003.
49. Michael Steiner, 'Standards for Kosovo', *Fokus Kosovo*, Dec. 2002, p.5.
50. One of very few examples of large-scale industry employing minority members is the Yumco manufacturer in Kosovo Polje. In earlier years, it had some 1000 workers. Today, struggling to get raw materials in and products out, it is down to 200, but remains important in a community with few employment opportunities.
51. Interview with a senior political analyst, Pristina, March 2003. The UNMIK Regulation 'On the Establishment of the Kosovo Trust Agency' aims to 'preserve or enhance the value, viability, and corporate governance of socially owned and public enterprises in Kosovo', UNMIK Regulation No.2002/12.
52. As an example, three large campaigns in 2002 to hire a total of 25–30 people for the government administration yielded only 5–7 minority applications. Subsequently, in early 2003, officials went out to minority areas to inform about the job openings, guaranteeing transport and so on. Consequently, the number of minority applications increased tenfold, to some 50, compared to around 400 from Albanians. A similar rule for representation is expected for municipality administrations, but that will be a more complex system, as municipalities themselves are so different with regard to ethnic composition. Interview with senior UNMIK official working at the Kosovo Prime Minister's office, Mar. 2003.

53. Janusz Bugajski, 'Democracy, Multi-Ethnicity, and Kosovar Identity', OSCE Conference, Pristina, 28 May 2002, accessed at www.csis.org/ee/Presentations/020528.htm.
54. Interview with Alush Gashi, Assembly member and Rugova adviser, Pristina, March 2003.
55. Another expression of this duality is the Kosovo Albanian discourse over 'ghegishte'; replacing the Tosk-based standard for written Albanian for one based on the Gheg dialect, which is used in Kosovo (and northern Albania).
56. See International Crisis Group, *Kosovo's Ethnic Dilemma: The Need for a Civic Contract*, ICG Balkan Report no.143, Pristina, 28 May 2003, p.20.
57. Interview with Anna di Lellio, Pristina, Mar. 2003. Di Lellio left the position as Commissioner by the end of March 2003.
58. Interview with CIMIC officer, Pristina, March 2003.
59. International Crisis Group, *UNMIK's Kosovo Albatross* (n.18 above).
60. Interview with senior UNMIK official in the Prime Minister's office, March 2003.
61. Interview, Pristina, March 2003.
62. Interview with Mahmut Mavraj, editor of *Epoka i Re*, Pristina, March 2003. Mavraj said: 'Fatmir Limaj [one of the extradited] is my friend. I know if he was a criminal or not.' Mavraj nevertheless said he supported cooperation with the ICTY.
63. Interview, with acting spokesman, Georgy Kakuk, Pristina, March 2003.
64. Interview, Gnjilane, March 2003.
65. Andrea Kathryn Talentino, 'Intervention as Nation-Building: Illusion or Possibility?', *Security Dialogue*, Vol.33, No.1, 2002, p.40.
66. If successful, Yannis reasoned, this competition could transform the Kosovo dispute into a competition where one sought to outperform the other in such areas as democratization and economic development, winning international support and moving ahead in regional integration. Alexandros Yannis, *Kosovo Under International Administration: An Unfinished Conflict*, Athens: ELIAMEP/PSIS 2001, p.55.
67. Ken Booth, 'Introduction: Still Waiting for the Reckoning', in Booth (see n.6 above), pp.20–21.
68. Lowell W. Barrington, 'The Making of Citizenship Policy in the Baltic States', *Georgetown Immigration Law Journal*, Vol.13, No.2, 1999, p.199.