At the Margins of Sovereignty:

Policies, Politics and Actors in Post-Conflict Kosovo

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THESIS

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To Mikel, for keeping me on the road.

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LIST OF ABBREVIATIONS

AAK   Alliance for the Future of Kosovo (*Aleanca per Ardhmerine e Kosoves*)

AKR   Alliance for the New Kosovo (*Aleanca Kosova e Re*)

CDHRF   Council for the Defense of Human Rights and Freedoms

CE   Council of Europe

EC   European Commission

EU   European Union

EULEX   European Union Rule of Law Mission in Kosovo

FER   The New Spirit Party (*Partia Fryma e Re*)

FIQ   Forum for Citizens' Initiatives (*Forumi per Iniciativa Qytetare*)

ICG   International Crisis Group

ICO   International Civilian Group

IKS   Kosovo Stability Initiative (*Iniciativa Kosovare per Stabilitet*)

KFOR   Kosovo Force (under NATO)

KIPRED   Kosovo Institute for Policy Analysis and Research

KLA   Kosovo Liberation Army (UCK: *Ushtria Clirimtare e Kosoves*)

KLGA   Kosovo Local Government Institute

LDD   Democratic League of Dardania (*Lidhja Demokratike e Dardanise*)

LDK   The Democratic League of Kosovo (*Lidhja Demokratike e Kosoves*)

NATO   North Atlantic Treaty Organization

OSCE   Organization for Security and Cooperation in Europe

PDK   Democratic Party of Kosovo (*Partia Demokratike e Kosoves*)

LIST OF ABBREVIATIONS (continued)

QUINT   An informal group in Kosovo made up of ambassadors of five countries: England, Germany, Italy, France and USA.

SIDA   Swedish International Development Agency

UNDP   United Nations Development Program

UNHCR   United Nations High Commissioner for Refugees

UNMIK   United Nations Mission in Kosovo

USAID   United States Agency for International Development

VV   Self - determination movement/political party (Vete - vendosje)

SUMMARY

This study examines the development of local agency in sites of post conflict international intervention. Most of the peace building missions deployed in about fifty to sixty post conflict or at risk states during the last two decades have been guided by a common framework: establishing peace through restoring the basic functions of the collapsed states. Peace building through state building is realized via the medium of international organizations and international actors who engage intensively and extensively in the governance and politics of post conflict societies. The highly intrusive role of international actors in sites of intervention has given shape to a distorted view about local actors and local agency. According to this view, local actors have no capacity for peace and should be subjected to regulatory regimes of international intervention. Much has been written about the normative and intellectual tensions generated by this view but a full account of the role and relevance of local agency in sites of international interventions is yet to be completed.

Using Kosovo as a case study, I find that local agency is much more prominent and relevant in political life than has often been assumed. Local actors in Kosovo do not necessarily resort to the enclosures of past political traditions, nor do they blindly endorse the new roles imposed upon them by the international regime. A close analysis of local actors in Kosovo indicates that their styles of action, political initiatives and techniques of political engagement are complex, spontaneous and innovative. Local agency is generated in everyday encounters between the local and the international, in response to challenges for survival and through re-appropriation of political spaces. To uncover the modes through which the local agency is produced and sustained means to provide for a better understanding of the vernacular prospects of peace building.

I. INTRODUCTION

> *"If we keep looking for politics in the places where it used*
> *to be, we may soon discover that the world has passed us."*
> (Magnusson, 2011, p. 2)

A.   Instead of a Prologue

This research aims to understand the nature, the capacities and the salience of local agency in international state building projects. Internationally assisted state building, or as it has been often known, third-party assisted state building, emerged as a dominant feature of international affairs at the end of the 20th century and continues to be a priority in the contemporary policy agendas of many states and international institutions. In his book, *State Building: Agenda for a New World Order*, Fukuyama argues that "*state building is one of the most important issues for the world community*" and represents one of the "*top issues of the global agenda*" (Fukuyama, 2004, p. ix).

Applied in highly varied contexts such as Somalia, Bosnia-Herzegovina, Timor East, Afghanistan, Iraq or Kosovo, international state building is predicated on a highly intrusive role of international community in sites of intervention. International mandates provide for a direct engagement of foreign actors in the government and administration, decision making and policy implementation. Therefore, international community appears to be the principal agent in creating and managing the state, and by extension, the whole political life of polities under foreign management. Overshadowed by power, resources and expertise of international agents, domestic actors have often been assumed a non significant subject, a residual category, at best compliant with and at disposition of international agendas.

Such assumptions depict a total absence of the politics in the vernacular. More often than not, narratives about local agency reach us through the interpretation of outsiders, such as practitioners in the fields, foreign experts or analysts working for various international missions. These individuals, by virtue of being positioned in highly important commanding posts and operating from the distance of global expertise, have projected the relationship between the international administration and local agency as highly hierarchical. The locals, appearing to be on the receiving end of intervention, are assumed to lack any usable capability for action and subsequently, the marginalization of locals appears not only justifiable but necessary. An Email from Prishtina, Kosovo, provides a snapshot of the mindset of international administrators in Kosovo:

> "*These people* [the UN] *forget that we maintained a civil life for ten years against the repression of Serb police and military. That there are people in Kosova who teach or have taught in reputable universities around Europe, there are engineers who know as much as engineers in the West. Sometimes it seems as if the international community in Kosova believes they've arrived somewhere in Africa. I'm afraid that all of this will cause reactions.*" (Brown, 2006, p. 47).

The relationship between international community and local agency need to be explored not only from the perspective of international actors, as the previous research has done, but also from the perspective of local actors. The "view from below" is flagrantly missing in the analysis of international state building. As a starting point, it should be considered that domestic actors operate in a political space controlled by international actors, a space that is local and alien at the same time. Although it may seem that the international administration shares the sovereignty with the local actors, this is only the decorum. As a matter of fact, the real authority in sites of interventions lies with the international actors. In this context, a messed up model of sovereignty emerges, and with it a conceptual and practical vacuum for understanding politics and alternative political possibilities in absence of sovereignty.

As a reified category and practice, sovereignty has been the central pillar for organization of politics at the domestic and international level. However, a traditional organization of politics anchored to the sovereignty model is not sufficient for understanding the nature of politics and the role of political actors in sites of international intervention. There are multiple puzzles associated with organization of politics at the margins of sovereignty: what characterizes the meaning and making of politics in sites of international intervention? What drives the political change in conditions of limited sovereignty? At what level does the presence of international bodies affect the identities, capabilities and choices of local actors? What are the modes of survival of the political actors? How does the interaction among local and international actors shape the political outcomes? What are the parameters of this interaction?

In order to fully engage with these questions, it is necessary to bypass, if not dispose of the constraints imposed by the traditional model of sovereignty. We should search for politics, forms of political action and political agency in unconventional spaces. It is through this approach that we can gain a better understanding of local agency and assess political alternatives generated by the absence of sovereignty.

This research claims that political outcomes in sites of international interventions are affected as much by the local actors as they are by the international actors. It is necessary to find a way to unpack the appropriation of the international politics by the locals, or in other terms, to trace how the external becomes internalized. A closer review of the relationship among domestic and international actors in Kosovo indicates that this relationship is neither static nor one-dimensional. The indispensability of local actors to the international state building enterprise is complex and multiform, due to a set of reasons:

First, policy initiatives undertaken by the international administration cannot be legitimized or implemented if meeting with the refusal of the domestic actors. This means that the support and cooperation of local agency must be gained as soon as possible. If anything, local actors are highly instrumental in international agendas and strategies of intervention.

Second, the position of domestic actors in spaces of international intervention might seem marginal vis-à-vis expansive resources, manpower and expertise of international administration. Nevertheless, it should be taken into account that domestic actors, particularly those involved in civil and ethnic wars have a long experience in engaging with multiple versions of alternative politics, such as politics of opposition, resistance and contestation.

Third, it is the struggle for political survival that motivates the local actors to revise, challenge and reshape the hierarchical relationship imposed by international body. In this context, the instrumentalization of local actors by the international administration is used by the local actors as a window opportunity for gaining access to power. From this point of view, it can be claimed that international actors are also presumed instrumental in the strategic plans of local actors. This argument is meant to suggest that the assertion of local agency takes place not in a single isolated space but through encounters with the international actors. To analyze these encounters and specifics of interactions means to gain a new perspective on the generation of local agency and on the production of politics in general.

This chapter proceeds as following: Section B presents the research goals and research questions; Section C addresses the organization of dissertation, the content and goal of each chapter; Section D provides an overview of international state building, both on a normative and empirical plane; I conclude this chapter by stressing that a close analysis of local actors in sites of international intervention is of particular relevance not simply for understanding state building

in the new age but also for providing insights into models of unconventional politics taking place in conditions of limited sovereignty.

B. **Research Goals and Questions**

This goal of this thesis is to engage with practices of international state building in order to explore the issue of local agency, its dynamics with the international actors and its salience in policy input and output. It has been widely accepted that international state building represents, in essence, a negation of sovereignty. The question here is to go beyond a normative discussion of sovereignty. The sovereignty principle is after all a social construct designed with providing a regulatory frame for world relations. It cannot be denied that these relations have now outgrown both the motives and spaces of interaction since the time the principle was introduced. The point of interest in this research is that dislocation of sovereignty provides a non-traditional, or "abnormal" political space unlimited by territoriality, versus conventional political spaces hinged upon territorial sovereignty. It can be claimed that this "deranged" space of politics reflects directly on political actors, on styles of their actions, on their relevance, even on their own identity. While we are used to models of politics fixed to well-defined spaces, international state building offers a model of politics without fixed borders. This model challenges, first and foremost, the capacities of local actors, their *positionality* in respect to state and their relationship with each other, their modes of operation, their capabilities and means of influencing policies. New forms of influencing policy agendas and policy solutions take place in this environment and it is through these processes that actors constitute policies and at the same time reconstitute their own identities. Political survival in such conditions is exposed to a process of mutation which might benefit certain local actors and might defy the existence of some others. It is against the backdrop of these challenges that my research takes place.

An analytic account of the nature of local agency in non-sovereign spaces would benefit from an approach that combines the discussion of theoretical questions with exploration of concrete, real sites of international interventions and examination of real political actors. With this analytical frame in mind, I study the development of local agency in Kosovo, as one of the most compelling cases of the international state building enterprise. The research traces the capacities, styles of action, political relevance and patterns of interaction between two key categories of actors, political parties and civil society organizations, on one hand and international actors on the other hand. The research foci intertwine three core themes pertaining to the development of these actors:

First, it is undeniable that both political parties and civil society organizations exert a tremendous influence on policy making processes. The conventional models of policy making in a "regular" polity, that is, in a sovereign state, prescribe a definite position and well-elaborated functions for both actors. Parties are located in the interiors of politics and represent the central organizing feature of politics (Scarrow, 1989, p. 17) whereas civil society organizations, positioned in the societal sphere, are the most powerful actors to influence politics from outside (Cohen and Arato, 1992). Under conditions of "normality", that is, the autonomous state, these actors operate within a pre-given set of alternatives and fall into well-defined roles. An environment of limited sovereignty alters the opportunity structures available for political parties and civil society actors, "forcing" them to work out their identity irrespective of their domain of belonging. The exploration of unusual, shifting roles and pattern of interactions among these actors offers a way to understand new modalities of producing the political.

Second, in a polity where political processes are subject to the overt intervention of the international body, domestic political actors are faced with the dilemma of the legitimization of

policy decisions and political solutions. They are caught in a vicious circle: on one side they have to participate and influence a political process that is mainly not endogenous; on the other side, for the sake of their own survival they have to establish themselves as legitimate and authentic actors, able to stay in control of the political process. This journey is not unproblematic because, first and foremost, it concerns the production of legitimacy in a non-sovereign space. As such, these actors need to articulate new strategies that go beyond the terms of their political role. These actors emerge, in a way, prior to a state in the making, and therefore, it becomes their responsibility to co-constitute the state. To understand how is this done means to develop an image of the political that is not stuck into the model of the sovereign state.

Third, as it has been documented, because of the strategic goals of international state building project, most of the external assistance, both material and in manpower, has been directed toward government institutions, regulatory frames and bureaucracy. Political parties and civil societies, as organizations that stand between state and society, do not permit much space for intrusion of external actors, hence necessitating different modes of external intervention and different styles of local action and reaction.

In order to engage with this thematic, the dissertation is centered on one overarching question and three supporting research questions:

Overall question:

How do the conditions of limited sovereignty affect the meaning, the function and the production of politics? How do local actors survive and adapt themselves in the new political habitat?

Supporting questions:

    1. What are the roles, functions, and nature of political parties in conditions of limited statehood? What are their capacities to make and influence politics, their strategies of mobilization and modes of organization? How do the parties constitute themselves within the frame of a dual existence that demands for them to submit and comply and at the same time to resist and oppose?

    2. What are the roles, functions, and nature of civil society in post-intervention societies? What is the *positionality* of civil society actors versus the state, international administrators, and society?

    3. What are the patterns of interaction between political parties and civil society organizations? How do these patterns shape arenas of political struggles and policy outcomes? What innovative mechanisms are employed in the process of shaping policies?

C. **Organization of the Dissertation**

    I begin in *Chapter two* with a review of the relevant literature. I outline the core conceptual aspects of the international state building, identify the set of mechanisms through which international state building operates and examine the effects that this form of intervention has on endogenous political processes and political actors in sites of intervention. The analysis indicates that the model of the state established with the assistance of international intervention presents a different arrangement of the political space and political opportunities.

    Chapter three explicates the research design and procedures, data sources and the research site. It introduces Kosovo as the case study, its relevance for the scholarly research and discusses its potential to create knowledge on areas where there is still a lot to be learned. The

last part of the chapter introduces a brief history of Kosovo with the intention of providing some context for the topics and ideas discussed in the subsequent chapters.

Chapter four and five investigate the continually changing role of the political and non-state actors, respectively political parties and civil society organizations. A realistic assessment of the activities of these actors indicates abrupt and radical changes in their styles and modes of action. Having to operate on multilevel playing fields, from local to international, political parties' and civil society's identity and existence are negotiated between the local pull and the external push. These actors are faced with the challenge of gaining leverage through employing a broad range of strategies and tactics. As the analysis indicates, the customary prescribed roles that these actors are expected to fulfill become incompatible with the fluid spaces of politics; instead, these actors build their identity and secure their place in politics through flexibility, improvisation, trial and error processes and ad hoc activity, a process defined by anthropologists as bricolage[1].

Chapter six examines the pattern of interaction among parties and civil society organizations, on one hand, and international community, on the other hand, in a dynamic setting: through the exploration of the decentralization project as a highly contested policy area in Kosovo. Although the decentralization process was driven by international actors in Kosovo, political parties and civil society organizations became key actors, influencing policy implementation and policy outcomes, and more importantly, accruing benefits not only for themselves but for the state of Kosovo, too. A close analysis of the events that took place during

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[1] Claude Lévi-Strauss (1968) uses the term "bricolage" to describe a particular type of do-it-yourself work that involves the re-use of available materials and spontaneous thinking versus process-oriented rational thinking which operates through stages, well – defined means and articulated goals.

the implementation of decentralization program reveals how these actors were able to enhance the prospects of self-gains through cooperation with international body in a manner that also limited the ability of international actors to command full control of the course of this program.

Chapter seven concludes that the traditional models of politics confined to sovereignty are too limited to fully grasp complex and multilayered political practices which take place at the fringe of sovereignty. Alternative trajectories of the role and relevance of local political actors can only be understood in the interstices of local/international and through close examination of everyday politics.

D.   International State Building: The Emergence of a Paradigm

1.   Overview: What Is International State Building?

Internationally assisted state building, often known as international state building, third party state building or simply state building, become a prevalent trend in the international politics at the end of the 20th century . During the early nineties, a set of improvised policy measures were adopted by western governments and international organizations to address the emergent humanitarian crises and violence in ethnic and civil conflicts. By the end of nineties international state building practices were assembled into a package of policy solutions designed to deal with states on the edge of collapse in the Middle East, Africa and Asia (Chandler, 2010).

While the motives that shaped the international state building into a policy preference of Western states and international organizations are highly debatable, scholars have broadly identified a number of factors associated mainly with the end of the Cold War. The increased porosity of states' borders, the emergence of non-state actors in world politics, the uncontrollable diffusion of information, the decreased capability of big states to control world politics, as well as the new nature of threats at international stage have put out of place the traditional modes of

conducting international affairs. The neat architecture of a past world order based on state

sovereignty and fixity of borders fell apart. In a frustrated attempt to redress this world with

order and meaning, to make it safe and functional, policy formulations pointed toward the need

to normalize it, to re-structure it by cultivating those foundations that have allegedly structured

more than three hundred years of modern politics – state sovereignty. The solution was to install,

strengthen and patch up the states and their formal institutions wherever and whenever were

needed. State building, thus refers to:

> "*a set of policy strategies undertaken by the international community aimed at reconstructing, or in some cases establishing for the first time, effective political institutions in a state or territory where no such capacity exist or where such capacity has been seriously eroded* " (Caplan, 2004, p. 34).

It is important to stress that the reconstruction of the domestic political institutions is

conducted through a hands on approach on the side of international actors. International

administrations installed in sites of interventions perform a wide range of essential functions:

> "*from writing and rewriting national constitutions to drafting criminal laws, organizing and administering elections, tutoring policemen, prosecutors and judges, formulating economic policies and temporarily taking over the administration of the entire territories by filling the gaps left by the lack of state structures with their own military, police and civil personnel*" (Paris, 2004, p. 12).

The model of international state building, as Risse (2011) explains, is not limited only to

international interventions in states that have lost their ability to control their own territory due to

ethnic strife, civil war or newly acquired independence (such as Kosovo, East Timor, Sierra

Leone or Bosnia and Herzegovina). As a matter of fact, "*such cases comprise only a small*

percentage" (Risse, 2011, p. 6) of international intervention. Direct external intervention in the

structures of governance of states that suffer from "limited or at risk statehood"[2] represent a form of international state building although not as open and extensive as the above cases. It should be noted that the spread of such international policy interventions is much more severe that it can be thought. According to the Bertelsmann Transformation Index (2010), about 80% of world population lives in states that are exposed at some degrees to various forms of international intervention. Although the degree and form of interventions may vary, these states also exhibit a case of transfiguration of domestic political space and alterations in the behavior of domestic political actors.

2.   **International State Building as a Policy Preference**

In spite of the controversial character of the international state building practices and the critique that surrounds them, it can be said that they became a preferred strategy for reshaping the world (Chandler, 2010). What prompted such preferences?

Most of the models of policy formation hold that the process of policy formation and the selection of policy solutions do not necessarily take place within the frame of rationality model characterized by neat stages and comprehensive organization of research solutions (Lindbloom, 1972; Kingdon, 1992). What happens in the real world, particularly under the pressure of emergent problems, is a process of "coupling" problems with whatever available solution is in circulation. These explanations point toward the chaotic nature of policy formulation. In such models, policy entrepreneurs, specific political and social contexts, available time frames for resolving policy problems, and financial and manpower capacities, all influence production of a

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[2] "*Limited or at risk statehood*", regardless of its slippery and disputable nature, has found wide use by the international aid or donor agencies. It denotes states that are internationally recognized but unable to fully accomplish their responsibilities in certain domestic areas.

certain policy solution. International state-building is a classic example of the accidental nature that characterizes policy formation processes. In order to understand how a number of patchwork and highly contested practices of international interventions came to be an agenda for action of the international diplomacy, I review a series of documents and strategic papers:

"An Agenda for Peace" (Boutros-Ghali, 1992) represents one of the first documents that discusses the need for a new political approach to the post Cold-War situations. While affirming the indispensability of the principle of sovereignty, Ghali emphasized the new context of warfare and statehood, and draws attention toward creation of the "*structures for institutionalization of peace*" (Boutrous-Ghali, 1992) as a fundamental policy goal of the UN. Ghali recognized that the high cost of peace operation, estimated close to $3billion dollars for a 12 month period in 1992, would be a waste without employing alternative and innovative policies for promotion of a durable peace in post-conflict sites.

Analyzing the violent crises, natural disasters and ethnic conflicts that took place at the turn of the century, Kofi Annan, in his report "Facing the humanitarian challenge" (1998) presented a bold and aggressive agenda pertaining to what might be qualified as "institutionalization of peace". Building effective political institutions and simulating economic growth through direct and overt involvement of international agencies in the areas or states at risk represented the new core strategy of the UN.

Another set of arguments in support to international state buildings was articulated in the US Security Strategy in the aftermath of 9/11. The National Security Strategy, as Chandler (2010) observes, represents the first document that openly declared the intent to address threats through reshaping the world in a way that required active and direct engagement of external

factors: "*In the new world we have entered, the only path to safety is the path of action*" (NS, 2002, p. 2).

These new directions for the US foreign and security policy were institutionalized particularly after the Operation Iraqi Freedom took place in 2004. In July 2004 the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) was established. The responsibility of this office was to coordinate U.S. efforts for helping post war societies to create conditions for a sustainable peace through building democratic institutions and market-oriented economies. As described in the S/CRS' mission:

> " *the S/CRS's goal is to provide an operational field response to post-conflict situations that will emphasize transformational diplomacy to include, among other things: facilitation of peace implementation processes; coordination with international and local institutions and individuals that are developing transition strategies; implementation of transitional governance arrangements; encouragement of conflicting factions to work together; development of strategies to promote transitional security*" (Press Release, US Dept. of State, Office for Reconstruction and Stabilization, Mar. 8, 2005).

The international state building as a policy device to address collapsed and failed states was at the center of attention not of the US only but also of other western powers. For example, the OECD, in its document, titled "Principles for Good International Engagement in Fragile States" (April 2007) advocates "*constructive engagement between international and domestic actors ...during episodes of fragility*". Article 3 of this document focuses on "*state building as the central objective*" and enumerates the priority functions of international actors in countries or sites of intervention:

> "*Priority functions include: ensuring security and justice; mobilizing revenue; establishing an enabling environment for basic service delivery, strong economic performance and employment generation.*"

Another important factor that provided a strong impetus for the state building project was the Responsibility to Protect (R2P) Report (2001). This report was endorsed by the UN General

Assembly in the World Summit, 2005. It has been argued that the R2P marked "*a fundamental turning point*" (Chandler, 2010, p. 126) in international politics, both in practical and conceptual level. The R2P can be considered as a doctrine that disposes of the principle f sovereignty or the right of states in the name of human rights. Reflecting upon the dilemma faced by the international community in the cases of intervention in Bosnia and Herzegovina, Kosovo and Rwanda, the R2P strongly advices that "*the Security Council should deal promptly with any request for authority to intervene where there are allegations of large scale loss of human life or ethnic cleansing*" (3/C).

The R2P opened up new possibilities of addressing long-standing political challenges. It legitimized international intervention as an appropriate means of defending "people's rights" when they are abused by their own governments. From a conceptual point of view, the R2P de-centered the key principle of international relations – sovereignty. As Chandler (2010) and Weller (2009) explain, the R2P provided a direct link between two domains which so far were considered to be separate in the international relations debate: human rights and political stability. The legitimacy of international intervention was grounded upon the need to preserve peace and international security (systemic level) as well as upon the individual human rights (to protect against the abuse of human life). International intervention this way might be controversial from a political point of view but it is fully defensible form an ethical point of view since it has at his center the protection of human life.

As Biscopp and Andersson observe, the R2P has informed the creation of a "European Union strategic culture" as delineated in the European Security Strategy Paper (2006). According to this culture, "*the individual is the point of reference*" (Biscopp and Andersson, 2008, p.9).

Similarly to the US, international state building represents a preferred policy tool for the European Union security and defense policy:

> "*Apart from the protective and humanitarian EU operations in Africa, all other ESDP operations undertaken so far has been conceived of and launched with the purpose to assist, support and reinforce political communities by military and/or civilian means in the definition or restoration of their institutional capacities at various stages of state formation in conflict zones.*"

Another chapter in the state building project has been Somalia. According to the Resolution 2093 (March 2013), the long-term partnership between the Federal Government of Somalia and the international community is established for facilitating the "*peace building and state building of Somalia*". The resolution considers the cooperation between the international community and the domestic actors as the best possible choice for "*addressing statelessness of Somalia vis-à-vis other failed African countries.*"

E.   **Conclusion**

To date, there is broad agreement that international state building has gained prevalence as a policy approach. The practices of state building have become entrenched in foreign policy agendas and their intellectualization and sophistication have given shape to a doctrine of international state building as a new orientation in contemporary foreign policy. It can be said that international state building missions provide the *reason d'être* for a number of international organizations and institutions operating in multiple regions of the world. In addition, the international state building has become one of the prevalent modes of thinking of how to deal with the world. It can be deducted from the preceding analysis that international state building "*might become a permanent or recurrent feature of international life*" (Mortimer, 2004, p. 432).

II. LITERATURE REVIEW: INTERNATIONAL STATE-BUILDING, DOCILE STATES AND THE PRODUCTION OF THE POLITICAL

A.   Introduction

This chapter discusses the main theories and interpretative grids engaged by the international state building discourse. Although there is no overarching, unified theory of international state building, multiple theoretical strands have been used to justify the principles of international interventions at the end of the 20th century and inform the design of these interventions. From a chronological point of view, the scholarly work on international state-building started as a reflection over the experiences of international peace missions launched in different geographical regions. The earlier body of work consists of single case or a few case studies concerned with either a straightforward assessment of particular policy areas (such as justice system, security sector development and public sector renovation), or with more general questions tackling the feature and quality of regimes installed in post conflict sites of interventions (Bauvais, 2001; Bieber, 2005; Caplan, 1998; Carey and Bentley, 1995; Chopra, 2000; Goldstone, 2004; Wheeler and Dune, 2001; Yanis, 2004).

The next stage in the development of the literature responded to the need for constructing an institutional memory of state building in the form of "*codified practices that would organize the experiences gained by international state-building*" (Ashdown, 2006). While these experiences varied from one site of intervention to another, both in policy input and output, they were all grounded on the normative assumption that the establishment of formal state institutions similar to western democracies ought to be the primary target of intervention (Paris, 2000; Boege et al. 2008; Lidén et al. 2009). In Bosnia or Kosovo, East Timor or Afghanistan, Liberia or

Solomon Islands, in spite of regional, historical and contextual differences, the policy priorities of international intervention were centered on restoring state functionality through installation of democratic institutions (Wesley, 2008). Such matrix of intervention established 'state institutions' as the independent variable and 'post conflict societies' as the dependent variable, an approach that can be labeled as state-centrist. It seems that through focusing on rehabilitating the state, international interventions were trying to reproduce the Westphalian state or to be precise, a diluted version of it. This approach made the state the centerpiece of the piece building discourse, despite the fact that state was considered to be unable to cope with a world without borders (Belloni, 2001; Bickerton, 2005; Chandler, 1999; Dobins et al, 2007; Fukuyama, 2004; Ghani and Lockhart 2008; Holzgrefe and Keohane, 2003; Jarstad and Sisk, 2008; Krasner, 2004; Paris and Sisk, 2009; Ottaway, 2002; Zaum, 2009).

This accumulated knowledge energized an expansive debate. The nexus of literature engaged in a more complex project of inquiry, aimed at understanding state building practices through what might be called an inverted approach (Chandler, 2010). Rather than checking how these practices fit with the customary understandings of core political concepts (sovereignty, democracy, political subject, citizenship, state, legitimacy, representation, etc.), the research posited that it is probably a worthy enterprise to consider how these practices challenge our conceptual boundaries (Barnett and Zurcher, 2009; Chesterman, Ignatieff and Thakur, 2005; Chandler, 2010; Hehir and Robinson, 2007; Rowe and Sutter, 2011; Tansey, 2009; Wilde, 2008).

Looking at the field from the vantage point of present day, the unsettling debates on international state-building are characterized by the following features:

(a) The research is fact-laden as much as value-laden. Pointing out that international intervention in the aftermath/prevention of conflict is imbued with unwanted consequences,

unexpected outcomes, puzzling byproducts and even failure is something that the growing

scholarship has accomplished with great pathos. One strand of literature has framed international

state building project as a form of "*empire lite*" (Ignatieff, 2003) and therefore as an outdated

colonialist enterprise, unjustified politically and morally. Another cluster of studies has taken up

with great rhetorical force the argument according to which international community has a right

to intervene as well as the power to do much more to end human suffering, even if it means to

disregard states' rights (Holzgrefe and Keohane, 2003; Krasner, 1999 and 2004; Pugh, 2004,

Ramsbotham and Woodhouse, 2005; Teson 2003; Wheeler, 2000).

(b) The scholarship has initiated a series of reflections on the conceptual narratives that

shape our understanding of political life in international sites of intervention in the new century.

A more telling point is that the international state-building literature has been increasingly

attentive to the liberal democratic theory, exposing the conceptual and practical challenges

presented to this theory by current practices of international interventions. There is an

overarching agreement within the literature that international state building is far more complex

than a straightforward application of the liberal democratic project of building a state. The most

avant-garde part of literature furthers the claim that international state building signifies the raise

of new species of post liberal state (Chandler, 1999 and 2010; Lemay-Hébert, 2014; Richmond,

2011; Zanotti, 2011).

(c) The research lacks a strong theoretical core and it stands as an interdisciplinary topic.

In fact, three separate branches of scholarship lay claim to the study of international state

building: international relation theory, liberal democratic theory and institutionalism. This

means that it is not possible to neatly fit concepts of state-building into organized paradigms

sorted by discipline. On the positive side, the eclectic nature of this body of work opens up new possibilities in the analytical domain.

The following section assembles together the literature's theoretical threads in view of my research concerns. Absent a regular flow of established discourse, one is left with suturing. It is useful to begin with the strand of current debates which revolve around two questions: "*why fixing states becomes such an imperative?*" and "*what are the preferred strategies for fixing states*"? Considering that "fixing" takes place in a context that decouples states from their essence of statehood, the sovereignty, the third section addresses the (miss) appropriation of the concept of sovereignty in state building projects. The fourth section of this chapter is concerned with consequences of state building enterprise on the political life in sites of interventions.

B.   International State Building and the Rehabilitation of State

The concept of rehabilitation or even creation from scratch of state's institutional structures as a necessary step toward normalization of conflict societies is central to the state building practices (Fukuyama, 2004). In the majority of state building operations, efforts to develop state institutions have involved direct intervention by international actors in "*the reform or reconstruction of the political sector, with an explicit agenda to develop democratic norms and practices at the domestic level*" (Tansey, 2009, p. 5). The arguments in support of the state-centered strategy grew in the interstices of two sets of discourses: (1) the intermediate discourse of peace-building in collapsed and fragile states and (2) the meta-theory of democracy, particularly the genre of democratization and neoliberalism.

1.   The Rehabilitation Project of Collapsed and Fragile States

From 1989 – 1999, about fourteen international peace-building missions took place in various regions of the world where civil war had erupted. As Paris (2004) notes, the first major

operations started in Namibia and Nicaragua (1989), followed by Angola, Cambodia, and El

Salvador(1991), Mozambique (1992), Liberia and Rwanda (1993), Croatia and Bosnia (1995),

Guatemala (1997), East Timor, Kosovo and Sierra Leone (1999). The degree and scope of

intervention of peace missions varied in each country, as it did the cost of the operations, as well

as the number and nature of actors involved in these operations. However, all missions pointed

toward the necessity to address complex situations with means that go beyond immediate goals

of monitoring cease-fires, managing humanitarian crises and returning of refugees and displaced

persons (Paris, 2004). A significant body of work offered important insight on the challenges

that practitioners and peace builders had to meet on the ground (Barnett and Zurcher, 2009;

Belloni, 2007; Call and Cook, 2003; Paris and Sisk, 2009).

By the end of the nineties an overarching question began to emerge: What could be done

to preclude the relapse of violence after peace builders left the site of the conflict (Rummel,

1997)? Serious research indicates that a country emerging from a civil war has a 44% chance of

conflict recurrence within the first five years of peace (Collier at al., 2003, p. 83). As Hehir and

Robinson note, a better way had to be found in order to create a sustainable peace:

> "*The variations in the outcome of peace keeping and peace building efforts*, *have made it obvious that a minimalist engagement of international actors strictly oriented toward conflict containment and humanitarian crisis is not sufficient to a lasting peace*" (Hehir and Robinson, 2007, p. 19).

The strand of research that was developed as a direct reflection on peace operations, by

the virtue of being engaged with realities of post civil war and the chaos of destruction, provided

a straightforward answer to the question "why fix these states?" – because they are broken. The

answer deftly sought assurance in a set of "*durable institutional structures of state*" (Pierson,

2006, p. 117) which could serve as structures of peace. As the literature pointed out, the post-war

countries suffered from certain pathologies, such as continued prevalence of criminal elements of

the war-time economy, control of the political scene by ex-combatants, poor and weak economies, absence of markets, non functional government, etc. These increased the likelihood of recurrence of violence in post conflict societies thus making conflict a vicious circle (Surkhe and Berdal, 2012). In order to dismantle the structures of violence, it was deemed necessary to build structures that provide for the mitigation of conflict and stability. What could be a better scaffold for holding together a post war society than the installation of a democratic regime? (Bellami and Williams, 2008, Dobbins et al., 2007, Jabri, 2007).

The research on democracy and democratization had already established that democratic regimes have lower propensity of conflict because they equip "*political structures with more expertise, better-crafted policies, and guarantees against abuses of power*" (Krasner, 2004). We need to pause longer on the ability of democratic regimes as stabilizers but first, it is necessary to review the second tier of peace building literature which addresses the prevention of conflict through peace management.

At this juncture, the literature becomes less concerned with collapsed states due to civil conflicts or ethnic wars (*post-facto situations*) and more with the prevention of state failure (*ex ante situation*) (Carment, 2001; Fearon and Laitin, 2004; Ghani and Lockhart, 2008; Ignatieff and Thakur, 2005; Jarstad and Sisk, 2008). "Why fix the state when it ain't broken?" is the theme around which the scholar and practitioner debates revolve. This brand of scholarship builds upon the claim made by a series of studies, according to which, the principal dangers to peace and life are no longer organized armies and strong states but weak and fragile states (Buzan, 2008; Dobins at al., 2007; Fukuyama, 2004; Jackson, 1990; Krasner, 1999 and 2004). Prior to continuing with this discourse, it is necessary to define the concept of weak states:

"[weak states are] *countries that lack the essential capacity and/or will to fulfill four sets of critical government responsibilities: fostering an environment conducive to*

sustainable and equitable economic growth, establishing and maintaining legitimate, transparent, and accountable political institutions, securing their populations from violent conflict and controlling their territory, and meeting the basic human needs of their population."[3] (Rice and Patrick, 2008, p. 4)

As Chandler (2010) notes, the discourse of weak states took place in the aftermath of the events of 9/11. These events *"profoundly demonstrated the global reach of state failure and reinforced the underlying perception that poorly governed states constituted weaknesses in the fabric of international society"* (USAID, 2005). The UN Secretary, Annan, articulated the risk emanating from states' fragility. The report presented to the UN, *"In Larger Freedom"* (2009) observes: "*If states are fragile, the peoples of the world will not enjoy the security, development, and justice that are their rights.*"

The ascribed destructive role of weak states has been linked both to the *scope* of threat as well as the *unpredictability* of threat emanating from weak states. "*Weak or failed states are the root of many of the world's most serious problems, from poverty and AIDS to drug trafficking and terrorism*" claims Fukuyama (2004, p.23). As Chandler (2010) observes, the international state building discourse affirms the Kantian principle that a wrong happening anywhere is felt everywhere, thus international intervention is justified "*anywhere*".

As it happens, the reach of weak states is not a military threat but a shapeless, anonymous risk that infiltrates, without discriminating, rich and poor states, east and west. The risk of weak states does not invade the political life but the private lives through fear, and human existence through terror. Besides the all-encompassing scope, the research on weak states establishes that the offensive aspect of weak states is connected to the unpredictability of threat:

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[3] According to Brooking Institution "Index on State Weakness in the Developing World" (Rice and Patrick, 2008) there are about 141 states in the developing world that fit this profile.

"*State weakness constitutes structural threats akin to dead leaves that accumulate in a forest. No one knows what spark will ignite them, or when*" (Krasner, 2005, p. 231).

Foucault (1979) argues that the *reason d'être* for the modern state is the power over life and death of its subjects. It seems that weak states, by not being able to accommodate this function, inadvertently have de-centered not only themselves but the whole system of states from its very reason of existence and from its normal mode of functioning. It probably will not be a step too far to claim that weak states have de-centered modernity.

The need to "normalize" weak or collapsed states, to rehabilitate their institutions and make their activities visible, predictable and compatible with the operating standards of the international society of states, appears as the principal goal of international intervention. The matrix of this intervention is concerned primarily with the burden that weak states put on the international order, and therefore, the real goal is not to fix these states *per se*. The causes of intra state conflict and particularly the causes of state collapse remain highly disputable in the scholarly debate and there is no final agreement among scholars why state death happens. As Chandler (2010) observes, the state building enterprise does not have and cannot have, for obvious reasons, an all-comprehensive program to cure the maladies that pervade weak or collapsed states. What it is premised to do, however, is to prevent the spread of their maladies on a world stage.

"*There is little doubt that solutions to our current problems of insecurity, poverty, and lack of progress, all converge on the need for a state building project*" (Ghani and Lockhart, 2008, p. 4).

The primary goal of the state building project is not as much to quarantine or to cut the weak states from the world order as it is to make their activities visible and controllable by international actors. International relations strategies in this context go beyond coercion, containment or "stick and carrot" approaches. Indeed, the framework of international

intervention for rebuilding weak states is premised on a "pedagogy of training" weak/collapsed states to adapt institutions of democracy.

It appears that this approach run differently from previous international strategies of "disciplining" problematic states. The common approach to "troubled" states during the Cold War era was based on containment[4], a policy practice intended to "quarantine" communism. Containment was made possible precisely because of the fixity of borders which provided a grid for organizing differences among political, ideological, economic axes, and even lifestyles across the sides of the iron curtain. A world with porous borders, with a diffusion of lifestyles and eclectic ideas could not be controlled through isolation or coercion, functions that would become blunted by their very use. Moreover, international interventions in the post Cold War era are not concerned with restoring the *status quo ante* of weak states which would mean for those states to fully control their sovereignty and their own autonomous political decision making capabilities. On the contrary, the purpose of international intervention is to increase the functionality of weak states by "*emphasizing the regulatory legal and administrative shell of the state and abandoning the political content of autonomy and self-government*" (Chandler, 2010, p. 21).

From this standpoint, the issue involved finding a model which could build states through external intervention and at the same time would not be perceived as a threat to state existence. This is a compelling project because it departs from a system of rules that have regulated, or at least is claimed to have regulated, the conduct of world affairs for about three centuries, since the

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[4] Containment doctrine which is associated mainly with the Cold War years originated in the strategies of west to protect itself and its perceived spheres of influence from invasion of communist ideas. In March 1919, French Prime Minister Clemenceau articulated the idea of a *cordon sanitaire*, or a ring of non-communist states, to isolate the Soviet Union. The US President Wilson labeled it as "quarantine."

birth of modern state. Foreign intervention in a state is strictly limited by international law, and specific statutes of interventions are described in the UN charter. However, international intervention in the name of strengthening state capacities takes a more neutral and less political stance. *First*, at the level of traditional discourse, strengthening state capacities has never been associated with erosion of sovereignty. *Second*, due to the *capacity* discourse, international state building programs are justified on moral grounds, rather than appearing to be a manifestation of hegemony and domination. The idea that state failure in a way touches us all, gives the international intervention an aura of humanitarianism with the end goal of helping people through the means of helping their states (Duffield, 2001). *Third*, strengthening of state capacities implies strengthening of domestic state actors, an approach that opens a spot in the discourse of state building for cooperation and collaboration with domestic actors, framing them as partners.

In all these projections, the key is to note that *capacity strengthening* as a reified narrative of the state building discourse relates to rehabilitation in its very clinical sense. As Foucault (1977) notes, the purpose of every rehabilitation project, from architecture to medicine and prison, is to supervise and control units/bodies by scaffold, detox, counsel or reeducation, so that they become able to lean-in and not collapse over and over at the feet of and at the expense of society. Bearing this context in mind, it should be noted that the "state-centered" frame of intervention off-loads the responsibility onto states which are being acted upon, rather than toward those states and institutions that are doing the intervening (Chandler, 2010).

In substance, international intervention projects are designed as disciplinary regimes aiming to manufacture docile[5] states whose behavior is not regulated through external imposition and coercion but through their own voluntarily submission to international standards. There are two types of discipline, writes Foucault:

> "*At one extreme, the discipline-blockage…turned towards negative functions, at the other extreme is the discipline-mechanism: a functional mechanism that must improve the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion for a society to come*" (Foucault, 1977, p. 127).

The question at this point is: What are the mechanisms whose corrective functions will normalize the weak states? The answer is to be found in certain structures/institutions/ means of regulation of political life which were to be accepted by the weak or collapsed states; in a set of institutions that did not exert power through coercion but through rules and regulation; in a set of organizations/structures that asserted themselves through visibility and could legitimize the permanent gaze of international actors over the body of fragile or at risk societies:

> "*The international community has prescribed a remedy for the pathology of statehood based on ending conflict, establishing security and (re)building institutions to allow the liberal democratic state to emerge*"   (Chapuis , Fairlie and Hanggi, 2008, p. 31).

2.   **International State Building and Democratic Theory**

If the previous section was preoccupied with the question of "why fix weak/collapsed states", this section shifts focus to questions concerning: "How to fix these states? What are the strategies selected? What principles, models or theories justify the selection of these strategies?"

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[5] M. Foucault (1975) in *Discipline and Punishment* provides a full elaboration of regimes of discipline and docile bodies. The point that is worth strengthening here is the element of docility as a willing submission.

As noted, international state building is about restoring state functions in order to address state failure through direct intervention of international actors in the domestic politics:

> "*External actors will initially supply what are taken to be the crucial attributes of the state—coercion, capacity, legitimacy, and capital—with the intention of transferring these attributes of "stateness" to an indigenous sovereign center of political accountability over time*" (Rubin, 2006, p. 57) .

While in the initial phase the international engagement consists in filling the political vacuum, the end goal is to create "self sustaining polities" through leading the domestic actors in the process of building democratic state and improving democratic governance (Lund, 2003, RAND Corporation, 2003). State building puts a special emphasis on the formal structures of state, particularly on multilevel governance structures through which "*external actors become part and parcel of local governance*" (Risse, 2011, p. 27).

Call and Cook's (2003) examination of the literature on state building interventions shows that the majority of this work focuses on the design of institutional structures in post intervention societies such as constitutional arrangements, electoral models, matrixes of distribution of power among three branches of government, calculated benefits of presidential vs. parliamentarian systems and so on. Why this asymmetry in favor of institutions?

In order to comprehend the logic behind the restoration of *stateness*, it is necessary to visit the theoretical frames whose arguments have provided immediate justifications for the state building project. We should start with the explicit assumption of democratic theory, regarding the capacity of democratic institutions to resolve conflict through legitimate mechanisms, and thus to provide for stability and continuity. Democratization studies and transitology debates provide broad support, both empirical and normative, in favor of formal political institution as agents of democratic change. Reflecting on the third wave of democracy, the literature on

democratic transition makes a strong case in favor of the growing significance of political institutions and the mechanisms through which they affect political outcomes (Alvarez, Cheibub, Limongi and Przeworski, 2000; Huntington, 1991; Przeworski, 1991; Schmitter, O'Donnell and Whitehead, 986, Stepan and Skach, 1993; Weingast, 1997; Whitehead, 2003).

By and large, the third wave of democratization laid emphasis on the institutionalist approach which relates closely to Schumpeter's (1974) idea of minimalist democracy. "*Democracy*, notes Przeworski (1991) in his analysis of Eastern European societies, *is a system in which parties lose elections*". Huntington (1991), among others, explicitly supports Schumpeter's emphasis on the institution of elections as the essence of democracy. Horowitz (1992, 2008) in *A Democratic South Africa? Constitutional Engineering in a Divided Society* attributes a significant causality to the constitutional arrangements for ending the apartheid regime in South Africa. The new constitutional mechanisms, explain Horowitz, maximized representation for different ethnic/racial groups thus providing incentives for the opposite players to contest each other not through violence but through institutional venues.

Lijphart's (1999) analysis of the processes of democratization in Czechoslovakia, Hungary and Poland maintains that the relatively smooth democratic transition in these countries was negotiated mainly through institutional designs. For Lijphart (1999) the design of institutions was the key variable for diminishing ethnic and religious conflict in Netherlands, Austria or Belgium.

The comparative studies of electoral systems, of presidential and parliamentarian systems and of party systems gave priority to the institution of democracy as agents of change (Diamond and Gunther, 2001). By the middle of nineties, democratization via institution-building became the staple approach. Drawing on a narrow interpretation of Dahl's concept of polyarchy, "*the*

institutions and mechanisms of representative democracy [became] *the main objects of the analysis of democratic quality*" (Diamond and Morlino, 2005, p. 127). In this debate, institutions of democracy are vested with the primary agency and problem-solving ability.

Beside the institutional advantages, a second justification for selecting democratic institutions as the organizing pillar of state building enterprise is provided by the *pathos* and *ethos* of democracy. As Geuss notes, the "*moral superiority of democratic procedures*" (Geuss, 2001, p. 123) has been an important part of the discourse of democracy since Rousseau. Searching for a political system that is capable to integrate citizens into a body politics, but without alienating them, Rousseau constructs an ethical vision of democracy.

Macpherson's book, *The Life and Times of Liberal Democracy* (1977) furthers this debate. The variance among the four "*historically successive models of liberal democracy*" (Macpherson, 1977, p7), *Protective democracy*, *Developmental democracy*, *Equilibrium democracy* and *Participatory democracy* may be astonishing. However, in spite of differences between models, differences that often border on antagonism, preferences for a democratic regime are grounded on the observation that "*it promotes the advancement* [of a community] *better than any other political system*" (Macpherson, 1977, p. 47).

Dahl, too, emphasizes the "*significant utopianism of the democratic ideal*" in his book, *Democracy and Its Critics* (Dahl, 1991, p. 5). It is rather the allure of democracy as a norm, its prospect for private and public happiness that influenced the acceptance of democracy as a state form (Dunn, 2005, p, 16). It has been suggested (Youngs, 2004) that the appearance of democracy as a universally accepted system provided the window of opportunity for the international state building project to take shape. Arguments in favor of the international dimension of democracy, promoted by democratization theories in the nineties, were recycled by

the international state-building project without too much consideration for the altered context of application.

The third set of arguments supporting strategies of international state building is grounded on the debates pertaining to neoliberalist frames of intervention. Neoliberalism[6] , as a set of policy initiatives and as a doctrine, has influenced for more than two decades the practices of international agencies and their programs of assistance directed to revive poor economies of states in periphery via market liberalization. The trademark of neoliberalism was cutting the size of state sector by focusing primarily on "*stateness lite*"- on the institutions of governance, and on the primacy of markets and private sector in shaping both politics and society. Two dimensions of neoliberalism, the external role of international actors in development and democratic governance, are both present in the international state building discourse but in an inverse application. Fukuyama (2004) in "*The Imperative of State Building*" explains that international intervention's focus on formal state institutions is, in fact, a correction of the mistakes of neoliberal approach. "*The idea of building up rather than cutting down the state should be at the top of our agenda may strike some as odd or even perverse*" explains Fukuyama (2004), echoing the neoliberal appeal of the last twenty years. However, lessons learned from neoliberal reforms in Africa and Latin America showed that market liberalization and economic competition does not necessarily hold the key to stability and development.

> "*The liberalizing economic reform failed to deliver on its promise in main countries. Some particularly ill-equipped countries even found that the lack of a proper institutional*

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[6] Neoliberalism denotes a set of policy practices such as Thatcherism and Reaganism developed in the Western countries during the 70s and 80s and aiming to limit to a bare minimum state's interference in economy. I use neoliberalism here in a slightly different context, as applied by IMF and World Bank: a range of assistance programs for underdeveloped countries aiming at limiting state sector and encouraging private market economies.

framework left them worse off after liberalization than they would have been had it never occurred. The problem lays in basic conceptual failures to unpack the different dimensions of stateness and to understand how they relate to the economic development" (Fukuyama, 2004, p. 47).

This is a compelling argument which renders important that "stateness", particularly a specific dimension of it concerned with the institutional frame of governance, becomes the key to normalizing states. What Fukuyama does not tell us is that stateness remains the only alternative in context of collapsed or weak states. To clarify this point, I'll sketch briefly another similar state-building project albeit in a different context.

Reflecting on the political project that gave shape to the Federal German Republic (BRD) after the Second World War, Foucault (2004, p. 102) asks: "*given the task of giving existence to a state, how can you legitimize this state*"? There were three aspects at stake in resolving the issue of statehood for Germany: a) creation of a state under the occupation of allied powers according to Yalta and Potsdam Agreement; (b) acceptance of this state from a population artificially cut from the other half of nation on the other side of the newly created border; (c) limitation of growth of political power of this state (given the totalitarian experience of the Nazi regime).

The delicate balance between three fields was to ensure the existence of the state and at the same time its limitation. To search for a state that would be an integrating medium and self limiting at the same time, explains Foucault, is a far more complicated task than the textbooks on the classical models of state formation had to offer. A state that is able to integrate its population is normally a strong state, highly centralized, in full control of society and has the built-in tendency to slip into totalitarianism. A self limiting state would be able to nullify and absorb totalitarian tendencies but it is questionable whether it could fulfill its basic functions – regulation of social order. The German dilemma was solved by finding the organizing principles

of the new state in an integrative medium that is exogenous to politics: the market economy combined with a set of legal institutions that provide for the rules of competition (Foucault, 2004, p. 174 – 179).

The dilemmas faced by the current international state building project are not that different from those outlined in the previous case; however the means available to address these dilemmas are fields apart from the above scenario. A state is to be built through intensive international intervention; in order to function, this state need to be legitimized so the recipient society does not conceive it as a regime of occupation. The private market sector, which hypothetically might be a medium of integration, is either underdeveloped or nonexistent in collapsed/failed states. Thus, the search for a medium for organizing political life in weak states was driven to some extent from what might be called "the structures of lacking"[7] - the absence of formal institutions that could "*jumpstart the state*" (Fukuyama, 2004). Not only did the establishment of these institutions become the common denominator of international and domestic actors, but the preferences for molding these institutions as democratic found wide acceptance among both actors. It can be argued that state-centered preferences coupled with the universal acceptance of democratic institutions gave shape to a symbolic order which seemed fitting to both the interests of the international body and the expectations of a domestic population. In this setting, democratic regime became the medium through which states would be built, accepted and legitimized. The only problem left was to work out the intensive external intervention in this process, in other words, to work out the paradox of building the state through violating its core principle of existence – sovereignty.

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[7] The term is coined by Jacques Lacan and in its primary use, constructed in a psychological context, explains how the absence, structures of absence – the lack, is able to generate or give shape certain wills, attitudes and ideas.

C.   <u>**International State Building and (Miss)Appropriation of Sovereignty**</u>

The rejection of sovereignty by the international state building enterprise has generated one of the most controversial debates in the existing scholarly work. As noted, the engagement of international actors with collapsed or weak states through a framework of direct intervention into these states' institutions represents a direct and enormous attack on the principle of sovereignty. The stakes are high in such debates. This much is clear from the proliferation of research developed in the post nineties in direct response to state building project. The research demanded a reevaluation of the concept sovereignty and was sharply divided into two opposing claims: either to reinstate or dispose of the concept of sovereignty.

The erosion of sovereignty and its problematic in global politics is not quite a new debate. This discussion has been a central part of international theories, particularly of globalization studies and international human rights research. However, the international state building project penetrated brazenly and instantly both areas in which the hegemony of sovereignty is predicated: territoriality and statehood. The significance of this enterprise lies not as much in the fact that it is the most direct attack on sovereignty but that it brought into open light the paradox of sovereignty: "*sovereignty is ethically indefensible …but pragmatically indispensable*" (Der Derian, 2007 p, 202). In order to understand this paradox, it is necessary to review, *first*, the position of sovereignty in modern politics and *second*, the re-appropriation of sovereignty by international state building.

Scholars agree that sovereignty is a two dimensional category composed by external aspect and internal aspect: External sovereignty refers to the interactions of states at the international stage based on the principle of absence of any higher authority than the sovereign state. It is through the dimension of external sovereignty that the international recognition of a

state that exists within a defined territorial entity, as well as the right of this state to govern within that territory, are guaranteed to be free from external interference. The main components of external sovereignty, as established by the Treaty of Westphalia in the 17th century, are the acknowledgement of the state, non intervention principle, and territoriality.

For more than three centuries, sovereignty has been not only a guiding principle in international relations but "*a defining concept of the modern world system*" (Wallerstein, 1996, p. 93). The United Nation underlines the principle of sovereignty in it very first chapter:

> "*All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any manner inconsistent with the purpose of the United Nations.*"

In this context, territorial integrity becomes the mark of political independence of a state, which means that borders are the grids through which modern world politics is regulated. Walker (2002, p. 307) argues that:

> "*theories of international relations affirm the claim that only within the secure borders of territorial states is it possible to engage in serious politics…Politics, real politics… can occur only as long as we are prepared or able to live in boxes*".

The external component of sovereignty supplants a world order which assures the legal equality of states, regardless of the size of their territory or population. The concept of sovereignty established by the international relations paradigms defines states as the *modus operandi* of sovereignty.

The internal axis of sovereignty refers to the notion that sovereignty resides in the political will or consent of the population of a territory (Jackson, 1999, p. 444). Sovereignty is predicated on an exclusionary and territorially defined political space ruled by a single, supreme centre of decision-making which "*claims to trump all other competing level of decision-making or representation*" (Devetak, 1996, p. 201). This principle of sovereignty operating in the

domestic sphere has been formally accepted as an international standard as stated in the

Universal Declaration of Human rights in 1948:

> "*The will of the people shall be the basis of the authority of government, this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures*" (Universal Declaration of Human Rights, 1948, Art. 2(13).

The logical chain of representation, as Hardt and Negri observe, makes sovereignty an abstract solution which is intended to resolve frictions between the singularity of preferences and collective decision (Rousseau), the problem of obedience to laws (Hobbes), and the problem of divisions between the private and public (Locke). Scholars have singled out three layers of sovereignty (Buijs, 2003, p. 236): sovereignty as a unifying realm, sovereignty as one representative center of power, and sovereignty as an act of free will. In the internal realm, sovereignty is understood as the sheer capacity of a government to exert power over a community (Bickerton et al., 2007). Similar to the external axis, sovereignty is the central principle of organization of internal politics. In the words of Jackson (1999, p. 431) "*sovereignty is the basic element of the grammar of modern politics*".

Sovereignty has been called into questions in different points of history and under different contexts. For Schmitt, sovereignty is a performance, for Foucault, it is a dead letter, and for Hardt and Negri is a false alibi (Prokhovnik, 2008). Scholars have criticized sovereignty's conceptual coherence (Ashley 1988; Bartelson, 1995; Jackson, 1990; Krasner, 2004; Laski, 1968; Schmitt, 2007) as well as its explanatory power (Chandler, 2010; Falk, 1981; Giddens, 1989; Held, 1999; Holzgrefe and Keohane, 2003; Keating, 2001; Keohane and Nye, 2000; Krasner, 2004; Walker, 2003).

Where sovereignty is concerned, the international state building project presents an extremely complex picture. It reflects a stage of political development that is desperately seeking

to stick to the symbolic of sovereignty, while, at the same time, its goal can be achieved only by discarding the sovereignty concept. As the concept of sovereignty becomes an empty signifier in the discourse of state building, the real focus of the discourse is on providing for a concept of legitimate politics in absence of sovereignty. From this point of view, international state building presents "*the most important challenge to traditional conceptions of sovereignty*" (Chandler, 2010, p. 48), fueling fierce debates about a concept that enjoys a reified status in theoretical discourses and practical applications. Let us review how the rearticulation of the sovereignty concept took place in the juncture of the international state building.

Jackson (1990) and Krasner (1999 and 2004), in their analysis of the new trends that took place in world politics in early nineties, demanded a new approach to the validation of sovereignty. According to these approaches, the political autonomy of a sovereign state, that is, its autonomy in the external sphere can only be justified when that state is capable to exercise its sovereign functions in the domestic sphere. Thus, Jackson (1990) observes that no less than 100 out of 115 new states that entered the world system after the Second World War were former colonies. The new states appeared in the world stage with their own flags and anthems, symbols and national currencies, all dressed up in superficial sovereignty. In reality, they were not able to defend themselves from foreign attacks, nor were they able to manage their own international affairs or address problems of population in their own territory without external support. As Jackson (1990), these *quasi states* possessed "de jure" but not "de facto" sovereignty.

> "*Third World rulers…were often heavily dependent on the outside world both for their artillery and for their bureaucracy, as also for the economic resources which correspondingly depended on the rents which could be extracted from international trade, and sovereignty was all the more important as a device for asserting a measure of autonomy from the very external states and other international actors to which they were subordinate. Their claim to sovereignty was thus very far indeed from being a mechanism for cutting themselves of from the world - a strategy followed by disastrous results*"
> (Jackson, 1990, p. 78).

Krasner frames the problem of sovereignty from an alternative angle: non-intervention in the name of sovereignty is not justifiable if that state uses its authority to abuse the human rights of its own citizens. When used as a shield to protect the abusive states, sovereignty, according to Krasner becomes "*an organized hypocrisy*":

> "*Honoring Westphalian/Vattelian sovereignty makes it impossible to secure decent and effective domestic sovereignty… To secure decent domestic governance in failed, failing and occupied states, new institutional forms are needed*" (Krasner, 2004, p. 89).

In this discourse, *de facto* sovereignty has less to do with the status of a state as an autonomous power and more with the capability of that state to be concerned with and carry to the needs of its own population. According to this new interpretation, it is not the appearance of authority or monopoly of power that makes the state, but the capacity of state to provide for its own population and regulate its own problems within its own territory. It is "*the processes and structures of regulations – the governance*", as Risse (2011, p. 39) explains, that become the trademark of sovereignty. The specter of the regulatory state is what is haunting (to appropriate Marx) the contemporary discourse of international state building. We are running here into the triangle of governmentality, territoriality and population, in which population takes precedence over territoriality. How is sovereignty worked out in this triangle or rather, what does this triangle mean for the concept of sovereignty?

Foucault proposes that power relations in late modernity operate not through the frame of sovereignty as the embodiment of the authority of the state, but through the regulatory acts of government. He advises to dispense with the concept of sovereignty: "*in political thought and analysis, we still have not cut off the head of the king* (1970, p.89). From *Discipline and Punishment* to the *Birth of Biopolitics*, Foucault argues that the sovereignty model does not allow

for a full understanding of how power works in the modern age. While sovereignty operates through imposition or prohibition, "new modalities of power" operate through regulatory practices which he brands as governmentality. The relevance of Foucault's work to our line of argument has to do with establishing a mode of analysis that separates the concept of state/government from sovereignty: "*to think, reflect and calculate the problem of government outside the juridical framework of sovereignty*" (Foucault, 2008, p.104).

The current models of international state building are built upon the premise of separation of sovereignty from government. Although sovereignty is still very present in the rhetoric of international state building, its real absence is worked out through the capacity of government to deliver basic services to the population. Through this venue, argues Chandler (2010, p. 50), "*international intervention can be legitimized as supporting sovereignty through strengthening institutional capacities of weak states*". Ghani et al. (2005) take the case further by arguing that international intervention in state building is not a case against sovereignty. On the contrary, they argue that practices of international intervention:

> "[close] *the gap between de jure and de facto sovereignty*" through harnessing "*the international system behind the goal of enhancing the sovereignty of states – that is enhancing the capacity of these states to perform functions that define them as states. Long term partnership must be created to prepare and then to implement strategies to close this sovereignty gap*" (Ghani, Lockhart and Carnahan, 2005, p. 4).

In this logic, the very processes that would violate sovereignty in a traditional model enable failed states to recuperate and regulate the internal domain, in other words to be autonomous but in a quite different meaning of autonomy. We enter the post sovereign world in which state is reconceptualized as a political unit that can "*maintain internal order while being able to engage in international cooperation, without claiming the exclusive right… traditionally associated with sovereignty*" (Keohane, 2003, p. 277).

D.   <u>**International State Building and Political Life**</u>

Literature has established that the international state building enterprise operates along two axes: *the first axis*, which can be characterized as the functionalist axis is mainly concerned with rehabilitation of formal functions of the state; the *second axis*, closely related to the first, pertains to the design of structures of the state. The literature notes that regardless of variation in institutional designs in different sites of intervention, most of the models of state building put a heavy emphasis on formal legal and administrative structures of the state. Because of this structural design, it has been argued that the models of international state building place the political agency exclusively within the limits of formal state institutions. Thus, in addition to domination of state institutions by foreign actors, the formal, highly technocratic orientation of the state building projects contribute to a significant transformation of playing fields on which domestic actors traditionally operate. From one point of view it might seem that political processes in the sites of international interventions are becoming more closed (Bickerton, 2005, Chandler 2010). However, it should be noted that this evaluation is hinged upon a theoretical frame that considers the sovereign states as the enabling concept of politics. This view declines to capture the full configuration of the political action, the modes of conducting politics, as well as the identity of political actors in conditions of international intervention. I argue that we need to tease out of the international state building enterprise a dimension of the political that is not equated with the formal institutions of state. Limited statehood does not simply translate into "messy politics" or inferior politics; on the contrary, because of the peculiar position of their state, domestic political actors have to complement the state and compete with the international actors for the full control of it. They have to find new niches of influence and fit into new roles, far more complex that the regular repertoire described for them by the model of sovereign state.

A possible way to understand this complexity would be to investigate empirically politics that take place on the ground, sites of collective struggles and development of domestic actors in international state building project.

While politics in limited sovereignty environment might appear discontinuous with the tradition of politics that take place in a sovereign state, the debate on the nature of politics confined to formal state institutions has been part of an important discourse in liberal tradition, connected to the concepts of *statization* and *statolatry*. Revisiting this discourse yields a set of analytical tools that we need to account for in order to understand the positive and negative aspects of state building designs. The statization discourse operates within the structuralist-functionalist frame of analysis[8] based on differentiation of four spheres of society: political, economic, cultural and societal[9] (Parsons, 1969). Each of these spheres has its own unique principles of organization, its own institutions, norms or rules of regulation, and its own distinctive function. In addition, each of these spheres is differentiated further into subspheres. Thus, in Parson's analysis, the internal differentiation of political system into government, bureaucracy, legislatures, parties and judiciary, provides the capacity of the system to generate legitimacy (Cohen and Arato, 1998, p. 312). While it is true that Parson attempts to establish relational linkages among the four spheres, *differentiation* is the concept that we need to pay

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[8] Although the structuralist-functionalist debate is considered passé, it is still present as a substratum of contemporary political analysis. Notice that widely used categories such as "economic system" or "political subsystem" are part of this heritage.

[9] Hegel, Weber, Tocqueville and Polanyi belong to the same sociological tradition that explains modernity through interaction of different spheres of society, although not necessarily four (as Parson's model suggest).

attention. It points to a mode of thinking of politics based on compartmentalization and strong boundaries among the sphere of politics and other spheres.

If we extend this mode of analysis to international state building designs, we can claim that priorities given to formal institutions of state represent not only a calculated structural reformation of the political sphere, but also an attempt to isolate it from other spheres. This selective institutionalization serves three purposes: (i) to shield the production of the political by the influences of other spheres, particularly societal sphere. It has been noted that, especially in post conflict cases of state building, the high level of politicization of society, does not allow normal and proper processes of political decision making to take place (Chandler 2010, Tansey, 2009). Therefore, heavy institutionalization of the political sphere provides disincentives for penetration from other spheres into the political domain, serving thus the second purpose: (ii) to encourage the political system to provide stability in the face of volatility of societal pressure, poor market performance or ethno-racial-cultural conflicts; (iii) heavy institutionalization of the political sphere ensconces politics within the realm of state institutions, thus preventing the penetration of state into other spheres of society and its slippage in totalitarianism.

How defendable is the selective institutionalization in terms of emancipating the political life? I propose to venture beyond the pluralistic and totalitarian discussions because they provide a simplified answer to the question. A more polemical model is that of *statization,* discussed by Luhmann (2003). The model advocates in favor of relocation of political agency within the formal administrative - legal apparatus of the state. It should be noted that *statization* in Luhmann's analysis is not necessarily a bad occurrence. On the contrary, it provides another layer of protection against the expanding powers of state, something that even the liberal theory of rights has been proven insufficient to fully achieve. Based on this insufficiency, Luhmann

refutes the thesis according to which associational life - the societal sphere - is conceived to be the core defense against the political system. Insulation of state, through complex and multilayered institutionalization is the real shield. At the very end, in Luhmann's model, statization does not lead to the elimination of societal power but to the absorption of the societal by the political. In this context, the mechanisms installed within state institutions provide both for state's power as well as for the enactment of the defense against power. The direct consequence of statization thesis is that it attributes the responsibility of transformation of both political and non-political, thus the primacy of agency, to the state (Cohen and Arato, 1992, p. 308 – 326).

The progressive role of state as an agent of change is also advanced by Gramsci. His *Prison Notebooks* (2010) assigns a positive role to the state as the center of *"the movement to create a new civilization, a new type of man and even a new citizen"*. According to Gramsci, a "statolatry" (idolizing the state, worshiping the state) approach is justified under special conditions:

> *"For some social groups, which, before ascending to autonomous statehood, did not have their own independent cultural and moral development, a period of statolatry is rather opportune. This statolatry is nothing but the normal form of statehood, of initiation at least of the autonomous statehood"* (Gramsci, 2010, p. 242).

State, from a Gramscian perspective becomes the institutional framework, the organizing pillar for constructing an active, vibrant and self-governing society.

Both propositions (Luhmann and Gramsci) that privilege the role of state as a principal agent of transformation observe that the *statolatory* status *"when abandoned to itself"* (Gramsci) has grave political consequences. The risk of this situation, for Gramsci, is the absorption of society from state, therefore he sees *statization* only as an interim phenomenon in function of constituting the conditions for the organization of society. In Gramsci's view, statization is just a

stage in the dialectics of "withering down of the state" which at the very end will bring absorption of politics into society, similarly with the Marxist idea of state's future outlined in "The Jewish Question".

Luhmann's analysis, on the other side, never advances in clear terms that would imply a final refusal of the *statization*. However, it is the conceptual ambiguity on which his model runs into that makes possible for us to re-examine political consequences of *statization*. The biggest threat of statization comes from heavy institutionalization of political space and identification of this space with formal state institutions, a setup that dries the social from its ability to counteract political power. Luhmann himself accepts that differentiation of spheres might produce unwanted consequences such as *dedifferentiation* leading to a complete disintegration of the political.

In working out the consequences of these debates it is fair to ask how and to what extent the heavy emphasis on formal institutions in state building projects influences the organization of domestic political life. At a first glance, it is common to accept that isolation of politics within the limits of state apparatus should contribute to a climate of passivity, dependency and inactivity of body politics. At the same time, *statization* in the context of international state building, by its own tendency of isolating political processes, has recast the relationship among state and local political actors who struggle for power and inclusion within their own state. In this context, state is no longer the center of politics but the goal of politics. Appropriation of state becomes the end goal of domestic actors which, in order catch up and break into the model of formal politics, need to reformulate their styles of actions and their identities. In their struggle for gaining control of their own state, domestic actors develop new strategies for modifying and altering the ways existing institutions work. Local actors in pursue of their own state do not

hesitate to craft new institutions and less formal political structures to complement for or supplant the existing ones. This "*institutional selection*" (Spruyt, 1994) is worked out through every day acts that seek to balance among habitual forms of organization of political action and novel styles of activity. Thus, political parties, for example, in order to most effectively exploit the political opportunity structures available to them, often adjust the institutionalization level of their internal organization or loosen up their ideological orientation. Civil society organizations, on the other side, reformulate continually their style of action in order to influence what is perceived to be a highly constraining organizational environment. Such day to day changes are ambiguous and amorphous in their short term ramifications but they generate long term transfiguration of the identity of these actors, of structures of power, as well as of the nature of politics itself.

E.   Conclusion

International state building project has taken us at a complex juncture in practical and theoretical terms. We need to think out of the box in order to understand what exactly happens to politics and political agents operating in an environment where sovereignty is absent or limited. We also have to accept that theories of politics with which we are familiar with, constrain our understanding of political challenges presented to us by "non-normal" polities under international management. That many political processes which take shape in international intervention sites appear as paradoxes, at best, indicates the limitation of our analytical grids to "*express various meanings of complex things with the scanty vocabulary of fastened sense*", as Bagehoff observes. International state building has pushed the frontier of understanding the dynamics of international order beyond the real or latent use of force. While the research in state building has been giving full attention to the process of reconfiguration of power at the

international level, there still exists a lacuna of knowledge on how state building affects structures and configuration of power in areas of international intervention. Given the debatable character of power in international state building projects, domestic actors attempt to improve their position in the political scene through both routine and novel activities. How these actors operate in practice and how they develop goals, strategies and tactics are crucial for understanding the dynamics of politics and trajectories of political change in post conflict societies.

III. RESEARCH DESIGN AND METHODOLOGY

"The example of Kosovo points towards the increasingly
complex, difficult and in some aspects, frightening
post-modern world we are now entering"
(Weller, 2009, p. 3)

A.   Introduction

The purpose of this study is to produce a better understanding of the development of local

agency in sites of international intervention. From this point of view, the study seeks to evaluate

practices and modes of activity of local actors by applying an interpretative and integrative

approach. This entails in depth engagement with local actors on three levels:

First, observing the daily practices of local actors and, when permitted, participating in

activities organized by them.

Second, understanding and learning, through interviews and conversations, the meaning

and the function assigned to these practices by the local actors.

Third, integrating an internal perspective (for example, how a civil society organization

or a political party perceives of its role) with an outsiders perspective (how is this particular

organization viewed by the citizens or other organizations). The point here is to navigate

between self-beliefs or self perceptions of local actors and enacted beliefs – the relevance of

local actors in the public eye. It is through this approach that I can secure entrance in the world

of the "the numb imperatives" (Bourdieu, p. 1980, p. 151) or said differently, to separate what is

substantial from what is projected as substantial.

I open the discussion in this chapter by addressing first of the organizing principle of this

research (section B). When research engages a domain that is relatively unsettled, such as

international state building, the lack of overarching theories or singular interpretative frames

"imposes" an unconventional outlook on almost every step of the research, from the formulation of questions to the design of research, to the interpretation of findings. The research in this case seeks to understand practices in the field and at the same time to probe theories upon which such practices are grounded. From here, the discussion in the subsequent section (C) tackles the relevance of Kosovo as a case study. I maintain that Kosovo experience offers important insights for understanding the nature and meaning of politics in absence of sovereignty**.** Section D engages with the research design and procedures that impelled the research**.** I explain in details the techniques used for obtaining data, research venues and research strategies. Since the major emphasis of this study was the investigation of the local agency from multiple perspectives, the research was designed with a degree of flexibility that could be permissible to inclusion of different interpretations, ideas and insights.

The last section of this chapter (E) sketches a brief history of Kosovo, as the research site. The intention of this section is to provide a general background for the analysis that follows in the next chapters.

B. **The Organizing Principle of the Research**

Most of the texts written with the purpose of providing guidance for the research design start with an oversimplified view on the relation between theory and research design. According to this view the purpose of research is either to refute/support a theory (testing a hypothesis) or to produce a new theory/formulate a new hypothesis. Research questions are thus formulated through deduction (from theory to research question to its empirical test) or induction (from empirical data to theory). Both induction and deduction presuppose a sufficient amount of data (induction) or a sufficient degree of acceptance of a theory (deduction). One cannot formulate a new hypothesis based on scarce or even ill-fitting data; conversely one cannot produce a

hypothesis based on theories that are scant. There is no better illustration to this double edge limitation than the international state building. While there are multiple theoretical frames that provide support for practices of third-party intervention, such as democratization, institutionalization or even neoliberalism (as explained in Chapter 2), these theories are highly controversial and limited to contexts that have only remote similarities with the context of post conflict societies. In the absence of firm theoretical frameworks, deduction of testable hypotheses is not possible, if not counterproductive.

On the other hand, data collected in different sites of international state building is often controversial; for example institutions that might have achieved a degree of success in East Timor have been a disaster in Bosnia and Herzegovina. More important, these data are yet sparse and disorganized to allow for a serious formulation of new hypotheses. Following the induction path leads to a dead end.

Generally speaking, the challenges presented to induction/deduction procedures are not isolated only in the domain of international state building. "*The new brave world*", as Slaughter (2005) refer to the new stage of international relations in the contemporary world, presents us with complex and multiform interactions. Under such conditions, the status of prevalent theories becomes limited both at the explanatory and predictive level. Research which relies on questions and hypotheses derived from theoretical models, prior to going into the field, seldom measures what is really there (Flick, 2009, p. 12). The goal of research cannot be any longer about testing/affirming/refuting existing theories or as Popper (1964) puts it, about "*conjectures and refutations*".

At this point, we have arrived at a different juncture of inquiry whose mission is not as much about affirming or accepting existing theories but questioning, probing, deconstructing and

reassembling paradigms that are at the foundation of political science. Separate cases clash on multiple levels with the central premises of our guiding theories. Dealing with these cases, we move back and forth between evidence offered by an empirical case and a theoretical frame which initially was supposed to offer an understanding of this practical case. For example, when discussing the establishment of democratic regimes under the auspices of the international community in Kosovo, Afghanistan or East Timor, the primary goal of the research is no longer to refute or affirm the premises of democratic theory. The analysis becomes far more complex because the theory represents a sliding terrain from and provide to safe foundations to start our inquiry. As a matter of fact, the existing theory itself becomes a constraint for a full understanding of the complexity of a case. The only way to move forward is to understand that our inquiry is not fixed on an absolutely robust theoretical ground; therefore, the inquiry represents a to-and-fro process, a circular movement, from an empirical case to a theoretical framework(s) and vice versa. During this process, not only the practical case can be explained, but also constrains presented by the theory are discovered and addressed. From this point on, the relationship between theory and practice is no longer linear or one directional but becomes transversal. In other words, the lines of inquiry cut at the same times across multiple points and multiple planes, from practice to theory and vice versa. This is the principle that guides my research.

In this view, theory is not considered as a static, frozen set of rules and principles but a flexible and imperfect body of knowledge. I concur with the opinion and concerns of many scholars of international relations, according to whom, theory *constructs* and *limits* what is possible and/or impossible. Therefore it becomes necessary to think about politics from a place

that "*is closer methodologically and epistemologically to new puzzles taking place in the world*"
(Sylvester, 2012, p. 434).

C. <u>The Relevance of Kosovo as a Case Study</u>

"*There are two ways to learn how to build a house. One might study the construction of many houses…Or one might start to study the construction of a particular house*" (Gerring, 2007, p. 1). Exploring Kosovo as a single case helps to gain insights into those elements that normally are lost or become marginal in multi case analysis. Moreover Kosovo retains a considerable appeal due to the fact that it is one of the few cases in which innovative institutional configurations that deal with power sharing between international and local actors were still in the making[10] until recently. Kosovo is relevant for scholarly analysis on multiple levels:

First, from the perspective of world politics, Kosovo introduces a new understanding of the concept of sovereignty and signals a new set of patterns and actors in international politics. As it is well known, Kosovo's territorial sovereignty was not recognized immediately after the war. Certainly, the installation of international administration in the province served the immediate purpose of addressing post war problems and provided for rehabilitation of collapsed institutions. However, the international administration in Kosovo represented a structure of governance which was intended to fully and intentionally substitute for domestic actors. Put simply, the war might have ended in terms of the cease fire but the war itself did not provide a clear solution to the issue of Kosovo's status. Post war Kosovo figured as a territory, an entity without a clear status, an outlier. The term "international protectorate" in the case of Kosovo

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[10] Currently the mandates of many international missions operating in Kosovo are either terminated (ICO), significantly reduced (UNMIK) or to be terminated/reformulated in the near future (EULEX).

signified more than a system of management and control established by the international administration in the province. The international community represented Kosovo de jure and de facto in the international scene. What are the parameters of possibility for existence of such outliers? These parameters are negotiated in the interconnected realms of international and domestic politics. Currently we are faced with a long list of internationally managed post conflict spaces "*from Kabul to Ituri to Transdniester…which have little or no prospect for recognized statehood in the foreseeable future*" (Heathershaw and Lambach, 2008, p. 249). There is no doubt that the lessons learned from Kosovo might be valid to similar experiences in the rise.

Second, from the perspective of domestic politics, Kosovo represents a challenge to politics organized based on the sovereignty model. This model provides a template for organization of internal politics. The legitimacy of government, procedures, actors, they are all regulated through the grid of sovereignty. Furthermore, the sovereignty model assigns a specific and well-defined space to the each actor in politics. It can be said that sovereignty is as much about politics confined within a space (territory of a state), as it is about pre-ordering the flow of politics within well regulated spaces. It is due to the sovereignty model and its compartmentalization of political life that we are able to identify actors such as, political parties or parliaments or interest groups. In the absence of sovereignty, it can only be expected that the assigned spaces of politics become fuzzy, leaving the actors in less predictable positions. Forced to negotiate the space and terms of their existence, local actors negotiate themselves and it is through such negotiations that the sovereignty itself is produced. The classical model of sovereignty as produced by Hobbes, Rousseau or Locke, tells a story according to which sovereignty constitutes the actors and institutions of politics. In such a world, sovereignty is

understood as the prerequisite of political institutions, a permissive condition for the entire arrangement of the body politics. On the other hand, an account of Kosovo in the last ten years presents us with an inverse model of sovereignty according to which every act and action of political actors is a step toward appropriating sovereignty. From this point of view, exploring the practices and modes through which sovereignty is generated becomes highly important.

Third, Kosovo has been the most expensive and ambitious state building project up to date. Its cost is reported to be about $1.3 billion a year with about 11,000 international civil servants and police officers dispatched in the province, supported by 50,000 NATO troops (Chicago Tribune, 2005). In addition, a total of €1.8 billion was distributed by European countries to Kosovo from 1999 to 2006, making Kosovo the biggest recipient of EU aid in the world (Montana, 2009, p. 22).

Multiple international and regional organizations have worked in Kosovo either under the coordination of UNMIK or independently. In a way, the making of Kosovo represents a joint venture between international institutions, states, and non state actors such as international NGOs, private foundations, churches and think tanks. For example, the Kosovo Police Service was comprised of 4,718 police officers from 49 different countries (Richmond and Franks, 2009, p. 39). Moreover, Kosovo has been more susceptible to international intervention than other regions; NATO and UNMIK have been greeted as liberators. When political space gets overcrowded by exogenous agency, it can be speculated that such conditions render the local agency invalid. Yet, these unwarranted conclusions need to be verified in practice. If Kosovo displays an extreme case of docility to international intervention, as has often been interpreted, it becomes necessary to investigate the trajectories of interaction between local and international actors. The newly gained perspectives will be helpful for discovering and understanding the

range of political possibilities in sites of international interventions. This way we can begin to address the question of underexplored local agency, in particular, as well as the formation of political subjectivities, in general, in externally-assisted state building projects.

D.   Research Design: Technicalities and Practicalities of Research

1.   Technicalities of Research

This study draws on a six month filed work conducted in Kosovo, from July – December 2010. The research relies on a combination of document analysis, interviews, surveys and non-participant and participant observation. I surveyed 412 individuals, out of which 258 were residents of Pristine (the capital of Kosovo) and 154 were residents of Ferial, Vestry, Prize, and Mestrovic. 48% of the respondents participating in the survey were students, aged 18 – 28. Administration of the survey was facilitated by the members of the Faculty of Political Science and the Faculty of Law at the University of Prishtina, two local NGO-s in Kosovo, the Kosovo Women Network (KWN) and the Initiative for Progress (INPO, Ferizaj branch), and The University of Prishtina Student Association. The survey took place in multiple phases, over a three month span, from the beginning of August to the end of October.

In addition, I conducted face to face, in depth interviews with 124 individuals, between the ages of 18 and 78. Sixty-three of the respondents were Kosovo Albanians, 18 were Kosovo Serbs and 43 were foreign nationals. The interviewed individuals were members and leaders of Kosovar civil society organizations, political party leaders and activists, local experts and academics, members of the clergy, civil service workers, parliamentarians of the Kosovo Assembly, journalists, heads of ministries and members of the cabinet of the Prime minister.

The foreign nationals worked in organizations such as UNMIK, ICO, EULEX, OSCE, SIDA, EU, UNDP, media and the diplomatic body accredited in Prishtina. I conducted follow up

interviews with more than half of these individuals. The average length of the interviews was about 40 minutes, with the shortest one 21 minutes and the longest one 82 minutes.

I also observed a number of events, both formal and informal. In terms of formal, official and restricted public access events I should mention the EULEX structured workshops with Kosovo civil organizations, the meeting of the EU Rapporteur for Kosovo, Ulrike Lunacek with parliamentarians and members of civil society, three board meetings of the civil society organization "Kosovo Women Network", two meetings of the municipality of Gracanica and the convention of the Democratic Party of Kosovo. I followed closely the electoral campaign as a certified election observer, working with the INPO team in Ferizaj. On Election Day, December 10, 2010, I joined one of the mobile units of this team in order to gain access to voting polls in Serbian populated areas in the region of Ana – Morava. In addition I attended a number of seminars and conferences organized by NGOs, such as D4D, Self-Determination, Kosovo Women Network, Rockefeller Brothers Foundations, Soros, Forum for Citizens Initiatives (FIQ), Kosovo Foreign Policy Club, the University of Prishtina and the American University in Kosovo. I spent significant time in multiple environments, from party organizations to government administration, from civil society organizations to international mission offices, getting to know the daily routines, processes, and relationship dynamics among these organizations.

Furthermore, in a customary Kosovo tradition, people opened their homes and invited me to friend and family celebrations, offering me the privilege of sharing "on the spot" participants' experiences and perspectives. Exposure to different institutional, organizational and social settings, from official to informal, from carefully edited professional answers, to

spontaneous and unguarded reaction, was useful for testing the accuracy and reliability of the collected information.

While navigating research between interviews, surveys and participant observation, as well as between formal and informal settings, I learned that there is more to the interviewing process than the accurate recording of answers. Jokes, banter, laughter, mimics, comments that seem out of context – all these little nuances that take place in the course of an interview drive the real meaning of the overt answers given by the interviewees. Like "EXIT" signs hanging from the ceilings of big halls, whose importance cannot be denied but nevertheless are rarely noted, the nuances and even the tone of the respondents' voices often give away more than plain words can deliver. I will illustrate this point with three examples:

Exhibition 1: In an interview with one of the founders of a newly created party in Kosovo, FER (*Fryma e Re* - The New Spirit) I tried to assess the attitudes of this party toward the PDK (*Partia Demokratike e Kosoves* - Democratic Party of Kosovo), the biggest political party in government and a successor of the UCK (*Ushtria Clirimtare e Kosoves* - Kosovo Liberation Army). The answer given to me by the respondent was rather bland: "*There are good elements and bad ones in that party, as elsewhere*". However, toward the end of the interview, the respondent asks: "*Have you heard that joke about the UCK? It is funny: people say that UCK had more generals than soldiers. And you know what generals do: they like to give orders*". The point about the PDK was made: in the eyes of this respondent, PDK was a party driven by arrogance; the implication was that chances for a future alliance between the new party and PDK were slim to nothing.

Exhibition 3: Gracanica is one of the new municipalities in which the Serbian population represents the majority. I was supposed to observe a municipality meeting which was to be

conducted in the presence of an OSCE representative. On the way there, I asked the cab driver, a Kosovar man, what he thought about this new arrangement of municipalities based on ethnic groups. *"Eh,"* he said, *"it is not that big of a deal! If we want to keep Serbs happy and if that's what it takes it is fine."* The taxi drivers in Kosovo have learned how to be really diplomatic and get themselves out of sticky sensitive situations due to the fact that they transport mainly foreigners who travel in Kosovo not for tourism. Our conversation was conducted in Albanian but I was under the impression that even this did not make me a trusted person. On my way out, the taxi driver advised: *"If possible, do not talk in Albanian or even in English, when you meet people in the street"*. I realized that in the eyes of this individual, Serbs were still considered to be dangerous, in spite of his seemingly lenient attitude about co-living with them and empowering them as minority. The taxi driver was well versed in the politics of the day, he made his living by putting up a "show case" but behind the façade of neutrality, he preferred to cling to his clichés.

Exhibition 3: It was the fourth time that my appointment with a member of the political party AAK (*Aleanca per Ardhmerine of Kosoves* - Alliance for the Future of Kosovo) was cancelled. The individual I had scheduled the interview with was a member of the Steering Committee of the Party and one of the few female members of the Kosovo Assembly. While I was pacing the empty halls of the party headquarters thinking what should be the next step, I ran into a person who inquired about my presence in the building. As I explained the reason for being there, the person pulled his card from the wallet and said in a commanding tone: *"Call her again and let her know that I told you so! I am a friend of R.H. And if you still can't arrange a meeting, call me back."* R.H was the formal leader of the party, although at that time he was being tried in the International Tribunal in Hague. I was able to reschedule the meeting. More

than from the interview, I learned from this brief hallway meeting that the real control of the party lay with the leader charged with war crimes[11].

Another component of my research methodology is what Haer and Becher (2012) call "*random walk*". This method is applied mainly in conflict or post conflict environments or in very poor and risk prone areas, when access to probability sampling is not possible. The World Health Organization, for example, uses the so-called EPI procedure. According to this method, the researcher selects a particular area, i.e. a busy street or a safe neighborhood, where the response rate is expected to be high and randomly selects households or individual respondents.

After two months in Prishtina, getting familiar with the city's sections and neighborhoods, I decided that two places seemed fit to apply the "random walk" procedure: either the mosque at the center of the city or the so called Green Market/Farmers' Market. As access to the mosque is denied to females, I decided to do the "random walk" in the Green Market.

Located at the old center of the city, the Green Market is a very crowded area. Stories, jokes, innuendos, chitchat - all revolve on the latest political development. A form of *proto-agora*, in the sense that the problems of *oikos* and *polis* are mixed together, the Green market is the unedited and striving- to-be the uncensored version of a news agency. Business transactions are conducted in Euros; bargaining proceeds in the vernacular, and greetings in whatever language pleases the buyer. An attentive listener can learn a lot: that the sales of potatoes grown in Kosovo are suffering because of the imported ones; that border control with Serbia is weak because it is in the interest of Kosovo politicians; that last night's interview of a high profile

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[11] R.H was found not guilty and returned to Kosovo in 2011. He is the current leader of the AAK party.

EULEX official was a drag; that Hillary (Clinton) is coming to town and Vjosa (the head of the European Integration Unit at the Ministry of Foreign Affairs) really stank in Brussels. Names of presidents and prime ministers are tossed around among the piles of "domestic tomatoes" and Macedonian white beans; bets take place about whether the EULEX is going to arrest the next corrupted government official or if the EU will approve the new visa regime with Kosovo until the end of the year. But it does not end there. Questions, comments, inputs from buyers are welcome. One could ask a question about a particular event and steer a heated discussion. The Green Market becomes a form of focus group; ideas are beaten to death, multiple explanations are thrown around and various perspectives lay one above the other. Lack of professionalism, improper etiquette, no agendas of discussion or stylized answers; definitely not the Arendtian style of politics, let alone Weberian, but perhaps that is why it is worth to delve into the cacophony of the Green Market.

2. **Practicalities of Research**

This study is centered on exploring the development of local agency in Kosovo as a vehicle for understanding the production of politics in conditions of limited statehood. I focus on two sets of actors, political parties and civil society organizations and explore their range of activities, the modalities of action and styles of engagement in politics.

As many scholars that study international state building projects have observed, and as it will be explained in details in chapter five and six of this study, the value of local agency in the international state building project is peripheral and instrumental, at least initially. This claim however, tells only half the story which is about the value *assigned* to local agency by the international administration. Nevertheless, local actors in post conflict sites have been at the center of the conflict and therefore they are used to be at the center of politics. At some point, in

the course of co-governing with the international actors, the local actors capture the center and expand their presence and their relevance in governing. It can be said that the real positionality of local actors in state building emerges as mediation among the assigned location (periphery) and claimed location (center). A few studies that investigate the local agency in Kosovo limit their inquiry only at the starting and end (or mid) point. The overwhelming presence of international agency and the externality of local actors in governance during the initial phase create a predisposition to think that the progress made by local actors toward the center of politics, is given to them rather than gained by them.

I follow a different trajectory which is concerned with investigating how the *assigned* peripherality and the *claimed* centrality are negotiated. Therefore, while political parties and civil society organizations are the main research venues of my study, I disaggregate them into several layers, as presented by Fig. I. and II on the following page.

Attempting to understand the role of relevance of political parties in Kosovo politics, I raise three questions: (1) How do parties perceive of their role; (2) How are parties they perceived by the public and (3) how are they perceived by their governance partner – the international administration. This way I could obtain data about the role of parties in the government, in the electorate and as organizations. Furthermore, this design provides for a categorization across internal views (parties' opinion), public view (public, media, and the opinion of other parties for each other) and also the international administration, which could be classified as a technocratic/bureaucratic view. It should be noted that I have included the input obtained by the local/international involved in party building with the "internal view". The logic behind this lies with the extensive and intensive engagement of these experts in the life of the

party. In a way they are more of a party insider than members of the party; they have contributed and know in details the internal life of the party organization.
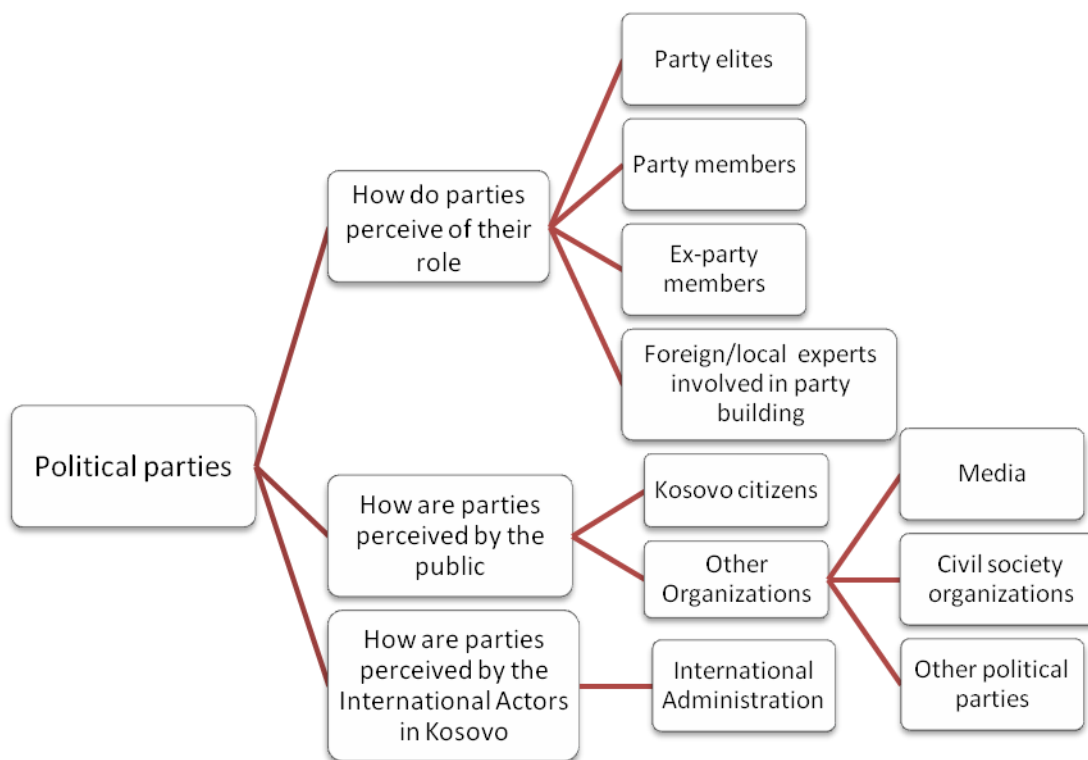
Figure 1. Investigating political parties

The investigation of civil society proceeds in the same vein: I start with obtaining data about the perceptions that civil society organizations have about themselves, their roles and capacities; then I move on to explore the perceptions of citizens, political parties etc. about civil society. For a more nuanced understanding, I have often sought to also discover the perceptions that different civil society organizations have for each other. In addition, it should be noted that

an array of international organizations, and transnational civil society actors have worked with the civil society sector in Kosovo. Therefore, I have disaggregated the 'international community" category into three subcategories. This way I can explore the prevalent patterns in each group and examine differences across groups.
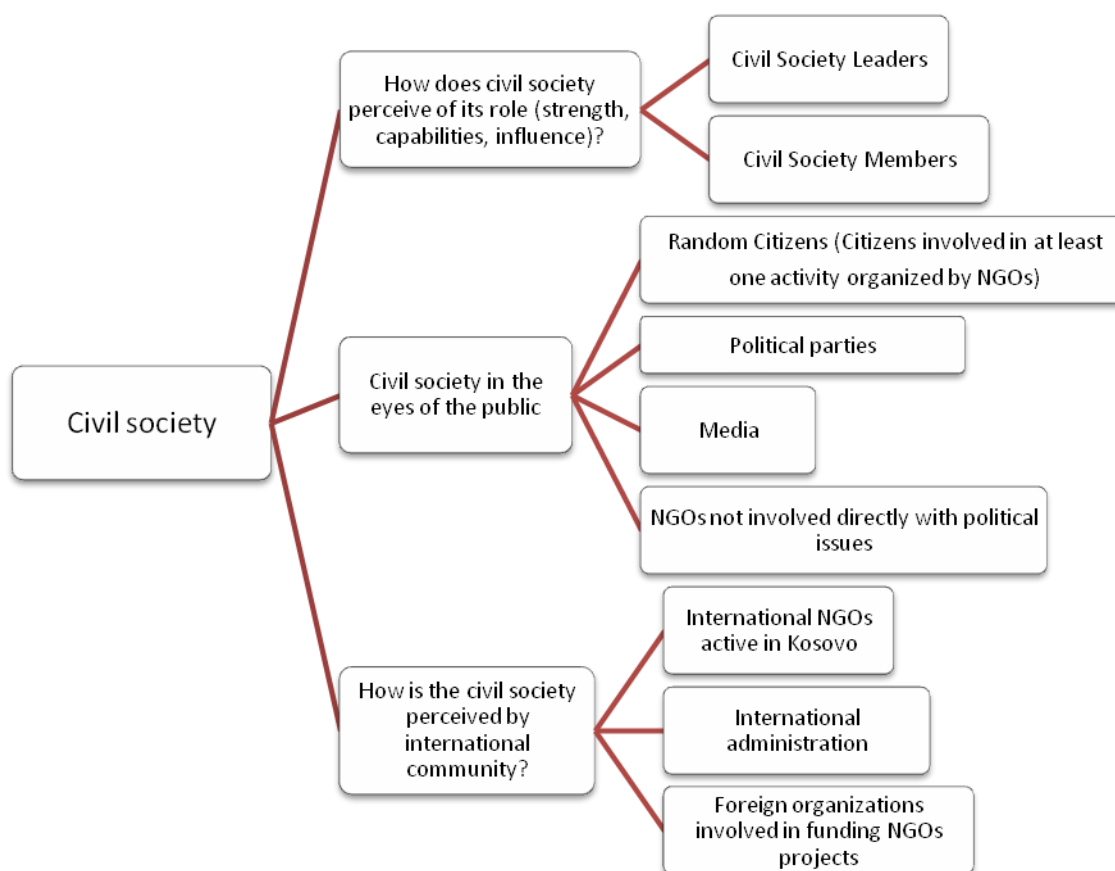
Figure 2. Investigating civil society

E.   <u>**Kosovo: Background to War**</u>

1.   <u>**A Historical Snapshot**</u>

Kosovo is a small country, with an area of 10 887 square kilometers (slightly larger than Delaware), located on south of the Republic of Serbia, bordering with the Republic of Montenegro to the north-west, with the Former Yugoslav Republic of Macedonia to the south and Albania to the west and south-west (CIA World Factbook, 2012). Kosovo is inhabited by about two million people, 90% of which are ethnic Kosovo - Albanians and about 10% ethnic minorities such as Serb, Bosniak, Gorani, Roma, Turk and Ashkali (Kosovo Institute of Statistic, 2011). Serbs represent the biggest minority group or about 7 – 8% of the population.

Historically, Kosovo has been part of the medieval Serbian Kingdom and belonged, for several centuries, to the Ottoman Empire, then to the Kingdom of the Serbs, Croats, and Slovenes. After WWII, Kosovo was a province of the former Federal Socialist Republic of Yugoslavia, without the equal status given to the other six republics constituting the federal state. With the collapse of Yugoslavia in late eighties, Kosovo eventually remained under the sovereignty of the Republic of Serbia.

The status of Kosovo under the Federation of Yugoslavia underwent several constitutional and policy changes, with the most important ones taking place in the late sixties /beginning of the seventies and then at the end of the eighties. As a result of the Kosovo Albanian uprising in 1968, a new liberal statute for Kosovo was issued in the frame of federal Yugoslavia, followed by political and administrative reforms in the province. The federal government of Tito in Belgrade responded positively to the Kosovar demands: in 1968 Kosovo acquired the status of a Socialist Autonomous Province within Serbia and Kosovars were permitted to fly the Albanian flag and display their national symbols (Ramet, 1992). In 1969 the

University of Prishtina was opened and an array of opportunities in the public sphere was assigned to Albanian language and culture (Hall, 1994, Ramet, 1992). A supreme court with broad jurisdiction was established in the province, exchange programs with professors from Albania were initiated and cultural contacts with Albania were expanded. Albanian became the official language of Kosovo. The name of the province was changed from "Kosovo i Metohija" (Serbian name for Kosovo) to Kosovo or Kosova, and the autonomous province was now represented within federal structures (Malcolm, 2002, p. 324).

The Constitution of 1974 of the Socialist Federal Republic of Yugoslavia established Kosovo's institutions of self administration and those of representation of the province at the federal level, assigning to Kosovo almost the same competencies as the six republics, including equal representation within federal institutions. This period has been acknowledged by many Kosovar scholars as the most opportune time for forging the national identity, opening subsequently a window of opportunity for Kosovar elites to formulate more radical nationalist agendas. The top issue in the nationalist agenda has been the demand for elevating the status of Kosovo to that of the other republics of the Federal Yugoslavia (Hasani, 2002, Qosja 1995).

The stagnant economy in the eighties fueled nationalist passions and pushed the multinational state of Yugoslavia to the brink of collapse. It is in the backdrop of these events that Slobodan Milosevic, a former communist who assumed first the leadership of the Serbian Communist party and then of the Republic of Serbia, came to power. As many scholar agree, the most significant factor that contributed to Milosevic's ascendancy to power was above all "*the growing Serbian bitterness…and fears that the* [Kosovo] *province would be lost*" (Ramet, 2006, p. 348). On this note, Garton-Ash adds that "*the reason for Milosevic's rise to power is certainly the manipulation he used over Serb national sentiment in relation to Kosovo*" (2002, p. 17).

2.   <u>The Ethnic Crisis and NATO Campaign</u>

While the rest of Yugoslavia was destroyed by the ethnic wars, Kosovo remained under harsh Serbian police control. The leader of the LDK, Rugova tried to avoid giving the Serbs any excuse for violence fearing that war would provoke ethnic cleansing of Kosovars. As *The Guardian* (January 22, 2006) observes:

> "*Unlike other Balkan chieftains, who perpetuated a cycle of war, Rugova espoused a policy of peaceful resistance in his campaign to see an independent Kosovo, modeling himself on Gandhi and Martin Luther King*".

From the end of 1992 until the Dayton Accords (November, 1995) which ended the war in Bosnia and Herzegovina, Kosovo was caught in a policy deadlock with Belgrade, seeking to gain its independence but committing itself to means of non violent protests and peaceful resistance.

Rugovian politics of peaceful resistance enjoyed popular support among Kosovo population until the mid 1990s, when Kosovo's status was completely ignored in the Dayton peace agreement (Malcolm, 1998). Signed in November 1995, this international agreement ended the Bosnian conflict and redrew the new borders of the "rump" Yugoslavia, made up of Serbia and Montenegro, including the provinces of Kosovo and Vojvodina. Richard Holbrooke (1999) and Mischa Glenny (1999) recall that during negotiations that took place in Dayton, Milosevic refused to discuss the issue of human rights violations in Kosovo under the pretext of defining these issues as a strictly internal problem of Serbia. That Kosovo was so blatantly ignored in Dayton, at a time when the physical existence of Kosovar population was constantly threatened by Serbia, did not sit well with Kosovo citizens. Disenchantment with pacifist politics and impatience settled in.

For Kosovo elites, the fact that the Dayton agreement made no reference to Kosovo fundamentally questioned the credibility of Rugova's politics. As Richard Caplan puts it: "*To countless Kosovar Albanians, Dayton had already demonstrated the limits of the international support – and by extension, of Rugova's own effectiveness*" (Caplan, 1998, p. 751).

Isolated voices that in the past had been in favor of violent alternatives and open confrontations with Belgrade now gained prominence among Kosovo citizens. The Kosovo Liberation Army (KLA/UÇK), a network of guerrilla groups operating illegally since the early 1980s[12] , mainly in the Kosovo countryside, grew rapidly. In November 1997 the UÇK made its first public appearance, with several clashes ensuing in the following months. The KLA proclaimed that freedom would be won only by armed struggle since diplomacy and peaceful means had failed Kosovo (Perritt, 2008). KLA isolated attacks against Serbian police forces in Kosovo triggered excessive retaliation of the Serbian paramilitary and Special Forces directed against the Kosovo civilian population. According to UNHCR Report, by October 1998, more than 15 000 Kosovar civilians had been killed and more than 300 000 became internally displaced persons.

The acceleration of conflict and the fear of spillover effects in the Balkan region forced international diplomacy to seek an immediate ceasefire and reach for an agreement between Belgrade and Prishtina. By March 1999, Milosevic had exhausted every bargain proposed in multiple rounds of negotiations. On March 24, 1999, the NATO alliance launched a 78-day air strike over the territory of Serbia (Clark, 2002). On June 9, 1999, a Military Technical

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[12] KLA's origin is linked with certain small cells and clandestine organizations advocating in favor of warfare since 1982 (Kelmendi 1999, Malcolm, 1998, Schwartz, 2000). Robert Gelbart, Clinton' Special Envoy to the Balkans called KLA "*a terrorist group*" (O'Niell, 2002, p. 24).

Agreement was signed between NATO and Serbia. The following day, June 10, 1999, The UN

Security Council passed Resolution 1244 which provided the legal framework for the

establishment of the UN Mission in Kosovo (UNMIK) as an interim administration. With this

act, Kosovo became an international protectorate and the status of Kosovo as an independent

state remained suspended.

3.   **Kosovo as an International Protectorate**

UN Security Council Resolution 1244 established the international transitional

administration and reaffirmed the commitment of all member states to the sovereignty and

territorial integrity of the Federal Republic of Yugoslavia part of which Kosovo has been for the

last two centuries. According to this resolution an international civilian agency would be

installed in Kosovo and govern the territory of the province until the status of Kosovo be

resolved. The duties of the United Nations Interim Administration in Kosovo (UNMIK) were:

> "*To perform basic civilian administrative functions; promote the establishment of
> substantial autonomy and self-government in Kosovo; facilitate a political process to
> determine Kosovo's future status; coordinate humanitarian and disaster relief of all
> international agencies; support the reconstruction of key infrastructure; maintain civil
> law and order; promote human rights; and assure the safe and unimpeded return of all
> refugees and displaced persons to their homes in Kosovo*" (UN Security Council
> Resolution 1244).

The basic structure of the UN Interim Administration in Kosovo consisted of four units,

or "*pillars*", as they are commonly known (Zaum, 2007): Initially the UN co-directed with the

UNHCR the first pillar, "*Humanitarian Assistance*". Later on, the first pillar was named the

"*Police and Justice Affairs*" and was led, along with the second pillar, the "*Civil Administration*"

by the UN. The third pillar, "*Institution Building*" was under the authority of the OSCE whereas

the forth pillar, "*Economic Reconstruction"* was headed by the European Union. KFOR (the

Kosovo Force), a military external agency under NATO jurisdiction was responsible for security

and border management. The UNHCR remained in charge of coordinating the return of war refugees and internally displaced persons.

During the first phase of international governance under UNMIK "*Kosovo actors merely exercised power of consultation*" (Weller, 2009, p. 180). That means that the real power, in the legislative and executive domain, was in the hand of the international administration. However, the international institutions in Kosovo were under constant pressure by Kosovo elites to gradually transfer powers to the domestic government. In response to local elites, the UNMIK created in early 2000 the "*Joint Interim Administrative Structure*" (JIAS). According to Zaum (2007), JIAS's "*double desk*" organizational structure included the domestic elites as co-heads (with international administrators) in key ministries and most of the municipalities (Fig. 3, p. 69).

In addition, UNMIMK organized the first local elections in October 2000 and supported the creation of a Constitutional Framework for Self Governance in May 2001. According to the Constitutional Framework, the highest authority was reserved for the Senior Representative of the Secretary General (SSRD) who acted as the head of the UNMIK. Kosovo's provisional legislative, executive and judiciary institutions were under UNMIK supervision. Although UNMIK's powers were gradually transferred to the Kosovo elites during the next decade, a few sectors, such as police and justice, the management of ethnic issues, and the right to sign international agreements would remain with UNMIK until a final solution of Kosovo status could be achieved (King and Mason, 2006, Zaum, 2007). However, as Perrit observes:

> "*Despite UNMIK's flexible powers, the internationals who swarmed into Kosovo with UNMIK were remarkably incurious about the Kosovar Albanian population, its culture, and its experiences during the Milosevic era. The pattern for civil administration and for reform of the legal, economic, and political system was to act as if the territory was unpopulated before the international presence was established. Western legal advisers tended to put forward their own country's corporation law or criminal code, with relatively minor modifications to adapt them to Kosovo's legal history… UNMIK favored local institutional arrangements that made it relatively easy for senior international*

officials to deal with a limited number of Kosovar Albanians who could be presumed to
speak for the entire population" (Perrit, 2008, p. 66).

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┊Humanitar.┊         ┌─────────────────────────┐  ┊        Council       ┊
┊          ┊         │ Interim Administrative  │──┊     35 members       ┊
┊Assistance┊         │        Council          │  ┊ Representing all ethnic
┊ (UNHCR)  ┊         │  6 members:  3+1+3      │  ┊       groups         ┊
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│    Civil     │      │                  │       │    Economic      │
│Administration│      │Institution Building│     │  Reconstruction  │
│    (UN)      │      │    (OSCE)        │       │     (EU)         │
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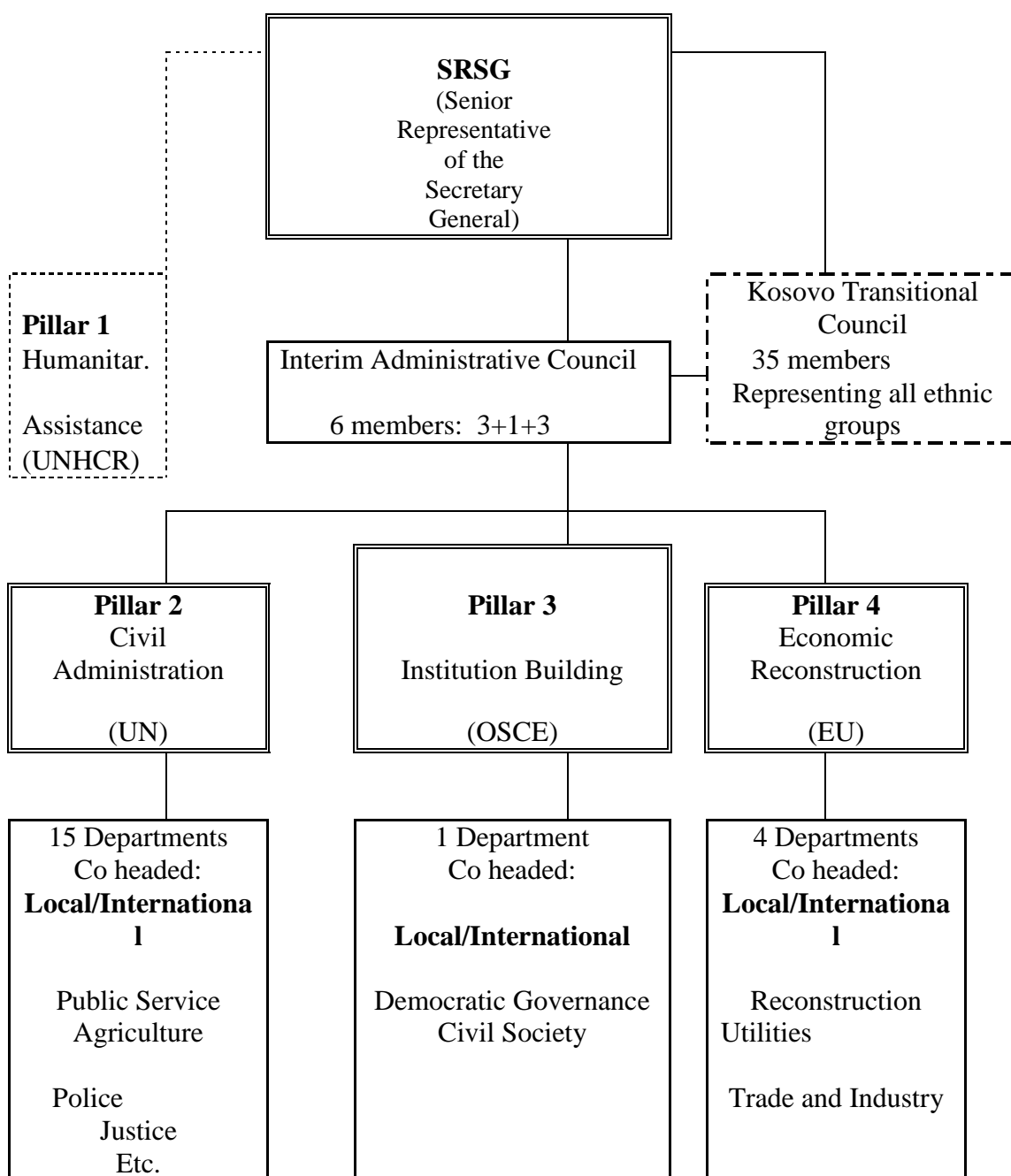| 15 Departments Co headed: **Local/International** Public Service Agriculture Police Justice Etc. | 1 Department Co headed: **Local/International** Democratic Governance Civil Society | 4 Departments Co headed: **Local/International** Reconstruction Utilities Trade and Industry |

Figure 3. The "double-desk" governmental structure
(Source: Zaum, 2007)

The political deadlock surrounding the future status of Kosovo hindered sustainable progress towards institution of self-government (Grevi, Damien and Keohane, 2009). The relationship between local political élites and UNMIK grew tense and became, at times, seriously conflictual. To move things ahead, the UN Secretary General assigned former Finnish President Martti Ahtisaari to work on possible options for a settlement regarding the status of Kosovo. In 2007, Ahtisaari presented a set of proposals for the Kosovo status settlement, also known as the Ahtisaari Plan or the Ahtisaari Package. The Proposal recommended "supervised independence" for Kosovo, implying that Kosovo would become independent in a near future, but until then it had to remain under strict international supervision from an International Civilian Organization (ICO). Ahtisaari Package suggested a 120-day transition period at the end of which UNMIK, having transferred its competencies either to the elected government or to ICO, would end its mission. Legislative and executive power would lie entirely in the hands of the local government, with ICO exercising a limited veto power and acting mostly in technical and consultative capacities with respect to full implementation of the Ahtisaari Plan.

Although the central mission of the ICO was "*to mentor, monitor and advise Kosovo's authorities on the rule of law*" (ICO Mission Statement), in practice, ICO reserved the power to reverse decisions taken by the Kosovo government if they were at odds with the Ahtisaari Plan. This mission also retained some executive powers when it came to the investigation, prosecution and adjudication of serious crimes (Report of the Special Envoy of the Secretary General on Kosovo's Future Status & Comprehensive Proposal for the Kosovo Status Settlement, 2007).

In February 2008, gaining support of the USA and most of the EU states, Kosovo declared independence unilaterally. The declaration of independence was drafted for the most part by the US State Department (Garton-Ash, 2009).   The new government proceeded with the

Constitution of the Republic of Kosovo, which was adopted by the Kosovo Assembly on 9 April 2008 and entered into force on June 15, 2008. In cooperation with the US and the majority of the EU member states, Kosovo initiated a diplomatic world campaign to achieve acceptance of independence as quickly as possible (International Crisis Group Report, 2008).Until June 2013, the state of Kosovo has been recognized by 100 countries, among which 22 are EU member states (out of 27 members).

In the summer of 2013, the European Commission authorized the opening of negotiations for a Stabilization and Association Agreement (SAA) with Kosovo. This represents a significant new phase in EU-Kosovo relations. The Commission intends to complete these negotiations in spring 2014 (EU, Kosovo Progress Report, 2013).

IV. Parties as "Utility Goods"

> *"You ask too much of us. We produce just MPs"*
> (A member of the Kosovo Assembly,
> ICG Europe Report 163, 2005)

A.   Introduction

This chapter examines the development of political parties in post – conflict Kosovo,

their capacities to shape political processes and their influence on political outcomes. I argue that

in order to understand parties' patterns of behavior, their organization and modes of activity, it is

necessary to understand the context in which they grew and which defines the terms of their

political survival. It is important to take into account that in a political space that operates under

the heavy hand of international actors, that is, in a non –traditional political space, political

parties have to employ nontraditional, non–customary, and uncommon means to secure their

existence with the lowest cost possible. Strategizing, for these actors, is not an "either or"

approach – either stubborn resistance or unconditional submission to international

administrations, as the mainstream international state building research portrays it. A close

examination of political parties in Kosovo indicates that, as they adopt their organizational

structure and styles of activity to evolving political realities, parties shed some features and

develop new ones. Parties' new attributes and their organizational properties are rather relational

to Kosovo's political context and might not be in compliance with the mainstream prescriptive

definitions about political parties. In such conditions, attempts to evaluate parties by normative

standards often run the risk of overlooking their strength and maximizing their weakness, an

approach that is disadvantageous to a full understanding of local agency and, by extension, of the

local - international dynamics in international state building projects.

It is not an exaggerated claim to state that the international administration installed in Kosovo played a significant role in rearranging the political party system. While only a few Kosovar political parties existed prior to war, the emergence of many new political parties was facilitated by a set of policy regulations and legal acts approved by the international administration as early as the first months of its rule in the region. Intended to open up political spaces for dissenting and contending voices in the post war Kosovo, these regulatory frames were primarily designed to benefit new and small parties. However, the establishment by the international administration of the legal and institutional parameters pertaining to parties' organization and their activities should not be interpreted as an act that automatically compels parties to defer to each and every agenda of the international community. Such a reductionist approach provides a distorted view of the political parties' stakes and relevance in Kosovo politics.

Political parties in Kosovo had to charter their strategies in a highly controversial environment: *First*, they had to construct their own political identity, to adjust to post war demands and to cultivate support among their own local constituencies. To be politically relevant, parties had to meet this goal in the shortest time and with the lowest possible cost. *Second*, very soon, parties in Kosovo became aware that popular support was necessary but not sufficient to guarantee their political success. When dealing with the international administration, populist politics and the political capital accumulated during the war years did not go too far. In order to gain leverage in a government that was co-governed with international actors, parties had to craft an organizational face, that is, a bureaucratic face which could enable them to articulate their interests and their demands in the *lingua franca* – that of the international bureaucrats installed in Kosovo. In this aspect, parties' viability in politics depended on their

capabilities to engage and prevail in technocratic debates with the international administration.

Development of high expertise and skills, as well as job division across specialized structures

within the party organization became a priority. Parties' organizations had to change into highly

selective and elite-oriented institutions, a process that eroded their popular support. As the joke

goes among the political elite in Prishtina, pretty soon, the so-called "*masoviks*" had to be

"*aparatchiks*"[13].

The *first task*, that of connecting to local population, necessitates that parties embed

themselves in local values and networks, a process which could be classified as "*indigenization*"

(Lawson, 2004). The *second task*, related to parties' role in government and their dialogue with

their international/governmental partners, demands that parties add a bureaucratic and

technocratic layer to match the language and modalities of actions of international

administration. This process, which could be classified as *modernization* in a Weberian sense,

involves attention to party's internal organization, its structures of discipline and control,

centralization of leadership and formalization of communication, all in function of maximization

of parties' influence. Undeniably, both tasks were essential to parties' existence and in order to

accomplish these tasks, parties had to accommodate two seemingly irreconcilable processes:

indigenization and modernization. What strategies did the Kosovo political parties employ in

order to balance between the international and the local? How did the parties reconcile the local

pull with the international push? Moreover, how did the unusual combination of local and

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[13] Author's interview with Leon Malazogu, Executive Director of the civil organization "Democracy for Development", involved in mediating foreign assistance to political parties in Kosovo. Both terms used to be widely popular during communist Yugoslavia; borrowed from Soviet political jargon, a *masovik* indicates a popular leader, someone who easily connects with the masses, whereas an *apparatchik* is a party bureaucrat, often having governmental experience.

international environment influence parties' institutional development, their functions and style of their activity?

In order to address these questions, this chapter proceeds in five subsequent sections: section B introduces a general frame that explains how and why parties become part of the state building project; Section C provides a brief outline of the development of key parties in Kosovo and their position in Kosovo's political scene; Section D presents a survey of the prevalent patterns of parties' behavior in Kosovo; Section E analyses a variety of factors that have influenced or constrained parties' organization and their salience in Kosovo politics; Section F concludes that the development of political parties in Kosovo is a story of organizational survival in pursuit of power. This chapter finds that parties' main characteristics and their behavior are not accidental or lacking because of their dependency on the international presence, as it has often been explained by most of the existing research. On the contrary, parties have intentionally selected certain strategies and have redefined their priorities in a way that offered the maximum return in a political market that was arranged, at least initially, by international actors.

B. **International State Building and the Usability of Political Parties**

1. **Operationalizing Politics: The Need for Political Parties**

As Chapter 3 of this study explains, regime building in Kosovo has been under direct management of international actors. The UNMIK administration in Kosovo established in 1999 was a complex and multilayered structure, integrating under its authority a number of regional organizations such as the EU and OSCE. Given the challenges of the post war environment, the mandates of these organizations ranged from demilitarization of warring parties and establishment of a safe and secure environment for the whole population of Kosovo, to explicit political responsibilities and direct involvement with everyday problems of administration and

governance problems (Tansey, 2009). The international community in Kosovo was aware that it was responsible for exercising, de jure and de facto, the governing functions of the missing state of Kosovo. It was clear from the beginning of the tenure of the UNMIK that implementation of its mandates demanded support and cooperation of the local population. In this aspect, cultivation of a working partnership with the local elite was deemed beneficial (UNDP, 2000, ICG, 2003).

However, in practical terms, selection of the "right elite" proved to be far more complicated. The international administrators could have easily hand-picked a few high profile figures; after all, Kosovo's political landscape was rich with popular leaders, from former combatants to radical opponents of international administration. But a local-international partnership would have worked only through cooperation with the domestic forces that enjoyed the respect of Kosovo citizens and at the same time did not spoil the political processes led by international administration in Kosovo. Moreover, the process of bridging between the international community located in Kosovo and Kosovo citizens could be accomplished by an elite that was selected through legitimate processes. Therefore, the organization of elections and in connection to this, approval of electoral laws and legal regulatory frames pertaining to the party system and party competition represented the initial step in a series of policy interventions on the side of international actors in Kosovo. Political parties thus became a means for the international administration to secure local support and increase the credibility of internationally – led policy initiatives.

Encouraged by low institutional barriers, such as low electoral threshold, 3% and later adjusted at 5% (KIPRED, 2012), many new political parties emerged in the Kosovo political scene. From this perspective, it can be claimed that the party system in Kosovo was not a natural

outcome of local processes of political, economic or social development but reflected the external shocks. Given the context in which parties emerged, it follows that the mission and functions of Kosovo's parties were far beyond roles prescribed for them. Kosovo political parties emerged before the state, they became the central actors which had to assemble together, piece by piece, all the nuts and bolts of the institutional structure of the state: from attracting citizens in the process of elite selection to mobilizing support for international administration, to legitimizing a regime in which international actors had extensive and intensive mandates. While it is true that elections are the founding act of a new state, in essence parties are the instrument that enables elections. Therefore, it should not come as a surprise that international assistance to political parties have often been part of electoral aid packages.

The level of involvement of international actors in the life of parties varies greatly and it involves a broad register of activities: from overall supervision for preparing and monitoring elections, to specific and tailored aid in narrow areas such as media coverage of election or legal assistance (Kumar and de Zeeuw, 2006). Although not of a binding character, the OSCE/EC guidelines for distribution of electoral aid advises the international community to pay close and continuous attention to political parties during pre-election process, during the electoral campaign and during the post voting period (Fig. 4. The Electoral Cycle).

Due to the nature of political parties as organizations positioned between the state and society, a comprehensive external intervention in the life of parties is not possible. International administrators cannot establish or lead a party, nor can they run parties' campaigns or intervene directly in the internal life of party organizations. Serious observations claim that party assistance has been typically of educational character, consisting in training and consultancy (IDEA, 2007). In absence of an official and comprehensive evaluation of foreign assistance to

political parties, many Kosovar experts[14] acknowledge that the main areas of international

assistance to political parties in Kosovo have been training and consultancy about topics

pertaining to institutional organization, party platform and democratic election conduct. Local

experts also identify the erratic, ad hoc and intermittent nature of party assistance and maintain
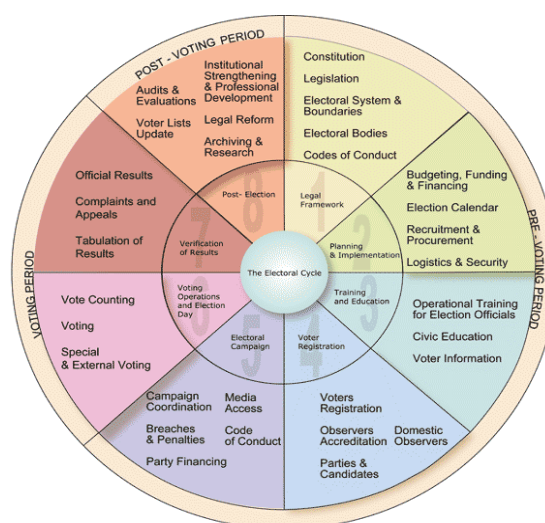
Figure 4. The Electoral circle
(Source: European Commission, 2006)

that in such ambiguous environment, claims about successes or failures of the international

assistance in this domain cannot be validated. Many interviews with party members and party

leaders indicate the non-traditional environment in which Kosovo parties operate and the

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[14] Author's interview with Admir Salihi, Senior Legal Adviser of Democracy in Action (NGO) October 17, 2010; Interview with Ilir Deda, co-founder of the political party The New Spirit (*Fryma e Re* - FER), September 9, 2010; Interview with the head of the Youth Section of the LDK, October 15, 2010.

challenges they have to face. When it comes to dealing with issues such as electorate reach, organizational building, manpower and financial resources, parties are left to their own devices. Should it be expected that parties, under such conditions, remain within the standard range of institutional parameters and standard patterns of action?

2.   The Normative Argument: Political Parties as Engines of Politics

Duverger explains in his book, *The Idea of Politics: The Uses of Power in Society*, that one of the most essential characteristics of modern politics is the "*organized character of the political combat*" (Duverger, 1966, p. 105). The increased significance of organization means that political life becomes more oriented toward job division, job specialization, expertise and professionalization. Effectiveness and expertise turn out not only to be key factors in political success but they have also framed a new meaning of politics as competition among organizations. "*Political conflict is waged between relatively specialized organizations which are structured, articulated and hierarchical groups adapted to the struggle for power*" (Duverger, 1966, p. 105). This observation summarizes the most typical feature of contemporary politics, according to which the *anima* of political life is to be found in the structure of competition among organizations specialized to conduct political transactions.

The ethos of organizations, so to speak, lies at the core of the international state building enterprise. As it has been noted in the introductory chapter to this study, international state building focuses on strengthening capacities of state institutions; therefore, it deals directly with formal institutions at the legislative, executive and judicial level. However, it is an accepted fact that the shape and functionality of these three branches is the overall outcome of political battles among many actors, at different levels, which may or may not belong to the political sphere, proper. Within the vast range of actors that influence politics, political parties have been

identified as the most important organizations (Pridham, 1990). In a general level, it suffices to

mention that parliaments or legislative assemblies come into existence as the end result of the

electoral competition and voting. Moreover, party competition in particular has a significant

influence on the overall structure, functions, and by extension, on the nature of political regimes.

In short, without parties, the institution of voting and elections and the whole notion of a modern

representative system of politics collapse. Due to these reasons, the relevance of parties in

projects of international state building has been widely accepted.

But there is more to the story of party relevance for modern politics. More than half a

century ago, Schattschneider argued that "*political parties created democracy and modern

democracy is unthinkable save in terms of parties*" (Schattschneider, 1942, p. 2). It cannot be

denied that Schattschneider's model of democracy falls within the label of minimalist

democracies. However, the lesson to be taken from Schattschneider's interpretation is that parties

are deemed as *necessary* and *sufficient* factors for democracy. Without them it is impossible to

perceive of a democratic system. As the evidence from the peripheral areas transitioning to

democracy indicates, party pluralism became the first step in the strategy of democratic change.

Reflecting on this trend, Philippe Schmitter has expanded the reach of parties in politics, beyond

their standard functions, into the domain of democratic consolidation:

> "*In the effort to consolidate new or recent democracies…parties remain dominant in
> structuring the electoral process, governing, and perhaps even in the 'symbolic
> integration' of citizens into the democratic process*" (Schmitter, 1999, p.131).

Huntington adds to this discourse by considering political parties as catalysts of

modernization of the political and societal sphere. In his approach, political parties act as the

medium of integration of society into the political sphere; they bring citizens and state

institutions together, and more importantly, encourage citizens to shift their loyalty from kinship

and provincial structures to central state level (Huntington, 1968, p. 32-39). By functioning as linkages between citizenry and state, parties weaken and finally replace the proto forms of political organizations that continue to survive in the peripheral regions. From this point of view, parties also animate the institution of citizenship, particularly the political rights of citizens. Voting rights and assembly rights become operationalized through party competition.

Although the modernization thesis might be considered passé in the mainstream contemporary discourse, it highlights the claim that representative democracy as an advanced form of political organization requires its own unique instruments. In other words, not every kind of political agent can gain access to political competition, unless it keeps up with new forms of organizations whose reason for existence is to compete for power. This is the ground upon which scholars have justified the ascendancy of parties in politics.

While the relevance of parties in modern politics cannot be contested, scholars also recognize that parties emerged as important players in politics only during the last three centuries, give or take. Analyzing the role of British parties in the parliamentarian politics, David Hume accept that there is no unified explanations about their emergence but concludes that parties are "*the most extraordinary and unaccountable phenomenon that yet has appeared in human affairs*" (Hume, 1953, p. 81). Bolingbroke accepts that a clear definition of political parties is yet to come while admitting that formal opposition which parties provide for, is "*a political good*" (Daalder, 2002, p. 40). In essence, it is what parties do – they act as agents that mobilize collective interest, articulate groups' policy preferences and represents particular segments of society – which justifies the indispensability of parties in politics. Parties offer efficiency and expediency in large mass societies. Rousseau, who regarded the political process and individuals' participation in that process as much more important than political efficiency

and expediency, did not attribute any value at all to political parties. On the contrary, "partial societies", as Rousseau calls political parties, come between the individual and the general will, impinge on individual rights and discourage the individual to decide for themselves. In Rousseau's view, parties reduce the civil virtue of demos.

It is Schumpeter's proposition that would reconcile political parties with demos, or efficiency with participation. By competing for "*the people's vote*" political parties attempt to work out the tension between demos' participation and efficiency; they offer the solution of including demos, in a supposedly efficient way, which is through voting and representation (Przeworski, 1999). It is for this reason that parties qualify as "public goods" and due to this fact, their usability to representative democracy has never been questioned. Bryce succinctly captures this situation by stating that

> "…*parties are inevitable. No free country has been without them. No one has shown how representative government could work without them. They bring order out of chaos to a multitude of voters*" (Bryce, 1921, p. 119).

Regardless of the lack of consensus about a satisfactory normative definition as to what parties are and what they ought to be, there exists a general agreement about parties' specific contribution in the production of politics. As V.O.Key, Jr. (1964) explains, parties are responsible for aggregating interest (party in electorate), representing interests (party in government) and providing policy alternatives (party as organization in opposition). In other words, the relevance of political parties in politics is predicated on the commodity or service offered by them.

C.   A Brief Overview of Political Parties in Kosovo

Kosovo is a parliamentary democracy with a unicameral parliament. The Assembly of the Republic of Kosovo is comprised of 120 deputies who are selected on the basis of proportional

representation. Twenty seats are reserved for minority representatives. According to the Constitution of Kosovo, there is a five percent threshold for non-minority parties to pass in order to enter the parliament, which means that the minimum number of seats a Kosovo- Albanian party can have is six. Since 1999, there have been 57 registered political parties or electoral subjects in Kosovo (Central Electoral Commission Report, December 2010). Not all of them compete in elections or even continue to exist. The following review provides a brief overview of the most relevant parties in Kosovo. Although the question of relevance as a guiding criteria for selection of parties to be included in the analysis is quite debatable in parties' literature, I have followed the criterion established by Mainwaring and Scott (1996). According to these authors, in a multiparty system, parties that mater the most are those have a history of winning in more than two consecutive elections as well as those that may not have won but have radically influenced patterns of competition. From this perspective, there are about seven parties, give or take that fulfill these criteria (Fig. 5).
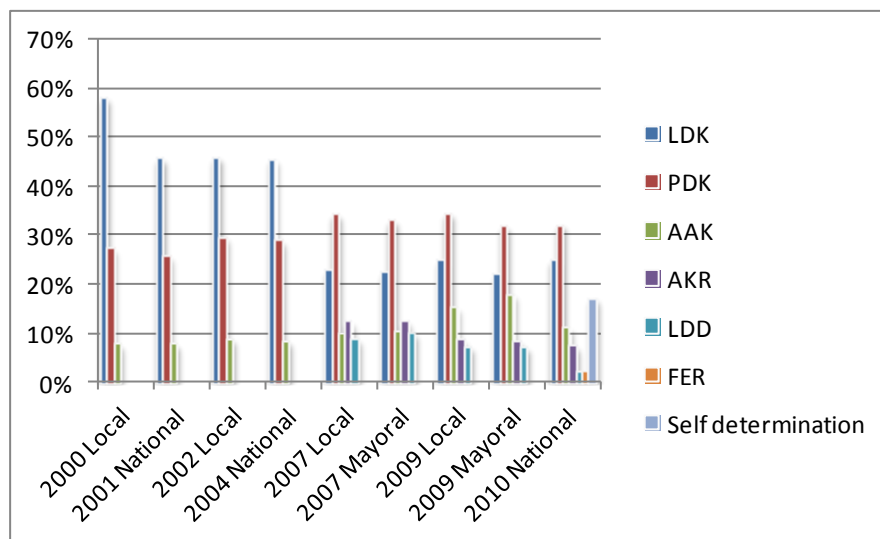
Figure 5. Relevant parties in Kosovo
(Raw data taken from the OSCE Office in Kosovo and National Electoral Commission)

1. **The Democratic League of Kosovo (LDK)**

LDK is one of the most significant contenders on the political scene in Kosovo. It is the

oldest political party in the country, founded on December 23, 1989 (Krasniqi and Shala, 2012)

and has participated in every election held in Kosovo. LDK originated in the context of the

removal of Kosovo's status, in about nine months after constitutional changes undertaken by the

Milošević regime nullified the autonomy of Kosovo (as previously sanctioned in the 1974

Yugoslav constitution[15]) and curtained the rights of Albanian population in Kosovo. As

witnesses state, the LDK emerged in the offices of the newspaper *Rilindja* (*Renaissance*), one of

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[15] The Yugoslav Constitution of 1974 gave Kosovo almost the same competences as the other
republics of Yugoslavia, but it did not elevate the status of Kosovo to that of a republic.

the avant-garde papers of the time in Kosovo (Kraja, 2003). On December 23, 1989, 23 journalists of *Rilindja* and members of the Writers' Association drafted the petition for the creation of the LDK.

LDK was initially conceived as an elite project; however due to its nondiscriminatory approach to membership, and much more due to the lost of autonomy that galvanized even the most indifferent groups in Kosovo, it became a powerful mass party. Within a couple of months, LDK represented the biggest political organization in Kosovo to which about 90% of the adult population of Kosovo adhered (IKS, 2011). With a membership of 700 000 people, LDK resembled a mass movement rather than a party. Buxhovi, the first secretary of the party, accepts that:

> "*We did not have a clear idea of a political party with a huge membership, but the LDK became a movement. In terms of organizational issues, it was a confusing organization, in terms of evolution it was a miracle*" (Buxhovi, 2011, cited in IKS, p. 26).

According to Buxhovi (2011), the head of LDK, Rugova, believed that party members "*were people of sacrifice*" and demanded that "*they be very active at the local level.*" LDK applied itself to Rugovian politics of peaceful resistance and tried to expand its membership in urban and peripheral areas. However, it has been recognized that party was more influential among urban areas and educated people.

Toward the end of the nineties, under conditions of brutal Serbian control over Kosovo, the functions of the state were reduced to merely police function. LDK took over many functions of the state, from organization of an educational system and healthcare to legal assistance and distribution of economic support to families in need. LDK ruled the country *de facto* from 1991 to 1998 as a hegemonic political force, thus being the "underground state" (Pulaj, 2004). As a matter of fact, the LDK internal organization and patterns of activity, on purpose, mimicked that

of a state. LDK set up a government in exile (19 October 1991) and organized presidential and parliamentary elections (May 24, 1992).

The "underground government" was financed by the so-called "three percent fund." An informal tax upon the income of Kosovar families was collected by LDK officials across the country as well as by nominated representatives in diaspora. Most Kosovars joined the system voluntarily, willingly providing donation for the cause of independence although incidents of coercive acts have been reported (Sullivan, 2004). According to an official report presented to the Assembly of Kosovo in January 2000, between 1991 and 1999, the government-in-exile collected a total of 217.6 million Deutsche Marks (or €111.2m), US $ 3.6million, Swiss Fr. 30.5 million and £24,120.

LDK is currently the main opposition party in Kosovo. Being the largest party in the first post war years, LDK is also a political party that has lost most of its electorate in Kosovo. Up to the 2004 general election, LDK owned more than 45 percent of the electoral market. In the 2007 elections, its constituency collapsed to 22 percent. Part of the decline in electorate support is attributed to divisions and factional wars within the party. For example, in 2007, a faction within the LDK decided to appear as autonomous party, the **Democratic League of Dardania (LDD)**. LDD was founded in 2007 following disagreements among LDK elite over who should lead the LDK in the wake of President Rugova's death. At its first appearance in the 2007 elections, LDD won about 10% of the vote which translated to a 10% loss for the LDK. The LDD did take votes, however, mostly from former LDK supporters in border regions and in the highlands (IKS, 2011). LDD surprised everyone because it defeated the LDK in the 2007 local elections in eastern Kosovo, immediately after its emergence. Since then, LDD has failed to sustain itself and pass the threshold of 5% in the 2010 election.

2.   **The Democratic Party of Kosovo (PDK)**

PDK was founded on October 10, 1999. While LDK was imbued with principles of peaceful resistance, PDK represent the movement that took place in Kosovo as a reaction to the outcomes of the Dayton Agreement. The Popular Movement for Kosovo (LPK) represented the anger and disappointment of Kosovo citizens with international community and the LDK's program of non violence. Much more radical than the LDK, PDK advised in favor of open confrontation with Serbian forces, as a safer alternative to unproductive strategies of peaceful resistance.

According to Tim Judah (2002), in August 1993, a handful of civil society organizations, under the umbrella of LPK, met in Drenica, the traditional heartland of Kosovar resistance against Serbia. The LPK delegated a committee of four men with the task of beginning an armed rebellion. This was the birth of the *Ushtria Çlirimtare e Kosovës* (the Kosovo Liberation Army, UÇK). By the end of 1994, the UÇK had been founded and the LPK had changed its statute, stating that "*war as a tool to preserve the peace*" was the preferred strategy of the organization (IKS, 2011, p. 27). Although there are wide discrepancies among witnesses about the number of UÇK members, the International Crisis Group (1999) reports that prior to its demilitarization in September 1999, the UÇK had about 10 000 fighters.

The support of Kosovo citizens for the UÇK grew instantly after Richard Holbrooke, the US special envoy, "*let himself be photographed meeting its commanders, by accident or design, when he visited them in Junik, in June 1998*" (Sullivan, 2004). Almost half a year later, in February 1999, when the Kosovo Albanian delegation arrived at the Rambouillet Conference, Hashim Thaçi, the political leader of the UÇK, became the central figure of negotiations. He was

one of the three signatory parties that represented Kosovo Albanians on the terms of formation of a provisional government after the war.

Since the establishment of the Kosovar institutions, the PDK has remained in opposition only one term. In 2007 elections, PDK emerged as the main political force and since then has governed the country.

3.   Alliance for the Future of Kosovo (AAK)

AAK was established on May 2, 2000 as a coalition of five parties (IKS, 2011). In 2001, two parties that were part of the AAK coalition withdrew and AAK struggled to forge a unified identity rather than operate as a coalitional force. In 2001 AAK was registered as a single party. Its president is Mr. Ramush Haradinaj, a highly controversial figure and former member of the UÇK. In 2005, three months after his nomination as the Prime Minister of Kosovo, Haradinaj was charged by the International Criminal Tribunal for the Former Yugoslavia for war crimes. He resigned and voluntarily turned himself over to the International Criminal Tribunal. The party froze the position of the president, claiming that until proven guilty, Haradinaj was de *facto* and *de jure* the leader in absence of the party. Truly, after many séances of trial in Hague, he was found not guilty and returned as the leader of the party in 2011. According to the International Crisis Group, Haradinaj maintains that AAK has as much right to claim the legacy of the UÇK as the PDK (ICG, Report No 136, March 3, 2000. p.10). Per local observers, the AAK – PDK rivalry expresses the split of the UÇK between the military wing, represented by AAK and the political wing, represented by the PDK.

The AAK entered the political scene only five months prior to the 2000 local elections. It did not win a single municipality. During the 2001 general elections the party won eight seats in

the Kosovo Parliament and entered the government with two ministerial portfolios. From this

election on, the AAK has consolidated power as the third significant party in Kosovo.

4.   <u>The New Kosovo Alliance (AKR)</u>

The AKR was founded on 3 May 2006 by a business entrepreneur who, for most of his

working life, had lived abroad (IKS, 2011). Initially, the party brought a fresh approach in

Kosovo politics because its program was centered around economic issues rather than on

nationalist ideals or abstract political principles. AKR attracted new faces with no prior

experience in politics. In the run up to the 2007 elections the AKR presented itself as a liberal-

democratic party of the center-right variety and identified economic development as its main

priority (IKS, 2011). Observers state that the strongest point of the party is its leaders' ability to

create coalitions with small parties during the election period and use them as leverage to claim

key positions in governmental collation with big parties (Krasniqi and Shala, 2012).

During the 2010 general elections, the AKR created a pre-election coalition with six other

small parties: the Justice Party (PD), the Social-Democratic Party (PSD), the Pensioners Party of

Kosova (PPK), the Pensioners and Invalids Party (PPI), the Albanian National-Democratic Party

(PNDSH) and the Green Party of Kosovo (PGJK). To this was added a group of 15 experts (E-

15), who were mostly economists. This *ad hoc* alliance was called the Coalition for a New

Kosovo (KIPRED, 2011) and was able to attract the electoral vote, mostly due to its diversity.

The coalition was able to gain 7.29 percent of the vote which secured a total of eight seats in the

parliamentary assembly. Five of these seats went to the AKR and three to other coalition parties.

5.   <u>Self-Determination Movement</u> (LVV)

The LVV was founded on June 10, 2005, six years after the adoption of the United

Nations Security Council Resolution 1244, which put Kosovo under the UNMIK control. It can

be said that the main catalyst for the emergence of the LVV was the dissatisfaction of particularly the new generation of Kosovars with the pending status of Kosovo.

The LVV activity began as a civic initiative, highly radicalized and with a strong nationalist and leftist orientation. One of the most active civil society organizations in Kosovo, the Self Determination registered as political party in 2010 and won close to 17% of the total votes. As Kosovo entered into negotiations with Belgrade over its final status, LVV expanded its range of unconventional methods of action. Its trademark slogan "*No Negotiations – Self-Determination*" was painted on walls and traffic lights not only in Prishtina but everywhere in Kosovo. On different occasions the Self Determination activists overturned UNMIK police cars (as well as EULEX cars later on) and pelted government buildings with paint and key politicians with eggs and rotten tomatoes (IKS, 2011).

In its statute, the LVV states that "*the UNMIK administration of Kosovo is a non-democratic regime...Its presence is the antithesis of our self-determination*". Disenchanted with the international community approach to Kosovo and domestic elites in Kosovo, the LVV has become attractive by appealing to Kosovo sentiments for unification of Kosovo with Albania. According to the LVV, self determination is a right to be exercised by the nations on both sides of the border for the benefit of creating a big Albanian state. LVV believes that only a big and strong state can weather future threats and also provide for economic sustainability and well being of its own citizens. Observers agree that the votes LVV won in the 2010 election are most likely to be negative votes, cast as votes against the other parties in which the electorate has lost its faith.

6.   The New Spirit (FER)

FER is the youngest political party in Kosovo and does not have any prior civic tradition. It was founded in October 2010 by the heads of two political and economic think tanks. Quite an elite party, its leaders tried aggressively to set apart their new organization from other existing parties in Kosovo. They attempted to cultivate a young membership, with no political past and mostly educated abroad (IKS 2011). None of the founders had been involved with the UÇK or had played a political role during the 1990s. The two main founders also pursued the idea of a "horizontal hierarchy" which aimed at attracting more "technocratic followers" (FES, 2011). Moreover, FER attempted to attract to minorities, particularly the Serbian group, and projected an image of Kosovo based on liberal principles. The party participated in the 2010 national elections for the first time, barely two months after it was created. It failed to pass the five percent electoral threshold. In rural areas FER secured only 2.7 percent while in Prishtina, where they had their best result, they won about 6.14 percent. The founders' initial promise was that only the well-educated and previously politically unaffiliated would make it to their list. However this was undermined by the pressure of time and a lack of suitable people. Instead of the required number of 110 candidates, the party could only field 86 signatures.

As this brief overview indicates, the political parties in Kosovo are relatively new. Some of them, such as LDK and PDK have their roots in civil society organizations and were born during the national movement in Kosovo. Others, such as FER, LDD or AKR are elite parties, and they were either created in the process of intra –party conflict (LDD), by spinoffs in the ruling party (AAK) or originated as elite initiatives from leaders of civil society, prominent businessmen or high profile individuals.

D.   <u>**Necessary but Inexplicable**</u>

Anyone who has spent some time in Kosovo, particularly during an election campaign, is

fully convinced that what could be table talk is, in fact, political talk *sui generis*. In cafeterias, in

the open market, in busses or cabs, in the boulevards of Prishtina or in the mountain paths in the

deep villages in the countryside, the intensity of the debate and its loudness indicate much more

than the importance of elections; if anything, the sound can be interpreted as an indicator of new

expectations about possibilities that the next election has to offer. Judging from these signals, it

is not an error to predict great voter turnout at the polls stations. However, it does not happen this

way. The tone of the debate prior to almost every election has been at this level, I am told, while

the numbers of voters has declined. Data indicate that while the size of the electorate has almost

doubled (Fig. 6) mainly due to the return of the population, the participation of citizens in the

election has decreased more than 30% (Fig.7).
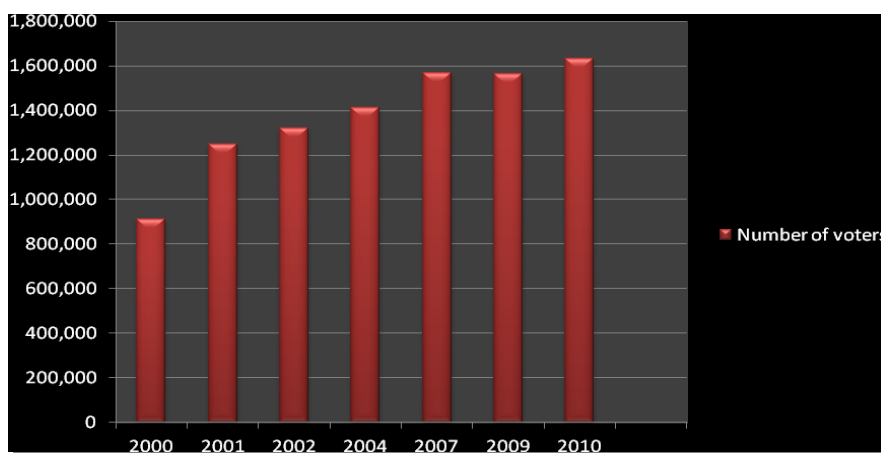
Figure 6. Electorate size
(Data Source: National Electoral Commission)
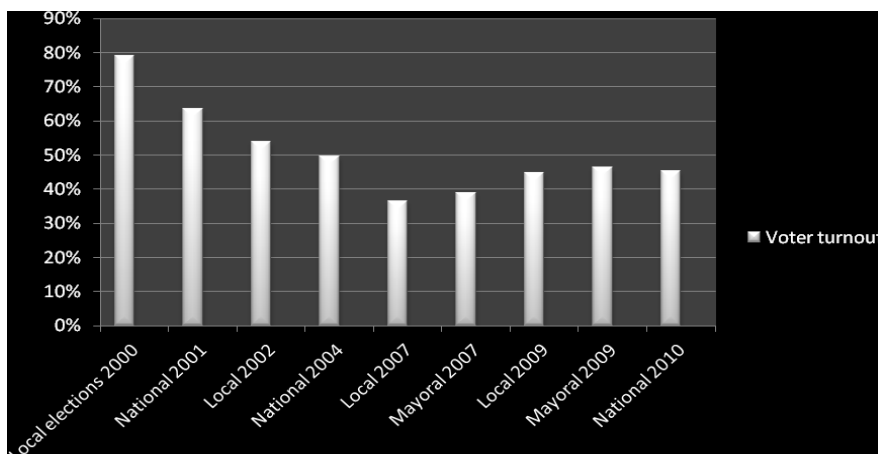
Figure 7. Voter turnout (2000 – 2010 elections, all levels)
(Data source: National Electoral Commission)

The picture becomes even more complicated when considering that apathy is not an attribute of the Kosovar public. Parties do not have to dispatch vast resources and energies toward waking up an indifferent, disenchanted public. On the contrary, Kosovo citizens are very much tuned in and follow closely the unfolding of events not only in Kosovo but also on the international stage. According to a Eurobarometer survey conducted in the thirteen oldest member countries of the EU, the average percentage of the population 16 – 29 years old that watches the news on TV every day is about 47% , with Italy having the higher percentage, 76%, and France the lowest one, 41%, (Wattenberg, 2008). My survey with a random sample of 43 students of the University of Prishtina, aged 18 – 26, indicates that 100% of the respondents watch or listen to news more than one time per day. In a survey conducted nationwide by Gani Bobi Center for Humanistic Studies in Prishtina , the proportion of the respondents saying they watched news broadcast on a daily basis was about 95.1 (G.B. Report No 11, 2008). What then accounts for parties' neglect of a public that is waiting to be involved in political battles?

Most of the observers point out that the blame lies mainly with the political parties. "*Parties in Kosovo seem incapable in putting forward viable and practical solutions to citizens' public problems, articulated in policy formats*' (Smajlaj, 2011, p. 241). Reilly's research on party development in post-conflict societies emphasizes that:

> "*parties exhibit a range of pathologies that undercut their ability to deliver the kind of systemic benefits on which representative politics depends*" (Reilly and Norlund, 2008, p. 12).

On a general level, studies on long term trends of party behavior emphasize that when parties fail to perform their functions, electoral participation declines (Russell, 2002). Ironically, while parties in post conflict settings are considered to be "indispensable" for a meaningful political life, the extent to which parties are able to perform their basic functions is questionable.

It should be noted that close investigations of the function and role of parties in the political system in Kosovo are not that numerous[16]; therefore it is almost impossible to exact definitive answers from the existing research. There is a hidden assumption in this cluster of research according to which the Kosovar parties will develop with time and catch up with standard models of party typologies and party competition. However, practices on the ground do not seem to point toward such direction; moreover, a detailed review of party politics and party behavior in Kosovo seems to be more complicated and less researched than the existing studies prefer to claim. Open ended interviews with 78 respondents rank: (a) the lack of policy alternatives offered to the public and (b) prevalence of patron-client relationship as the two top

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[16] While there is a flurry of policy papers and surveys conducted mainly by the international community in Kosovo, none addresses in details parties or the party system in Kosovo. An exception to this case is the UNDP Report Political Pulse, 2011.

reasons that have contributed toward low voter turnout. We shall consider each of these factors in the following sections.

1.   Lack of Policy Alternatives

The large number of parties in the Kosovar political scene may suggest that the party system in Kosovo has become increasingly plural. Scholars accept that plurality is generally associated with higher possibilities for representation of a vast range of groups and interests, as well as with a highly plural representative system. Indeed, straightforward math indicates that with one party for about 44 912 citizens, more citizens' preferences can be articulated through parties. However, plurality understood in quantitative terms - as the number of parties or numbers of splits and mergers among parties - might have little significance as long as parties do not have a clear, articulated political position. Sartori (1983) advises that multipartism makes sense only when the domain of party identification is well defined, which is the real indicator of plurality. If politics are party based, then what matters most is what parties have to offer in terms of policy alternatives. Major bodies of literature about parties and voting accept that voting is above all programmatic (Rabinowitz at al., 1991, Mainwaring and Torcal, 2006) which means that parties' programs are the key instruments that fill elections with meaning and facilitate parties' electoral success (Gunther et al., 2002).

Kosovo public is also aware of the incongruence between the high number of parties and shortages in policy alternatives. In 2001, Zëri (The Voice) newspaper, observed that:

> "*Kosovo parties principally do not differ from each other. They have the same ideas, vision and promises; none of them made it clear how they are going to fulfill them*" (Zëri, Editorial, Nov. 1, 2001).

Since 2001 the number of political parties in Kosovo grew rapidly, with some parties becoming stronger and others just "satellite" but the quality of party politics has not improved. A careful reading of the political programs of the six main contending parties in the 2010 elections shows that, with one exception, all parties define their political position as center or center-right. A detailed analysis of parties' engagement with public issues, as well as of public declaration of party leaders and party elites toward key issues in Kosovo politics across:

(i) the economic axis (i.e. privatization and market liberalization),

(ii) social axis (i.e. abortion, divorce, LGB rights)

(iii) preferences for regional alliances and networking

indicate that there exist a vast gap between parties self description of their position on the political spectrum and their real position (Table I).

TABLE I
PARTIES POSITION IN POLITICAL SPECTRUM

	Origin	**Political spectrum (Claimed)**	**Affinity with Regional network**
PDK	Mass party	Center right	The socialist international*
LDK	Mass party	Center right	Bilateral: German SDU
AAK	Elite initiative	Right/center-right	Liberal parties*
AKR	Elite initiative	Center Right	The socialist international*
Self Determin	Mass party	Left	N/A
FER	Elite	Center	N/A

Moreover, with the exception of FER, party programs and platforms represent an eclectic assemblage of normative principles and sound more of a "wish list than a program for action"[17].

During the 2010 campaign, parties' leaders tried to be as direct as they could about claiming publicly a certain party ideological position; however their statements were often incompatible either with their parties' programs or their parties' earlier declarations of policy preferences. For instance, the LDK stated that it considered private property as the "engine of economic development" (LDK Statute, 2010). However, the party's preferences on the privatization of the Kosovo Energy Corporation (KEK) leaned toward those options that favored the state as the biggest shareholder (Smajlaj, 2008). PDK, which initially supported full state ownership of a few profitable enterprises, has shifted its position in favor of full privatization (Shaipi and Maliqi, 2009). Another point of confusion is the misfit between the proclaimed ideological position of a party and its aspiration for joining regional or international parties' networks (for example, the PDK proclaims itself as a center-right party but but seeks affiliation with left-oriented party networks). More often than not, parties programs and statutes are some form of patchwork of right and left policy preferences.

The absence of clear policy formulation translates directly into lack of parties' capabilities to represent the public interests and therefore to secure their own electorate. The perceived difference among parties in the eyes of the constituents is nonexistent. When the respondents were asked to identify what was, in their opinion, the biggest difference among the three main parties, 89% mentioned that "there is no real difference". The respondents argued that the only relevant difference among parties was the name of the leader. In terms of electoral

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[17] Survey results conducted with 30 students of the Faculty of Political Science, University of Prishtina.

appeal and support, public choices revolve around leaders rather than around competing policy alternatives or political programs.

2. Prevalence of Patron-Client Relationship

Stories of bargains and direct exchanges between clients and party politicians or party functionaries are part of everyday conversation. The interviews reveal a wide array of patronage deals and client benefits that could be defined in a continuum between incentive and compulsion. For example, handing over money in exchange for votes has been identified as a common practice; building roads and viaducts in the region of origin of the candidate is also a documented practice; favors with governmental contracts seems to be a preferred currency for buying party loyalty. Another patronage source is granting licenses for practicing certain professions or businesses. Licenses facilitate entrance into some sectors of the economy that are under government protection and provide a relatively safe income for party supporters.

The most widespread form of party patronage is job offering. In the conditions of a constricted labor market in Kosovo, most of the jobs are in the governmental sector[18]. That means that parties in government have a greater potential for patronage. In exchange to a job position, parties expect the rewarded clients to deliver loyalty, votes, support and other services, as required by individual politicians. Failure to deliver on these "terms of contract" results in punishable actions, ranging from demotions to firing or physical threat.

An analysis of the public opinion on employment opportunities in Kosovo, conducted by the Kosovo Institute for Media and Politics (Koha Ditore 1/12/2008), found that 91.4% of respondents believe that in order to find a job in Kosovo, one needs to have political support

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[18] International organizations operating in Kosovo have also generated a large number of jobs.

defined as "party support"; only 8.6% of the respondents believed that education is important to

get a job. Koha Ditore (10/20/2004) published an article titled: "*The pre-mediated death of the*

Public University" which exposed how the personnel nomination in the biggest and oldest public

university in Kosovo, the University of Prishtina, was held hostage to political ambitions of the

PDK and LDK. Many individuals interviewed during the Fall 2010, pointed out in their

responses that changes in personnel and faculty have become a common practice following every

national election[19].

A department head in the University of Prishtina, while explaining the cancellation of the

interview a couple of times, stated that he had been busy with campaign activities and most of

the time was out of his office: "*You know? I am one of those from the mountains* (thus

identifying his affinity with the PDK). *I certainly know that if the LDK wins, I won't be keeping*

this position." There was a clear determination on his side to do whatever was in his hands to

contribute to the victory of his own party. In the opinion of the respondent, this was perceived to

be "*a way to protect his job*."

According to a LDK national committee member, the distribution of governmental

contracts as a reward for past party support and as an incentive for future commitment has

become a rampant phenomenon. *Tenderomania*, as the phenomenon is known among Kosovars,

is used widely as an instrument to gain not only votes but also much needed campaign

contribution for parties. Another resource that has fallen under the grasp of the parties in

government is the process of privatization itself. Matoshi, a renowned journalist, states that the

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[19] Author's interviews with members of the Faculty of Law, Political Science and Languages,
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privatization process is the most fluid currency[20] in Kosovo's political market. Not only has the project of privatizing small and medium enterprises been dangled in front of businessmen to lure them to support the party in power, but it has established an almost-a-class in itself, a closed, exclusive network of party politicians and businesses. Krasniqi (2009) supports this view by explaining that parties have done everything possible to prevent enterprises from being privatized in open and transparent tenders because they use them as a resource to reimburse their clientele.

Another source of public exploitation for building clientelist linkages is budget allocation. The government has changed the structure of the budget department as often as ministers of finance were changed (*Koha Ditore*, 09/03/2009). On the other side, the budget allocated to the municipalities and communes shows preferential treatment for those units that are headed by the parties in power (Kosovo budget allocation is on a yearly basis)[21]. Communes led by opposition parties have received fewer resources, in order to make them lose at coming elections, despite the fact that the citizens of the communes in question were directly harmed.

Party politicians are well aware of the existence of patronage ties and accept it as one of the most reliable, albeit temporary strategies for building party support[22]. As the constituents are fed up with parties' empty promises, as they see that the political class gets richer by night[23], party reputation, even for those parties with civil society origin, is declining. In the absence of

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[20] Author's interview with H. Matoshi, journalist, Dec. 11, 2010.

[21] Author's interview with two representatives of the Association of the Municipalities in Kosovo.

[22] Author's interview with members of the Steering Committee of LDK, AAK and PDK.

[23] Kosovo Public Television, Oct 23, 2010, evening news.

programmatic appeal, functionaries seek to cultivate party linkages through "*mutually beneficial transactions*" (Buja, 2009). According to the 2009 Global Corruption Barometer Perception report of the Transparency International, the Kosovo public has ranked political parties as the corrupt institutions in the country. According to ICO, 15 out of 85 members of boards of public companies have been ousted because "*they are political nominations*" (Express 02/03/2009).

An ICG Balkan Report states that "*Political interference in the former state companies and even public institutions by the main Kosovo Albanian parties is endemic*" (ICG, December 2009). A publication of the Youth Initiative for Human Rights (Anderson and Luci, 2010) points out that parties have frustrated the Kosovo public beyond measure and that "*these institutions must be liberated and reclaimed for public interest*" ((Anderson and Luci, 2010).

### E.	Opportunistic or Calculative Politicians?

The point of interest in this analysis is to unravel those elements that have contributed toward the above styles of party behavior. Two clusters of research, the democratic transition and the international intervention, state that when external actors play a role in state building they undermine the ability of the emerging political actors to run the state themselves. Various authors have repeatedly documented cases in which the external intervention disrupts patterns of local ownership, often breeding resentment and creating spoilers (Chersterman 2004, Carothers 2007, Narten 2006). Although the logic behind this claim cannot be denied, to stipulate that this might be the generic explanation for every case, impedes a full understanding of the relationship between international and local actors. To start with, this perspective reflects a limited conceptualization of power, almost static, focused on what seems visible: the fact that international community, by ending the conflict and governing a post war region is the singular agent that *acts upon* the domestic actors, who are perceived as *being acted upon*. This is not the

place to dwell on the Foucaultian interpretation of power but it will suffice to propose that it is necessary to abandon this mechanical approach to power. It will be beneficial to shift the focus and to look at how the pursuit of power infuses the activities and strategies of local actors. International administrators and practitioners in the field have been the first to learn this lesson. Many of them provide full accounts of variegated and unpredictable difficulties risen when they have been trying to coerce local actors to follow their directives (Beauvais 2001; Chandler 1999; Crawford 2002; Gleditsch 2002; Zaum 2007).

There are a number of episodes that support the hypothesis that local actors in Kosovo, "*although often perceived as inferior by international community, never gave up in their goal of expanding their control of Kosovo's government*"[24]. As a matter of fact, clashes between local actors and international administration started as soon as July 1999, immediately after the UN Resolution 1244 (June, 10, 1999). Under this resolution, UNMIK had the ultimate authority in the region. By summer 1999, UNMIK established (as in hand-picked) a consultative local forum, the Kosovo Transitional Council (KTC), made up of thirty five members selected from civil society organizations, political parties and high profile citizens. The purpose of this council was to "*provide a mechanism for enhancing cooperation between UNMIK and the people of Kosovo...ensuring the participation of all Kosovar people in the workings of UNMIK*" (UN Report of the Secretary General on UNMIK, S/1999/779. July 12, 1999). Meanwhile, the local actors, unsatisfied with the consultative role of the KTC, pushed for greater involvement in UNMIK governance which resulted in the creation of the Joint Interim Administrative Council. One of the most important features of this new structure of government was the integration of the

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[24] Author's interview with Edita Tahiri, former member of LDK, member of the unofficial Kosovo government during the war and current member of the Ministerial Cabinet.

unofficial structures of government created by Kosovars during the war years within the official

government (ICG, Kosovo Report Card, Report no. 100, 8/28/2000) . Weller (2001), one of the

international lawyers involved in the process of drafting the constitution of Kosovo observes the

strong influence of domestic actors and their ability to take the process in directions that were

originally unanticipated by UNMIK. Tansey notes that "*the local members were able to extract a*

number of significant concessions and insert into the document important provisions that

UNMIK had initially excluded" (Tansey, 2009, p. 126). It can be argued that Kosovo's unilateral

Declaration of Independence was the outcome of the strong push of domestic actors who

ceaselessly waged their battles in the European capitals and Washington, taking lead of

amorphous processes whose ending no one was able to predict. Such accomplishments could not

be undertaken by puppet-like actors, agreeable to conditions that permit them to share the

prerequisites but not the substance of power.

Another claim that needs to be addressed is the lack of tradition in pluralist politics in

Kosovo. About 81% of the international officials working in Kosovo think that the current

deficiencies of party politics can be attributed to Kosovo's lack of tradition with democracy[25].

Interestingly enough, about 89% of the respondents had been working fewer than three years in

Kosovo, did not have any skill in any of the languages spoken in Kosovo and the information

they received about political development in the region came mainly from policy briefs

circulating within their own institution. From their perspective, the above tendencies in parties'

behavior were shortages that would be overcome when parties were fully mature. This narrative

suggests an almost teleological stance: once the political parties grow, once the party system

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[25] Author's interview with ICO, UNMIK, OSCE and EU officials residing in Kosovo.

fully develops, these insufficiencies will go way. The key, according to one program administrator of the KDI, an organization that also provides party assistance, is to "*catch and correct the errors as soon as they appear*." It seems that this approach has heavily influenced most of the party assistance programs in Kosovo, whose main focus has been on training and education areas. On the other side, for 92 % of Kosovo citizens interviewed during August – November 2010, the lack of tradition provides only marginal explanations about current party behavior. As one respondent wrote:

> "*We are beyond the phase when everything could be blamed on the past or the exogenous. It seems that our party leaders have selected to stick with this seemingly immature position; at the end perhaps this is what maximizes their benefits.*"[26]

As a matter of fact, the Kosovo public is well past posting the blame on international actors. The idea that the future of their state sovereignty depends first and foremost on the development of functional and sustainable democratic institutions has been in the domain of public discourse since 1999. The public has vastly supported parties as key actors in this process but "*expects them to meet international demands with integrity and not bargain with principles for the sake of their short-term interest*"[27]. A national survey conducted by the UNDP/USAID during Spring 2011 asked respondents to identify the actors responsible for the policy gridlock and government collapse in October 2010. Close to 52% of the respondents blamed the parties in power (PDK and LDK) versus a 7% that blamed the international actors (Figure 8).

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[26] Author's correspondence with Flaka Surroi, senior editor of Daily News.

[27] Author's interview with Albin Kurti (Head of Self Determination, a civil society organization and a political party since the 2010 elections).
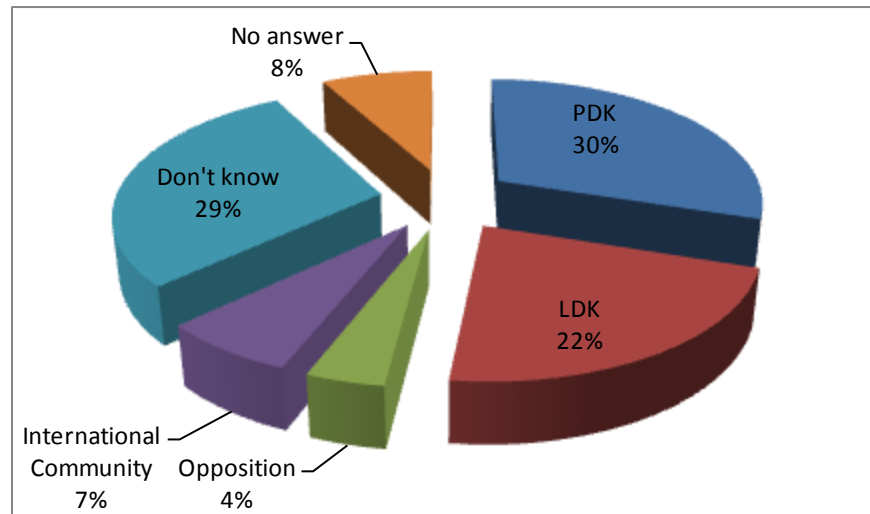
Figure 8. Assigned responsibility for the 2010 political crisis
(Data Source: UNDP, *Political Pulse*, 2011).

The Foreign Policy Club in Kosovo claims that even the international community in

Kosovo has been blackmailed by Kosovo politics (Hoxha, 2010). These stories indicate that

parties are not some incidental, lost-in- politics actors to be pitied for their poor game caused by

lack of experience. On the contrary, parties have actively pursued power and have gained

leverage through their assigned role as key actors "*in transacting the transition*" (Lane, 2010).

All this suggest that both the lack of tradition argument and the external control argument

are insufficient or at least incomplete. Party politics in Kosovo is far more complex and Kosovo

political actors are far more powerful agents than portrayed in the existing research. A useful

approach to understanding their role is to focus on the various strategies through which parties in

Kosovo have managed political competition and faced challenges to their power. My argument is

that the maintenance of a clientelist network and an ambiguous policy position are intentionally

selected by parties as strategies that maximize their benefits in the political market with the lowest cost possible. In thinking about this claim, is it is helpful to consider what the potential challenges to the party elites are.

It is obvious that the most threatening forces for the parties in power are the parties in opposition. Furthermore, factions within the same parties are a potential threat, particularly to parties in power. As the history of LDK indicates, when factions leave the party they take a good chunk of the electorate with them which weakens the mother party. The third potential threat for parties, in the context of Kosovo, is the international community. This is rather an indirect threat: contrary to the experience in Bosnia and Herzegovina where international administrators have dismissed party official, party leaders in Kosovo have remained free from direct threats by the international community. That said, the indirect reach of the international community on the party elites takes multiple forms, mainly as bargaining and negotiation on pushing certain policy programs (i.e. privatization and decentralization among highly controversial policies). After all, international and local actors are inevitably intertwined in their interactions in post-conflict environments. Nenadovic (2010), Barnett and Zürcher (2009) argue that, under conditions that often prevail in post-conflict settings, the strategic interaction between external peace builders and domestic state elites often results in a partial accommodation of the interests of the state elites. On the other hand, the state elites nominally accept some of the reforms propagated by the external actors, but only partially implement them. This suits the interests of both sets of actors – international actors can demonstrate to their principals that they are making progress in building peace, while domestic elites can hang on to their power.

Generally, good terms of relationships between party leaders and international officials in Kosovo sell as political capital for both sides. For the international actors, good relationships

facilitate cooperation. For a party leader, to enjoy the trust and support of a key foreign ambassador or a head of a certain international agency means a bit more: it signals the increased relevance of the party or of the leader in the political scene. Therefore, avoiding overt antagonism from the international community becomes a priority for party leaders. But often it happens that political initiatives coming from the international community clash with domestic priorities. In Kosovo such cases are not that rare. For instance, the approach to minorities and negotiations with Serbia on North Kosovo has put parties in power in the worst position possible. On one side they have been pushed by the international community to adopt certain positions and, on the other side, they have been pulled by popular pressure to oppose these positions. In such cases parties have been trying to zigzag across policy alternatives. What they have learned is that it is profitable for the party to share the responsibility (and possibly the blame) with other competing political parties.

In these terms, one response that is clearly available to leaders of the party in government is to relax the terms of inter-party competition and appease the competing parties by offering them a share in the government. The straightforward purpose of the cartelization of political life, as this process has been known in the parties' literature (Katz and Maier, 1995), is to allow for the party competition to be effectively managed and controlled. In the case of Kosovo, cartelization definitely serves this goal but it has been spurred by the immediate need of the dominant party in government to mute the opposition's criticism and to share the cost of accountability. In addition, two other factors facilitate the cartel mode of transactions:

First, when the leaders of the opposition parties have gained a taste of the office, or if they have been the dominant party previously, as often is the case with the three biggest parties in Kosovo, they begin to find the cartel model very attractive. Once in office they found that

compromises were part of practical government and they realized that they needed to work with members of those parties that were among their erstwhile electoral adversaries. Compromising becomes part of party life and it costs less for the parties to apply themselves to pre-compromise rather than post-compromise bargaining. For a start, this strategy lowers the costs of electoral competition and increases the decreases the probability of losing. Parties, thus, adopt a strategy that exchanges electoral success for a compromise in sharing spoils of government. This way there is no pressing need for parties to articulate detailed programs or delineate a clear base of social support. As Lipset and Rokkan (1967) observe, too much programmatic clarity can damage coalition opportunities. The terms of bargains have been preset in pre-election negotiations, the electoral market has been shared and more importantly, governmental posts have been divided. To formulate it somewhat differently, parties and their leaders have strong incentives to try to manage competition from other parties and elites (Diamond 2010: 293) through sharing governmental post, which can be interpreted as bargaining for the state.

From this point of view, loosening ties between particular parties and particular segments of population enable parties to work cooperatively with any party in power. Contrary to traditional expectation about electoral competition, it is not always in the interest of the ruling elites to have an active and mobilized population. Such a population could be a potential threat to the ruling elites and parties. These elites and parties may, therefore, have an incentive to try to demobilize the population. Demobilization might not be a calculated strategy crafted by political parties but it cannot be denied that parties, moving steadily away from constituency linkages have influenced the public's political fatigue.

Second, the survival of political parties in Kosovo depends significantly on the support from the state. That is, state subventions to political parties constitute the major financial

resource with which parties can conduct their activities in parliament and society. Much more than party performance or position, it is access to state resources that influences the electoral success. Certainly, the power that lies within the electorate is the power of votes but reaching the electorate is a demanding, continuous, long –term, high cost job. No one knows this better than emerging new parties in Kosovo. They might win the first election with the only weapon they posses, their newness, but if they do not meet the threshold (above 5% of the votes) and enter into a governmental coalition, they perish in less than a year. It seems that the key to survival is to have access to state resources. Moreover, the specific role assigned to parties in Kosovo, which in a way were seen as the founders of the state, provided a powerful incentive for the fusion of parties with state. The government allocates four million Euros per year as a party fund but there is no clear account of how these funds are dispersed among parties. A number of interviewers hold that political parties in government have rewarded themselves by doubling the funds assigned to finance their own organizations[28].

In the same vein, access to public media is subject to control and regulation by parties in power. Regardless of multiple layers of media regulation in Kosovo, those in power find a way – a loose regulation or a new interpretation of exiting legal framework – to acquire privileged access to media. After all, media is regulated by the state and parties in the state can acquire this way an additional resource which is not accessible to parties that are not in government.

Finally, distribution of governmental job appears to be a common strategy used by various party elites to maintain power within their own parties. Since the parties in government control distribution of governmental jobs, the leaders of the parties in government are more able

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[28] Author's interviews in Prishtina, Ferizaj and Prizren with citizens, leaders of civil society and members of PDK, LDK and Self-Determination party.

to control internal strife and intra-party conflicts than those in opposition. It shouldn't come as a surprise that parties in government have a higher organizational coherence than those out of government. In fact , as an interviewers y points out while analyzing the PDK, party coherence does not revolve around ideological or programmatic ideas as much as it reflects single-handed control through job promotion through the leader(s) of the party.

F.   Conclusion

The development of political parties over the past ten years in post war Kosovo is a story of organizational survival in pursuit of power. The fact that parties have to perform in a non-standard but arranged (and often re-arranged) political environment, the expectations according to which parties have to be the glue for other political actors and state institutions, the challenges of competing with the international community for shaping local politics, provide enough incentives for parties to shift their priorities from responding to electoral demands to taking control of the state or rather retaining dominance of the state. There are two distinctive stages in the process of party development in Kosovo: (a) the stage of uprooting or breaking away from the prescribed habits and commitments; (b) connected to the first stage is the emergence of an altered type of political party which is less political in its existence but more oriented toward "politicking". This means that parties devote more resources to managing distribution of power than to competing for power in traditional forms such as electoral mobilization. As noted above, parties were not forced or molded into these positions; there is no single underlying process that provided this outcome. Parties' preferences were mediated between a particular social - political context and approximation of elites' convenience. From this point of view, to speak of political parties in Kosovo as "dysfunctional" or "defective" or "immature" is an error. Definitely, their modes and techniques are fundamentally different compared to the norm but they represent the

self-protective mechanisms adapted by parties in the process of political survival. To put it another way, parties are fully functional when their activities center on dominating the state. In this sense they do provide services for the state in terms of policy input and policy management.

As this situation suggest, the relationship of parties with the state and civil society changes fundamentally. The party-state fusion means that parties become fully absorbed by the political sphere which creates a vacuum in the representation process. As parties becomes more and more obsessed with bargaining deals that guarantee their staying in the government, there is a shrinkage in the degree to which electoral outcomes can determine government actions. If the political market becomes cartelized, if there are no clear winners and losers, elections cannot provide any serious feedback. Society in general loses its voice to articulate preferences and influence policy change. Parties as organizations become closed to the public demands and public membership, thus changing into quasi-public organizations. Where does this leave the public and representation of interest?

In Kosovo, we are faced with two alternative responses to the party situation. One option is that the public is tempted to follow those organizations that tap into radical dissatisfaction and declare to "break the mould of established politics", such as Self Determination does. As exit polls during the 2010 elections revealed, most of the voters that supported Self Determination were motivated exactly by this organization's ability to espouse a profoundly radical position versus parties in power and the international community in Kosovo (Daily News, 12/15/ 2010). Another option, which will be analyzed in the following chapter, is that instead of parties making demands on behalf of their constituency, articulation and mobilization of citizens becomes the province of civil society organizations. A close look at the activity of these organizations reveals

that they have developed certain relationships with the state and society that are not unlike those

developed traditionally by parties.

V. MANAGEMENT BY PARTICIPATION OR PARTICIPATION BY MANAGEMENT: CIVIL SOCIETY IN THE INTERNATIONAL STATE BUILDING PROJECT

> *"Civil society is a permanent matrix of political power."*
> (Foucault, 2008, p. 191)

A.   <u>Introduction</u>

What is the place of civil society in the international state building project? As it has been explained in Chapter 2 and 3, the international state building mandates were initially concerned with setting up the core formal political institutions of the state. Yet, challenges faced by international administrators in the field suggested that state building was not a project that could be accomplished in isolation from the local society. A successful management of post conflict environment through state's institutions could only be achieved through establishing mechanisms of control at the level of society, that is, through micro management. Thus, it can be argued that the entrance of civil society into the international state building enterprise was dictated by the economies of intervention rather than by some normative scripts about the relevance of civil society. From this perspective, civil society was important only in its function as facilitator of policies and programs undertaken by the international administration. But what sort of civil society does the international administration seek to shape?

The answer to this question was formulated based on the claim that post conflict societies possess little capacity for a sustainable peace (Richmond, 2011). If such capacities existed in the first place, these societies would have been able to address conflicts in a peaceful way and avoid a full collapse into civil war. This claim is particularly relevant in the context of violent ethnic conflicts that took place at the end of the 20th century in the backyard of Europe, in the former

Yugoslavia. The perceived lack of civility, of civic tradition and by extension, of a civil society in a pre and post conflict setting, provided the justifications for the international intervention in this sphere as well as the modalities of intervention. Framed as a project that seeks to enhance local civic capacities, the international engagement with civil society starts with the claim that the existing local civil tradition has either no usable value or is highly counterproductive to the state building project.

The goal of this chapter is to engage with this claim on two levels:

First, the fact that states have collapsed and civil war has taken place in a certain region does not necessarily support the claim that these societies possess no civic capacities at all. On the contrary, due to the inability of government to exercise its basic functions in war, it falls upon society's organizations and societal networks to assume responsibility for taking care of the immediate needs of the population. Moreover, due to the engagement in civil war and ethnic strife, the domestic population gains a profound understanding of the significance of voluntarism, community engagement and the role of civic associations. Therefore, rather than denying entirely the existence of local agency and civic spirit prior to the settlement of international administration, it is important to analyze its various manifestations and contribution to the society and politics.

Second, it cannot be denied that conflict and war years give shape to a particular type of local agency, highly active and determined to capture power at every moment. After all, it is the civil society that claims the state and as such, it develops certain political qualities. In this context, the local civil society actors develop rich and complex capacities which continue to exist when the international administration settles in. What happens to these capacities under the international regime? The fact that they have been deemed unusable by international

administrators does not mean that the local agency ceases to exist or that it declines to get engaged with the international body. Far more interesting is to look at what exactly occurs to local civil society actors and their position in the frame of international intervention.

To accomplish these two goals, the chapter proceeds as following: It begins with a theoretical approach on the concept of civil society and its prevalent models, followed by an analysis of the new role and the new meaning with which the concept of civil society is filled in the practices of international intervention project. Further, I provide an expose of the development of civil society in Kosovo, its main areas of activity, patterns of participation, mechanisms and strategies of action. I find that civil society actors may fall short of expectations set up by the normative discourse on civil society but that does not mean that all civil society actors are powerless and irrelevant. Some civil society organizations have acquired new skills and developed complex strategies which make them highly significant in Kosovo's political scene. A few civil society actors have been able to even surpass political parties in terms of significance and policy input. What is more important is that civil society organizations are not molded into a standard shape that is preferable to the international actors. On the contrary, their organizational forms and modes of existence are negotiated between models promoted in Kosovo by external actors, the rich tradition of civil society during the war period, and the new conditions of constricted statehood in Kosovo.

B.   Models of Civil Society: Prevalent Analytical Frameworks

1.   The Classical Liberal Model

As a concept, civil society suffers from an "excess of meaning" in the sense that the definition of civil society has been often ambiguous; nevertheless, many authors observe, the core of the concept is that civil society represents the "*foci of autonomous life*" (Chambers and

Kopstain , 2006, p. 363). Classical theories of civil society as explained by Hegel (1991),

Ferguson (1995) or Smith (1976) stress that the defining feature of civil society is its existence

apart from state. The word "*apart*" signifies the distinctiveness of civil society on multiple

levels: from life-styles to sources of authority, from structural to organizational and functional

levels. The apartness guarantees that civil society performs fundamental functions that cannot be

performed by the state and yet fall between public and private spheres. One can refer to Smith's

claim on including markets within the civil society sphere, as sites of private and yet inter -

societal activity. While the state's responsibility is to provide for the public goods, civil society

organizations pursue group-specific goods, some of which may not be necessarily public goods.

Pluralism, fragmentation of interests, multiplicity of centers of powers and voluntarism are what

the civil society sphere has to offer vs. the unifying, coercive and imposed authority of the state.

Therefore, it can be argued that both functionally and structurally, civil society offers an

alternative organization of life and power.

The rise of civil society in modern political discourse marks the departure from a feudal

tradition in which authority was in some sense private or at least personal (Foucault, 1999). The

sphere of civil society emerges with the articulation of political authority as a distinct and most

significant type of authority, whose long reach the civil society tries to curtain. Here originates

the demand for a clear definition of the state's powers and its extent into private life. Between

the private citizen and the state, civil society was supposed to serve as a buffer, if not to counter-

oppose the power of the state. In this sense, civil society is not crafted *intentionally* but

consequentially: as a response, or a reaction to the power of state. The authors of the

Antifederalist Papers drive this argument home when they propose to limit the power of the

federal government by offering a new device: not a complicated design of government (the

Federalists proposal) in which power is checked with power but a sharp, efficient device - a Bill of Rights - that would counteract the heavy weight of the state with the power of individual freedom (*Speech of Patrick Henry at the Virginia Convention*). Naivety notwithstanding, it can be said that the standard perception of the civil society in the classical liberal democracy was associated with freedom versus state which was perceived as the site of power.

Classical liberalism, thus, has left us with a model that accentuates the agonizing relationship between civil society and the state. Regardless of the variation between different models of social contract, from Hobbes to Locke, from Rousseau to Smith, the common assumption is that civil society is never "crafted", "created" or "established by the state". In Hobbes's Leviathan, the moment of signing the social contract, the moment of state creation, represents the very act during which the civil society is conceived. In this view, the creation of civil society and state are intermingled and cannot be perceived without each other; in other words, the reason for each one's existence is the other. In Locke, civil society exists prior to state and it is within this sphere that the very reason for creation of the state emerges. State, in Locke's model, takes place with the mission of protecting and enhancing property rights and development, in short its function is to serve and enhance civil society. It should be noted that the contractual models of state and civil society which stress the symbiotic relationship between state and society emerge at a special juncture in the development of humanity - the age of reason. From this point on, both the state and civil society were situated in a special stage of civilization and reason, an idea that becomes very clear in Ferguson's approach to civil society. The limits to public authority can be successfully established only on account of a *civil*, *reasonable* society – among rational, educated, peaceful, benefit – maximizing, cost – containment individuals. As Norton notes:

> " *it is often assumed from a liberal point of view that civil society refers to values, such as civility, implying tolerance, pluralism, a cast of mind, a willingness to live and let live"* (Norton, 1995, p. 12).

The liberal approaches to civil society realm had a profound effect on defining who are the members of civil society and how they are supposed to act, specifically in relationship with the government. From Tocqueville to Putnam, civil society organizations have a life independent from politics but it is exactly their externality to politics and their organizational structure that safeguard a proper conduct of politics. Civil society is defined as

> "*an associational realm between state and family populated by <u>organizations</u> which are separate from the state, enjoy autonomy in relation to the state and are formed voluntarily by members of society to protect or extend their interest or values*" (White, 1994, p. 72).

2.   **An "un" – Liberal Model**

The revolutions of 1989 in Eastern Europe generated a different model of civil society. As Chambers and Kopstein (2006) note, few would disagree with the claim the the eastern European revolutions were revolutions of civil society, first, asserting itself against the state sphere and then, building a new state or substituting for the new state. However it should be noted that civil society in communist regimes had a bipolar character: while it realized its omnipotence through the velvet revolutions, in terms of its organizational capabilities, communist civil societies were dangerously impotent. Indeed, civil society associations, such as workers' syndicates, youth organizations, teacher associations and cultural/sports clubs did exist but they were wings of the state. They were established, funded and controlled by the state with the purpose of educating and controlling the masses. Civil life was crafted to a model in which civil society associations groomed cadres for the party and therefore their primary goal was to extend the reach of the state beyond the limits of politics, into the private. Lenin was the first to

come up with this institutional grid for subduing civil society to a state which was controlled by only one party – the Bolshevik Party. Rosa Luxemburg's critique of the Leninist program, as early as 1904, pointed out that such an approach would exhaust the society from its plurality and the agency. The highly discussed Leninist slogan among western sovietologists "*Communism is soviets plus electrification*" captured not simply the need for an imposed organizational life in civil society but advocated in favor of a state-led institutionalization of social life as the most important factor for development of human capital. In this model, society is absorbed by the political sphere and it takes its meaning through the political sphere. Invasion of privacy emerges both as a common practice and as a leading norm in the relations between the state and the individual. The liberal model of civil society is dead, or so it has been thought.

However, it is due to the totalitarian character of the communist state that "another" civil society emerges, that of anti –politics, as explained by George Kateb (1984 and 1992) or Vaclav Havel (2001). Both authors explain how people in totalitarian regimes tried to carve out small, hidden spaces of autonomy, in which state politics were ridiculed and blocked. These barricaded niches represented an almost desperate attempt to stop the long reach of the state over private life and its flattening effect; in a way they were an act of denial of the excruciating existence of its totalitarianism (Kateb, 1984). Civil society, in communist societies, thus, was perceived as a sort of exercise in privacy, in a universe where privacy had to be controlled and managed. What we are faced with is a different model – that of a subversive aspect of civil society which operates on the mistrust and denial of the existence of the state and it is sheltered within the contours of internal resistance. A close reading of the *Power of the Powerless* (Havel, 2001) suggests that abhorrence of organizations/associations, distrust and depreciation of public life, as well as cushioning of an alternative civil society (as civility, difference and individuality) within the

private life were the main features of civil society in communist regimes. The concept of

resistance in non-public spaces and the transference of trust from professional organizations and

sports clubs to closed clusters of friends avoiding the gaze of the state in particular, and that of

the public in general, were the preferred means of resisting t the eroding effects of power. This

sort of counteracting of state power is mostly a personal disposition. Typically, the capacity to

resist the state through everyday actions and not through associational life becomes an

entrenched strategy of resistance (Havel, 2001). Civil society thus takes place at an almost

existential level.

In an attempt to compare the normative civil society, as it has been traditionally

perceived in the West with the forms of civil society that took place under the communist

regime, it can be said that their relational status with the state is vastly different. The classical

liberal model is about the power of associations in limiting the power of the state, whereas the

second model is an exercise in internal powers of the individual to remove, ignore and deny the

power of the state. What brought together the individuals in Eastern European societies was not

the commonality of special interests or previous associational experience but their common

journey, conducted mostly in the privacy of their homes, with the destination of negating the

state. This type of civil society is neither about weaving individuals together in the fabric of

society nor about virtues acquired through participation in associational life. On the contrary, the

value of organizational life in civil society is deflated, if not repelled. The model encourages us

to attain an alternative understanding of civil society pertaining both to its role, its strategies and

its organizational model. Most important, the lesson that we are left with is that: (a) it is

imperative, although non-orthodox, for civil society to undertake activities beyond the scope of

the liberal model and (b) civil society can and should serve as a medium between the state and

society when institutions of the state do not work properly. In a way, civil society becomes the source from which the forces that erode the ossified state originate and the substitute of the state. The purpose of civil society in this context is not to achieve concrete policy goals that satisfy certain single or narrow interests, but to "force" the state to answer to fundamentally political concerns and interests. In this model civil society does not simply exist in the social sphere as a default of the political sphere, but it causes the state and the political sphere to default.

C.   Civil Society in the International State Building Project

1.   Veneers of Liberal Thought in Approaches to Civil Society

Most practitioners observe that the process of dealing with civil society in post-conflict situations is a daunting one. Civil society contains in itself both the promise of an entry point for international engagement in situations where government does not exist as well as the "*uncivil, the barbarian, the traditional …which lurks behind politics and await an opportunity to undermine the new regime*" (Richmond, 2011, p. 29). Therefore the mission of international community is not as simple as to secure cooperation with the existing civil society. By and large, existing systems of community and associational life in post civil war societies are highly politicized, very independent and hungry for power. As has been documented, civil groups have been known to have sponsored and supported military actions, ethnic cleansing, property destruction and other violent activities. In Kosovo, established civil society organizations were deemed to be unsuitable to a peace process due to their association with nationalistic struggle, "*their possible links to the Kosovar Liberation Army, their tendency to secrecy, and doubts concerning the proper use of the funds raised on their behalf during the years leading up to the war*" (Sterland, 2006, p. 26). From the point of view of the international community, there is a sort of negative empathy for the past life of the civil society, a life lived through acts of ethnic

cleansing, spectacles of civil violence and mobilization of hatred. Civil society, notes Chandler (2010), represents a problem, more than a solution for international state building.

Therefore, the focal point in the discourse of civil society in the international state building project is not that of the salutary effects of a robust civil society. On the contrary, the approach to civil society is framed by the questions "what sort of civil society" and "what kind of participation"? The Task Force Mission on Civil Society Organizations (TACSO) , a division of the European Union, observes that:

> "*even though civil society in Kosovo played a very important role during the apartheid in the 90s, when the country was under the Serbian occupation, the modern concept of civil society was introduced in Kosovo in 1999, after the liberation*" (TACSO Report, June 2012).

The practices in the field indicate that international administrators often grow impatient with the burden of participation and seek to reshape or insulate the civil agency. "*It takes twice as much running to keep things in the same place here*," notes B. Kutchner (Chestermann, 2003), the first UNMIK Administrator in Kosovo whose governing style did not enjoy too much popularity among Kosovo civil society and whose clashes with civil society leaders filled newspapers almost weekly.

As many observers explain, the "participatory excess" of post conflict societies continues to remain raw, unpredictable and often uncontrollable in the aftermath of peace agreements, when state institutions are still in an embryonic stage and cannot stand the shock of social volatility. A close analysis of international state building discourse portrays local societies as "politically deficient" (as noted by Paris, 2004; Bickerton, 2007; Zanotti, 2009) and at the same time observes their highly politicized character. Eventually "the political deficiency" is attributed

to the absence or weakness of formal political institutions of the state, whereas other spheres,

beyond the political *proper*, appear as highly politicized. In this frame, civil excess is interpreted

as civil deficiency. A politically charged civil society does not fit with the mainstream

conception of civil society, being that a Tocquevillian model of civil society comprised of *civil*

associations, or a Fergusonian model in which *civility* is an appreciation of or attachment to the

institutions of civil society. The need to trim civil society from political excess and relocate the

conduct of the political to where it belongs – within the state institution's sphere, thus becomes

part of international intervention. To put it in a Putnam mode of interpretation, civil society can

be a *usable* social *capital* in state building projects, only if it is converted into a standardized,

westernized currency.

Many scholars have noted that civil society was not quite an integral part of the original

plan of international state building (Sysk, 2004; Young, 2010; Richmond, 2011). Neither were

the bottom-up proposals of local civil society actors welcomed in practice, as many practitioners

in the sites of international intervention witness. This is how the first "international' mayor of

Vushtrri, a small town close to Kosovo's capital depicts his first encounter with the locals:

> " *It was late in the afternoon when we arrived at the municipal building…, up to the office of the municipal president, where I found the president and his deputy, both former schoolteachers. My opening speech, UN flag in hand, went something like this: Good afternoon, gentlemen. My name is Denny Lane. I'm an American and, as luck would have it, under the UN mandate. I'm now your municipal administrator. I'd like a small office somewhere out of the way. Also, I'd like you to take down the Albanian flag flying outside the municipal building and replace it with this one. The UN has arrived. Such was everyone's surprise, my own included, that the Albanian flag came down and the UN flag went up… [Due to the lack of electricity] I typed my daily reports at a local restaurant because they had a generator, until the operators of a newly established disco, without being asked, extended a line from their generator to my quarters next door. I discovered I was reliant on local flexibility, ingenuity, and generosity for my power supply"* (Lane, 2006, p. 97).

Lane admits that he did not know exactly what to expect from the locals but it was only a question of weeks before he was convinced that the only way to move on was to rely on them[29].

Episodes like this suggested an urgent need for a revision of boundaries and modes of engagement of international involvement with the civil society sector in post conflict international operations. It can be said that the "uncivil" civil society became a target of intervention at the precise moment when the international community recognized that civil society was the key factor linking the international (or external) production of political goods (such as constitutions, the design of parliament, courts and the executive) with local consumption. This moment marked the beginning of a heavy intervention process in civil society as a corollary of "capacity building" in post conflict states. Civil society was not to be affirmed but transformed, regulated and reorganized, in other words to be changed into a *virtuous* civil society. The process of regulating "*the conduct of the conduct"* takes place as a strategy for domesticating the domestic civil society and molding according to the generic normative model.

However, the project of regulating civil society in post conflict regions is quite dissimilar from the western style approach of "*weaving isolated individuals into the fabric of larger groups, tying separate individuals to purposes beyond their private interest*" (Eberly, 2000, p. 7 – 8). On the contrary, the project is directed toward disassembling the traditional civil society, the informal ties, kinship, blood ties and altering its inward-looking, exclusionary nature inherited from the nationalist or group struggles. As one author puts it "*Choral societies can be important pillars of a vibrant civil society, but one inevitably wants to know what these groups are singing*" (Edwards, 2004, p. 42).

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[29] Author's correspondence with D.Lane, May 2010.

One interesting paradox of this approach is that it was undertaken with the goal of creating a "regular" civil society, similar to that which exists in western liberal democracies. The project started with an attempt to terminate every relation that was not visible or supervised and proceeded with the introduction and reinforcement of those domains of civil society that are visible and controllable – the organizations of civil society. This explains why civil society is described mainly in terms of organizational posture in metanarratives of international intervention.

Most of the documents written on behalf of the UNDP, USAID, OCSE and EU, from 1999 to the present, argue the weakness of civil society in Kosovo based on organizational criteria. In this view, it is the number of organizations and the number of people who are members of these organizations that counts. Sociability, sporadic participation and the support extended to particular activities of NGOs, a phenomenon which is very observable and vibrant in Kosovo, does not seem to count. Certainly, to capture this activity and translate it into data put into a spreadsheet is an almost impossible mission. But the core of the problem lies with the perception that these forms of activities are unpredictable, erratic, *ad hoc*[30], and do not have any usable value as long as they are not filtered through associations that are recognized and institutionalized. As Bourdieu explains, the conceptualization of civil society in modern societies is first and foremost connected to organizations or associations.

> "*Social networks …must be constructed through investment strategies oriented to the institutionalization of group relations, usable as a reliable source of other benefits*" (Bourdieu, 1985, p. 249).

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[30] *Ad hoc* is one of the most used words in Kosovo; there is no discrimination to its usage: the parliamentarians, journalist, students, housewives and small vendors who sell roasted chestnuts on the side of the street know and use it sparingly.

In this view, all other alternative forms of civil society such as social movements, spontaneous protests, regional or ethnic kinship, and others of this kind are characterized by unspecified obligations, uncertain time horizons, possible violation of reciprocity, and asymmetrical transactions; therefore they have to ultimately be regulated and transformed. A project concerned with the reducibility of civil society into organizational entities takes place.

It should be stressed here that acquisition of an institutionalized civil society is to be achieved through an extensive and intensive intervention of the international administration in the civil society sector. However, as has often been noted in the liberal tradition, the essence of civil society is its autonomy from the reach of the state. Yet in international state building, the autonomy of civil society is declined through the very processes that seek to regulate it, through intervention, applied first and foremost in the form of regulation. The objective of building a civil society which conforms to the mainstream liberal model is practically pursued through un-liberal or, as one scholar labels it, through "post-liberal means" (Chandler, 2010). In other words, we are faced here with a "bipolar" character of civil society: On one hand, the international community seek to cultivate a civil society that is independent and far from the reach of the state, that is the liberal model of civil society; on the other side, civil society become a domain of intervention and as a consequence, its independence and integrity become highly questionable. The question is: will civil society ever gain its independent life or would it be crippled by these frustrating inflictions of power? Prior to attempting to examine this issue, it will be beneficial to provide a brief account of the regulatory approaches to civil society in post war Kosovo.

2.   Modalities of Correction: "Seeding"[31] Civil Society in Kosovo

The goal of international actors installed in Kosovo pertaining to the civil society sphere, was to induce a depoliticized civil society. Attention to civil society was placed on "*regularized, low-level forums and initiatives*" (Young, 2011, p. 29). In addition, a series of technical adjustments to the civil society sector were introduced:

First, a legal framework for the activity of civil society organizations was established by Regulation 1999/22 issued by UNMIK along with a number of supporting Administrative Directives. Following Regulation 1999/22, as early as fall 1999, the NGO Liaison Unit (LU) was created as an administrative body whose function was to deal with the registration and monitoring of existing Kosovar civil associations. The LU was responsible for the registration of NGOs, granting them the status of a legal entity as well as that of the Public Benefit Status (PBS), a special status that permits NGOs that have fulfilled the legal organizational and functional criteria to apply for certain tax breaks and benefits. In exchange for the PBS status, NGOs were required to provide an annual financial report to the LU. Currently, the proportion of NGOs that enjoy such status is estimated at fourteen percent (KTAC Report, 2011).

Besides the LU, the Organization for Security and Cooperation in Europe (OSCE) has played a significant role in reshaping civil society in Kosovo. An OSCE mission was included within the UNMIK administrative frame work, as part of the institution-building pillar of the UNMIK[32]. The UNMIK was instrumental in establishing and implementing a legal framework pertaining to regulatory policies in the civil society domain. The OSCE adapted a hands-on

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[31] This term has found broad use among international agencies installed in Kosovo such as OSCE, EULEX, UNDP or EC.

[32] The UNMIK was composed of four pillars (Tansey, 2007).

approach toward NGO development and capacity-building, encouraging the growth of a formal

NGO sector. As KIPRED (2005) and CIVICUS (2011) observe, in order to assist in the process

of registration and legalization of the existing and the newly established NGO-s, the OSCE

opened "*NGO Resource Centers*" in the capital of Kosovo, Prishtina, as well as in the main

cities. These centers offered free of charge legal service pertaining to the NGO-s registration, as

well as advised on issues of organizational status, grant writing and networking with

international/foreign NGO-s. Many Kosovar civil society organizations which had a long

tradition in the civil society sector during the war years were skeptical of the OSCE intrusive

approach. For them, such an approach seemed to be "*out of touch with any perceivable need or*

demand from local NGO-s" (KIPRED, 2005, p. 9) and it produced an artificial increase in the

number of organizations operating in the civil sector in Kosovo. It particularly hampered the

work of the existing civil society organizations and contributed toward a fragmentation and

disintegration of large civil society associations which were overwhelmed with legal paperwork,

bureaucratic procedures and internal organizational dilemmas.

OSCE was highly determined in transforming the local existing NGOs (particularly those

that were highly prominent during the war) and steering them toward issues that were deemed

relevant in the post-conflict context. From the point of view of the OSCE[33], NGOs needed to be

encouraged to shift their attention toward social problems facing the Kosovar society rather than

being entrenched in the political problems of ethnic division.

Many NGO activists considered OSCE's approach to the civil society as seeking to

"*install mechanisms of centralized management and control of the sector*" (KIPRED Working

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[33] Author's interview with a representative of the OSCE Regional Office in Prishtina.

Paper 3, 2005). The OSCE's major civil society project was the initiation of an NGO Assembly, whose function was to coordinate the activities of all of Kosovo's civil associations. The majority of influential NGOs refused to be part of this initiative, claiming that centralization would simply constrict the scope and impact of their activities[34].

In addition to the combined activity of UNMIK and OCSE which was highly structured, international donors, private businesses and non – governmental NGOs played an important role in the civil society sector in Kosovo. It has been estimated that immediately after the conflict, as many as 1000 international NGO-s from different regions of the world arrived in Kosovo (KIPRED, 2005, p. 7). Their aid supply served as "the invisible hand" of the market, motivating the existing civil society organizations to tailor their mission and domains of activity in accordance with the priorities of the donors. These organizations had to compete for funds with newly created civil associations which, mostly due to their newness, were able to cut and paste a mission goal in accordance with grant demands. It can be said that foreign donors impacted deeply the structure, orientation and terms of competition among the local NGOs, mainly through two mechanisms: issue selectivity and institutional capacity.

Issue selectivity: Most of the western foreign aid to local civil society had a sort of classical – liberal veneer. International actors frequently stressed the value of nonpartisanship and strong associational life. NGOs were expected to be politically engaged, in the sense that they had to address issues concerning government policies, but they were also expected to be nonpartisan. It meant that collaborative actions between civil society organizations and political parties, which were common phenomena in Kosovo, had to be curtailed. However, most aid given to NGOs was channeled into the broad domains of human rights, anti corruption,

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[34] Author's interview with Igballe Rugova, Head of the Kosovo Women Network.

government accountability, rule of law reform and monitoring the activity of the government and parliament. In one way, the politics of international aid contributed to an increase in public visibility of some important issues such as the return of displaced persons, corruption, or government politics toward ethnic minorities. On the other side, these issues were central to both international administration and the government of Kosovo. Therefore, these newly induced domains of activity of civil society caused an unnecessary overcrowding of civil society organizations on only a few highly political domains, while depriving civil society of manpower and resources in other domains such as poverty, education, health care or labor rights.

Interviews with leaders of civil society and random citizens reveal that most of the international NGOs were rather interested in a highly instrumental, short term use of local NGOs that ranged from making them work as a "vehicle for the delivery of external support" to "unethical appropriation and control" of areas which local civil societies had successfully established[35] . For example, the Qiriazi Sisters (Motrat Qiriazi), a highly reputable NGO in Kosovo, with a broad activity during the war, established a Trauma Center for Women and Children in Prishtina, in September 1999. The center was regarded as very successful and highly reliable in offering support to Kosovar citizens returning to their homes after the war. As Nietsch (2006) documents, in early November 1999, an Italian NGO working in the field of charity, opened a similar center, targeting almost the same pool of individuals. Following these "market trends", a Danish NGO, which used to work in Kosovo with humanitarian aid and registration of

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[35] Author'interview with Igballe Rugova founder of the Qiriazi Sisters and currently head of the the Kosovo Women Network; Leon Malazogu, Head of D4D (Democracy for Development) , Ferdinand Nikolla (FIQ), Avni Sediaj, Executive Director of Stand Up (Cohu) , and A. H with the Foreign Policy Club.

missing persons issues, changed its mission, its name and transferred its domain of activity into "*a trauma service and counseling agency*" in less than 24 hours (Nietsch, 2006, p 91).

Institutional Capacity: Two forms of aid were typical of foreign assistance to civil society. The first was technical assistance provided as training, advice and information about organizational development, management of resources, fund raising and grant writing. As Carothers notes, technical assistance to NGOs has become:

> "a *minor subculture in the aid world, with legions of young Americans, going off to the four corners of the globe to teach foreigners how to frame a policy issue, plan an advocacy campaign, write grant proposals , generate public campaigns, marshal the necessary policy analysis, draft laws, and make a persuasive case to government officials*" (Carothers, 1999, p. 139).

In post conflict Kosovo, funding for civil society organizations was provided by the "*foreign-led, largely government controlled development agencies*". This led to a "*donor-driven NGO boom*" (KIPRED, 2005, p. 13). As the Kosovo Institute for Public Policy Research documents, the key donors in the sector of civil society in were: "*the US Agency for International Aid (USAID), the British Department for International Development (DFID), the German Office for Reconstruction and Development, the Swedish International Development Cooperation Agency (SIDA), and the Swiss Agency for Development and Cooperation (SDC)*" (KIPRED, 2005, p. 11).

Furthermore, foreign embassies accredited in Prishtina, particularly the British, Swiss, French and German embassy, have procured a number of modest grants for the civil society sector through programs of bilateral cooperation. While the initial purpose of these grants was strengthening the organizational capacities of the local NGOs, the subsequent funding supported activities of civil society in the field of democratization and rule of law reform.

In a supply-rich environment managed by foreign donors, the priorities of NGO-s and the quantity and quality of services offered by them were often shaped by the competition between foreign donors to attract local partners. Consequently, lack of planning and coordination, fragmentation, irrelevance and temporality of aid were typical. Duplicate assistance programs were a common occurrence for many Kosovo civil society associations. Meanwhile other NGOs received scarce and irregular assistance on seemingly irrelevant thematic that often fell beyond the immediate scope of a particular organization. Many foreign NGOs who came in Kosovo to promote their own causes and increase their global visibility were out of touch with the real needs of Kosovo civil society. Therefore, the preoccupation with quantity, i.e. the number of services provided, rather than with the quality of aid offered to civil society sector, served for foreign NGO-s as a cover up of their weakness. As Sterland (2006) ironically notes, at least the locals and international actors seemed to agree on one point: "*local NGOs had been trained to death*". The "death" signifies not simply the exhaustion of both the recipients and donors operating in the civil society sector but the departure of this sector from a tradition of civil engagement perceived mainly as social action, and its molding into new forms of organizational life.

D. <u>Civil Society in Kosovo: Past and Present</u>

1. <u>Past Encounters</u>

When trying to build an image of civil society in post war Kosovo we should keep in mind that, as Ivison emphasizes, "a *political community is constituted not only by actions of those in the present, but also by those in the past*" (Ivison, 2006, p. 519). Indeed, many claims about the role, responsibility and current performance of civil society in Kosovo cannot be

disconnected from the past trajectories of civil society development. Therefore it becomes important to consider a brief view of the development of the Kosovar civil society.

As an academic and leader of civil society in Kosovo states: "*Civil society in Kosovo has a long pedigree*" [36]. By this he means a tradition of social protests and civil rights movements. In fact, this is how civil society in Kosovo is perceived: "*by doing rather than by papers*"[37]. In this sense civil society is perceived to be in the shape of social movement rather than in forms of institutionalized organizations. Kosovo civil society grew amid social protests against the violation of human rights and civil resistance against the Serbian regime. During the student-led protest of 1981, and particularly during demonstrations in the 1980s, a number of civil society organizations were created. The repressive politics of Belgrade in the nineties systematically deprived Kosovars of their fundamental human rights. During this time, the public sector was systematically purged of Kosovars; thousands of workers were forced to resign, including teachers, doctors, nurses and lawyers. Belgrade cut severely the school budget in Kosovo and blocked access to secondary education and universities to Kosovo students, a policy that resulted in more than 21 000 unemployed teachers. Serbia funded a heavy police force in Kosovo forfeiting every aspect of state function besides that of policing. It is worth remembering that in Yugoslavia, public sector was the singular provider of health care, education and employment. Faced with exclusion from economic, political and cultural life, deprived of rights and denied access to justice, many Kosovars created the so-called "parallel structures", a network of organizations aimed at substituting for the state. I visited many private houses in Prishtina,

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[36] Author's interview with the former head of the Academy of Sciences and Arts in Kosovo.

[37] Author's interview with H.S, a civil rights activist in Mitrovica.

Ferizaj and Gjakova, which were turned during the 1990s into classrooms, nurseries and birth units[38] run by civil society organizations.

The Mother Teresa organization was the center of parallel structures. It was created as a women's organization but its primary goal was beyond promoting women's rights. As one of the founders explained, the process of legally registering a civil society organization was highly scrutinized by the Serbian authorities and it required the physical presence of its founder in Belgrade[39]. Kosovar males were considered suspicious and often maltreated and thrown in prisons. Therefore it was thought that a woman could pass the process of legalization in Belgrade more easily. The assumption proved to be correct and by 1998 Mother Teresa was coordinating 91 health clinics, a gynecologic unit and employed many Kosovo professionals.

In spite of being founded as an organization for women and about women, Mother Teresa had a net membership of 7200 people (KIPRED, 2005). It operation were supported by network of volunteers, loosely organized based on neighborhoods and geographical regions. Volunteers provided health care and other forms of aid to about 350,000 citizens in Kosovo (Sterland, 2006). In 1996, the same organization supported the World Health Organization program in Kosovo, immunizing 300 000 children.

Another NGO, the Council for the Defense of Human Rights and Freedoms (CDHRF) monitored, identified and raised awareness about violations of human rights. CDHRF had a staff of about 15 employees, mostly lawyers and barristers but worked with a network of more than 2000 volunteers. CDHRF monitored closely the systematic repression of Kosovo population and

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[38] Many "Oda"s - the main formal room in Kosovar houses, traditionally used for meeting (mainly of men) and serious, special occasion such as death and weddings, were transformed into classrooms and doctors' offices.

[39] Author's interview with F.G, a physician and civil society worker.

reported almost daily to the international community. Hundreds of cases of arbitrary detention, beating, torture, and even murder were documented due to the persistence of local volunteers.

Later on, the CDHRF cooperated with Mercy Corps International, Amnesty International, the International Crisis Group and progressive human rights groups in Belgrade in order to increase the visibility of the abuse of human rights in Kosovo. Comprised mostly of prominent Kosovo lawyers, the Council cooperated with the International Criminal Tribunal for the former Yugoslavia (ICTY) in collecting evidence on war atrocities in Kosovo. The work of this group was highly instrumental in breaking the indifference of the west to ethnic cleansing in Kosovo and its contribution can be traced to Clinton's Address to the Nations, 1999: "*We have seen innocent people taken from their homes, forced to kneel in dirt and sprayed with bullets…*" (Clinton, Address to the Nation, Washington DC, March 24, 1999).

A number of organizations operating at the local level also had a significant impact in both the politics of survival and the politics of resistance: *Post-Pessimists*, *Pjeter Bogdani* and *Alternative* worked with youth in Prishtina and its outskirts; the students of the University of Prishtina under the leadership of their organization, *UPSUP*, became the *avant - garde* of citizens protests against Belgrade; in addition, a number of women's organizations such as *Aureola*, *Qiriazi Sisters*, *Norma*, *Centre for the Protection of Women and Children* and *Rural Women's Network*, played a key role both in supporting and organizing civil resistance a well as raising awareness on single issue activities pertaining to gender awareness and women's education (Clark, 2000).

Three elements characterized civil society in Kosovo during the war period: (a) broad participation, (b) sporadic membership based on the daily needs and appeals of civil society leaders, and (c) close connection of citizens with social movements and civil protests. The

network character of civil society organizations was highly prominent, as was its ability to

mobilize and deploy in a short time vast amounts of citizens. During the war period, the civil

society was able to:

1. Keep the Kosovar community together against the devastating effect of the Serbian

oppression. The parallel structures put in motion by civil society provided for the community and

developed a sense of individual responsibility and personal connection to the cause of

independence. The activity of civil society, its role as the substitute for the state transformed

Kosovo Albanians from *an* ethnic community into "*a community of solidarity and action*"

(Kostovicova, 2005. p. 112.)

2. Win the support of international community. By lobbying on the human rights domain

rather than on the right for autonomy, Kosovars were able to appeal to the most progressive

segments among international community and solicit support on a moral ground rather than on a

political ground. As Clark (2009) notes, Kosovo Albanians had little help in facing the Milosevic

regime; their strongest argument to the international community was their long years of

resilience and the solidarity of the community.

3. Develop a complex form of relationship with the formal sites of power such as the

Serbian state. Having no template of how to deal with this oppressive authority (Garton Ash,

2009), civil society developed its own forms of resistance and opposition. Even the activities of

UCK that have often been deemed as "immature" or "terrorist activities" or "guerrilla war" in

fact led to a sort of democratization of violence. The message of the UCK was that if violence

was used by the Serbian military, that is the state, against the Kosovo civil population, the use of

violence by a bunch of highland boys meant to take away this form of power from the state and

use it for society's ends. Moreover, the complex relation with politics of violence was developed in conjuncture with the Kosovo population's support and international context.

The activities of civil society in Kosovo during the war years show that civil society developed strong capacities of public mobilization and advocacy through a variety of strategies and actions. In fact, this period represents the vivid phase of civil society in Kosovo.

2.   The Post War Civil Society

The withdrawal of Serbian forces left Kosovo without any administrative structure or state capacity. More than 130 000 houses were dilapidated, 880 000 Kosovars were displaced from their homes and had to be returned from their refuge. The response of international aid agencies to address the humanitarian crisis provided a climate for the burgeoning of civil society organizations. However, as noted in the above sections, foreign donors preferred to work with a "new breed" of local civil society rather than seeking to identify and bolster war-forms of citizens' action and organizations (Civicus, 2011). During the first 12 months after the end of hostilities, the number of registered civil society organizations grew from 45 to 444 (*On the Record*, 2000). An assessment of civil society by the Kosovo Civil Society Foundation/SOROS (2003), notes that most of the civil society organizations were located in the capital of Kosovo, Prishtina, where the concentration of international donors was most visible. A few smaller organizations appeared in small towns, whereas in many rural and mountain areas there was no activity of civil society (refer to Fig. 9).

Number of registered NGO (1999 - 2003)

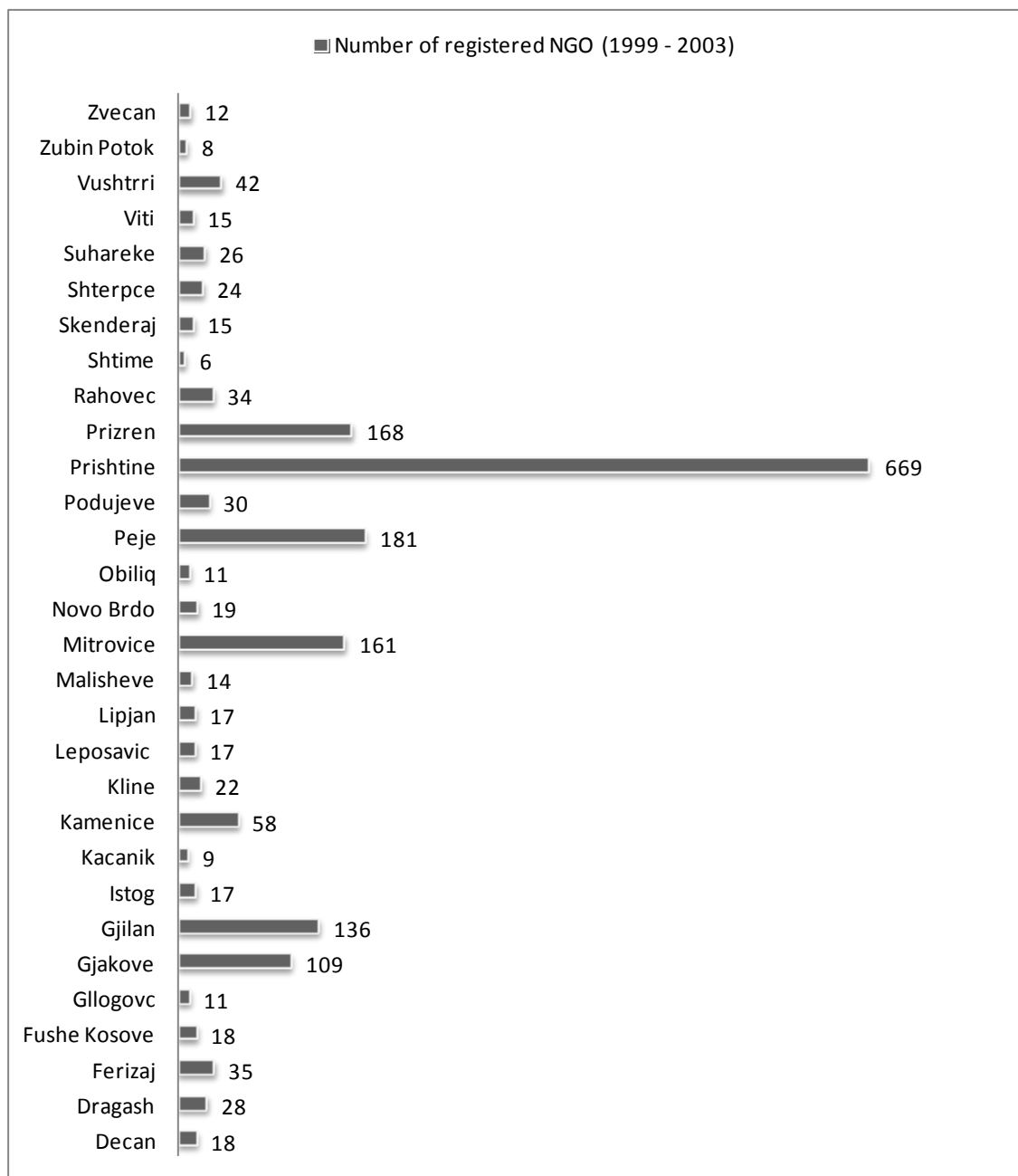| Region	Number
Zvecan	12
Zubin Potok	8
Vushtrri	42
Viti	15
Suhareke	26
Shterpce	24
Skenderaj	15
Shtime	6
Rahovec	34
Prizren	168
Prishtine	669
Podujeve	30
Peje	181
Obiliq	11
Novo Brdo	19
Mitrovice	161
Malisheve	14
Lipjan	17
Leposavic	17
Kline	22
Kamenice	58
Kacanik	9
Istog	17
Gjilan	136
Gjakove	109
Gllogovc	11
Fushe Kosove	18
Ferizaj	35
Dragash	28
Decan	18

Figure 9. Regional distribution of civil society organizations
(Source: KSCF, 2006)

The engagement of civil society organization with the international administration

occurred though two axis: *First*, members of civil society were included in the Kosovo

Transitional Council, a formal body established by UNMIK in January 14, 2000, under the

UNMIK Regulation 2000/1. It has been noted that "*although this body was less influential in*

policymaking than Kosovo's three main political leaders…[it] *played a central consultative*

role" in policy formulation during 2000 – 2001 (KIPRED, 2005, p. 8). *Second*, from a

procedural point of view, the Transitional Council could influence policy inputs through its

power to propose alternative solutions, as outlined by the UNMIK Regulation 2000/1, Section 2,

Article 2.5: "*If a majority of members of the Kosovo Transitional Council disagrees with a*

position or decision taken by the Interim Administrative Council, it can propose a different

solution to the Special Representative of the Secretary-General who shall take a final decision."

Assessments conducted by Kosovo experts in the field of associational life note the

growing acceptance of civil society by the international actors operating in Kosovo. "*The critical*

importance placed by UNMIK and western policy on civil society development was confirmed by

the inclusion of 'civil society standards' in the Kosovo Standard Implementation Plan [drafted

by UNMIK in March 2004]" (KIPRED, 2005, p. 25).

A precise figure of the amount of money provided for civil society assistance by

international, governmental and non-governmental agencies is not available[40]; however, reports

indicate that the annual funds for civil society were about 411 million Euros in 2000, 211 million

Euros in 2001 and 207 million Euros in 2003 (Pulaj, 2005). Indeed, these funds represent a

serious amount of assistance allocated to civil society. By comparison, Kosovo's total budget in

2003 was about 490 million Euros (Fig. 10).

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[40] Interview with the Head of the Civil Society Unit in EULEX; Interview with the SIDA coordinator in Kosovo; Interview with a former adviser of UNMIK, and Senior Advisor at Office of the Kosovo Prime Minister during 2010.
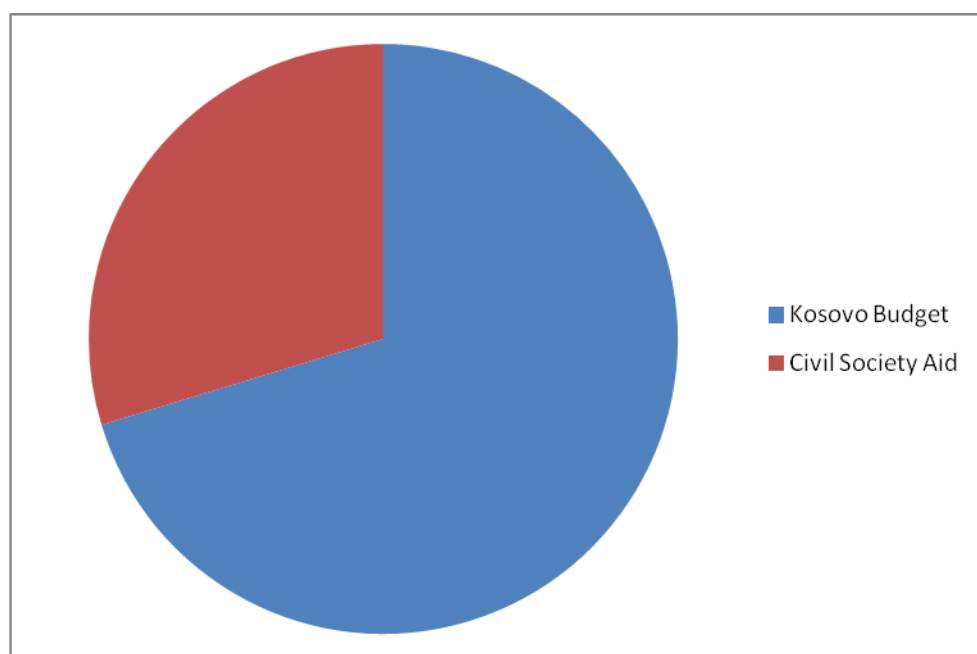
Figure 10. Civil society aid vs. state budget
(Source: UNDP Early Warning Report, 2004)

By early 2004, there were 2300 officially registered civil society associations in Kosovo; in addition, the number of international NGOs operating in the province during 1999 – 2001 was more than 1 000. Currently there are about 4 000 civil society associations legally registered but local observers agree that the number of active ones is no more than 200 (KIPRED, 2010).The inflated number of registered NGOs can be explained with the ambiguous legal provisions for the sector, which do not include any requirement for deregistration of passive or non-existent NGOs. In other words, once a civil society association is registered, it stays forever in the official data base. Many of these organizations were foreign-donor driven and highly instrumental for a short period. When the missions of International NGOs or other foreign short term projects in

the civil sector ended, the funding for the local civil society organizations became significantly

constricted. It can be said that by 2004, the model of providing short term, small grants to a large

number of NGO-s outlived its usefulness. More recently, especially since the unilateral

declaration of independence in February 2008, donors started to channel more of their funds

toward the government and less to civil society. Thus, the environment in which civil society

organizations had to operate and the challenges they had to address demanded development of

new skills and attitudes.

E.   **Patterns of Continuity and Rupture**

As noted above, currently, only a limited number of civil society organizations, about 200

remain fully active. These organizations have managed to survive by finding new resources of

sustainability, unlike the majority of NGOs which figure registered but have no traceable activity

in Kosovo. The work of surviving NGOs is highly qualitative; they specialize in a particular

issue or a well-defined domain. Some of these organizations, as will be examined in the

following chapter, have been able to influence seriously policy initiatives undertaken by the

international community, using effectively public pressure and advocacy tools. In general, the

role of the civic sector in Kosovo has evolved and the emerging patterns fuse the previous

traditions of Kosovar civil society with the re-appropriation of new demands put on civil society

by international actors.

A concrete example of such transformation is the Council for the Defense of Human

Rights and Freedoms (CDHRF). As explained in the previous section, CDHRF, was one of

Kosovo's oldest independent organizations, and the largest human rights group consisting of a

widely diffuse network of activists covering all of Kosovo. However, in the postwar period,

CDHRF redirected its organizational resources and reoriented some of its activities toward a

variety of short-term projects, such as election monitoring, assistance to municipal assemblies, even organization of one-time events, based on the availability of donor funds. As one of its leading officials explains, one positive effect of this array of activities was that it enabled CDHRF to expand its presence in Serbian-inhabited regions, such as Zvecan, Leposavic, and Gracanica, to include minorities among its ranks, and most of all to establish itself in those areas of activity where linkage with human rights issues could be established. In a highly competitive climate of the civil society sector, survival was a challenge even for those organizations that enjoyed a reputable status. "*CDHRF had to adapt to the new NGO environment in Kosovo, not only in terms of reorienting its goals but also in restructuring organizationally, engaging in new types of activities, and participating in new forms of fundraising*" (KIPRED, 2005, p. 21).

Nevertheless, these patterns do not necessarily reflect a total subjection of civil society organizations to foreign donors' agendas. What Bhaba refers as "in-between-space" appears in the reinvention of civil society organizations through processes of mediation between a rich civil participation in the past and demands for institutionalization and efficiency in the present. In attempting to keep a balance between these push and pull currents, civil society in Kosovo has gained a number of new features:

a) Currently two types of civil society are prevalent among a vast and fluid civil society environment. The first cluster includes a number of organizations that have "sublimated"[41] in an institutional shell and have become primarily think tanks, consultative bodies and issue advocacy organizations, such as KIPRED, D4D, FIQ, KTAC, The Foreign Policy Club, etc. Other organizations, admittedly a few, still maintain a grassroots profile such as the Kosovo Women's

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[41] The term belongs to one of the interviewers, Ferdinand Nikolla, Former Executive Director of the NGO, FIQ (Forum for Civic Initiative – Forumi per Iniciative Qytetare).

Network (*Rrjeti i Grave te Kosoves*) and Self - Determination (*Vete-Vendosje*), but at the same time they have committed considerable resources to the institutional growth of their organizations.

Leaders and members of the first cluster of organizations occupy a strategic position vis-à-vie the Kosovo government and international actors. Their work pertains to high profile policy issues such as Kosovo status, negotiations with Serbia and negotiations with the EU. However they have been engaged lately in watchdog activities, monitoring the activity of the Kosovo Parliament and the Government. Mostly educated in the West, these civil society actors are highly eloquent in language skills and policy analysis tools, which make them feeling at home in high profile debates with representatives of the international community.

As a matter of fact, these actors were able to adapt more quickly to the changes in the foreign grants supply market, using the constraints imposed upon them as a window of opportunity to fine-tune their expertise and to assert a well – defined place in the political landscape. These actors built on the absence of "contextual everydayness" (Richmond, 2011) in the international state building approaches and offered to the international community more than local flavors of politics. As one member of the Kosovo Foreign Policy Club comments, "*We were not intimidated by the 'language of the master'; nor were we empowered by the local dialect.*"[42] What one reads in these lines is a new form of hybridity, produced not as a resistance of the locals to the hegemony of the foreigners but as a deconstruction of that hegemony through the power of the expertise of the locals. This is one way for locals to rise in a complex and multifaceted environment. They did not simply offer feedback; they impacted the international

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[42] Author's interview with a journalist and member of the Foreign Policy Club.

policies in their country as much as they were shaped by them. Through their engagement, local actors deflect the claim of political authenticity of the international community and couple it with the authority of the locals. Interesting dynamics between civil society, Kosovo government and international community society have taken place in particular junctures in Kosovo post war history, as it will be addressed in the following chapter, when we analyze the politics of decentralization in Kosovo.

The civil society organizations of this type have been increasingly influential in all stages of public policy making: agenda setting, policy formulation, decision-making, policy implementation and policy evaluation. In terms of internal organizations, they enjoy a higher level of institutionalization, a strong management system, and sound internal governance structures. These organizations have fine tuned their issue preferences and strive to define their domain of political struggles. For instance, a network of such organizations has been actively monitoring the Kosovo parliament for more than four years. Lately they were highly successful in blocking the Law on Duties and Benefits of the Members of Parliament. The strategy selected by this group was quite unique and efficient. After sending a couple of letters to the Office of the President, Prime Minister and Parliament, none of which were able to provide any feedback, these organizations solicited the opinion of the Ombudsman. The Ombudsman is an institution that has gained visibility in Kosovo due to the European Union support of this Office as part of the EU overall strategy toward the association agreement with Kosovo. The Ombudsman endorsed the position of civil society organizations and raised the issue in the Constitutional Court, which then ruled that the proposed Law on Duties and Benefits of the MPs was unconstitutional.

Another cluster of civil society associations, led by "Speak" (*Fol*) and "Stand Up" (*Cohu*) has been actively monitoring corruption in government. These organizations have been able to attract serious amounts of funds from international private foundations and non-governmental international organizations. These groups report their activities, findings and articulate their critique through media channels. Members of both these groups are regular contributors to the main national newspapers and often coordinate their actions in order to increase their visibility and impact.

This cluster has deployed alternative styles of influencing policy: they work ceaselessly with domestic journalists and the foreign press to expand media coverage in order to increase the visibility of their issues among Kosovars and international community. Often they are the gateway for international fact finding missions, foreign parliamentary delegations, journalists, independent researchers and even western governmental representatives. The manner in which these NGOs raise issues and promote change is quite far from public squares and the politics of protest. Their style of influencing policy consists of roundtables, media debates, awareness campaigns, lobbying and advocacy (Civicos, 2008). As the Human Development Report (UNDP/USAID, 2011) observes, the civil society presence in media coverage is quite positive and abundant. According to a research conducted by the Balkan Investigative Reporting Network (BIRN), due to the extensive presence of NGOs in media, the visibility of their activities has increased by 65% in 2012. In my interviews, all five ambassadors of Quint, the assistant Head of the EU Office in Kosovo, the Head of the Legal Department in UNMIK and the Director of the Regional Office of the OSCE for Prishtina, were able to identify by name and the nature of activity the heads and crucial members of key think tanks and advocacy networks in Kosovo. Very often, members of the international community participate in round tables and conferences

organized by these organizations. More often than not, when publicly criticized by high profile civic society leaders, international administrators feel compelled to answer the critique publicly too[43].

(b) While the activity of think tanks and advocacy type of organizations has been quite intensive, the grassroots activity has been seriously damaged. Trying to incorporate the new politics of post-war context into their activities, even organizations such as Self-Determination and the Kosovo Women's Network acknowledge that the leverage they could gain through protests and mass organization was not sufficient and they needed to change their style of action. Each organization selected a unique path to accrue power and increase its impact and visibility. To start with, the crowds they were able to gather could not be compared with the amount of people participating in the civic movement during the years of civil resistance. Moreover, a number of violent acts inspired on certain occasions by the Self Determination activists were increasingly considered immature and inappropriate by citizens. Many of the interviewed citizens stressed that that they approve of the existence of Self Determination as a counter-hegemonic center but strongly oppose the tactics used by the organization.

As a matter of fact, leaders of this organization acknowledge the new dynamics that took place with the installation of the international administration in Kosovo. They comment on cases of clashes with the police force as an imposed violence, as a need for protesters' self defense, rather than as a preferred means of influence. They also point out that their approach is in essence quite anti-violent, tailored to fit with the new post war environment. As a member of Self-Determination explains, since most of the policy issues in Kosovo were treated by

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[43] Author's interview with members of civil society and citizens.

international organizations as technical problems and therefore, devalued the currency of the power of the crowds, the organization has included a variety of methods of influence[44]. Self-Determination's weekly newsletter, which is marked on top "Please Copy and Distribute", aims to mobilize the public through education. Problems of Kosovo's autonomy, elite corruption, the disciplinary nature of the international regime, privatization and weekly reports of international community activities are analyzed on a philosophical level: authors such as Gellner, Trotsky, Marx, Gramsci, Fromm, Foucault, Habermas are used sparingly to frame the debate. The fact that a couple of graduate students from prestigious Western universities worked with Self-Determination might have had a hand on this. However, opening up a space for public/philosophized discourse was mainly the work of its leader, A. Kurti, an avid student of Marxist, poststructuralist and postmodern politics. It is beyond the scope of this chapter to engage with the dexterity and accuracy of the theoretical and interpretative frames used in the newsletter. What is important is the newly discovered need to mobilize citizens not through appeals to oppose the foreign administration (which remains the primary goal of Self Determination) but through making them conscious of the role, limitations and alleged prejudices of the external factor. The selected tactics represent an unsettled capacity of this organization, expressed in the fluidity of tactics and forms of actions preferred for dealing with the new political environment. This situation is reminiscent of the Leninist's approach to crowds of peasants in the pre-October revolution: "Educate, Educate, Agitate". Weber and Trotsky interpreted this strategy as an earlier sign of the need to dispense with the amorphous nature of social movements for the sake of the politics of expertise and bureaucracy.

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[44] Author's interview with H.D, ex-prisoner of war and member of the Steering Committee of Self - Determination.

On the other hand, Igaballe Rugova of the Kosovo Women's Network, affirms that her organization used the "*power of the numbers*" and the credibility gained during the war period as a strategy to secure access to the "*big men's table*". She acknowledged that she might be "*a persona non grata*" for most of the "internationals" because she never ceased to send letters, call or appeal in person to members of the international body, demanding inclusion of her network in the consultative body of Kosovo NGOs created by EULEX, which initially included only NGOs with high expertise.

The Kosovo Women's Network worked hard to secure strategic alliances with both expert and grassroots associations in order to increase its impact and acceptance. Most of the members of civil society organizations and the international community do accept that this network has been a key factor in the approval of maternity laws and the Law on Participation of Women in Parliament which has established the 30% quota for female members of parliament.

Few would disagree with the claim that the civil society sector in Kosovo has undergone a profound change in the level of institutionalization and job division. Both clusters of organizations described above are very different from those of the war period or from what they used to be during the war. They cooperate on significant issues: put their means (mostly manpower) at each other's disposal and combine, on certain occasions, public pressure with expertise. Their collaborative actions have discouraged both the international administration and the government of Kosovo from attempts to build high firewalls around agendas and policies implemented in Kosovo.

However, it should be noted that the most significant and the most successful sector of civil society is involved with issues that have a highly political character. In a way, it can be said that the unsettled status of Kosovo had this responsibility cut out for them. While civil society

organizations that work on human rights, transparency , judicial reform, ethnic reconciliation and foreign and security policy are highly active, new challenges that have arisen in society and economy such as employment, poverty, social welfare, education, health care are yet to make their way into civil society discourse and plans for action. These are the issues that preoccupy most of the citizens in Kosovo, and which needs to be seriously tackled by civil society organizations (refer to Fig.11).
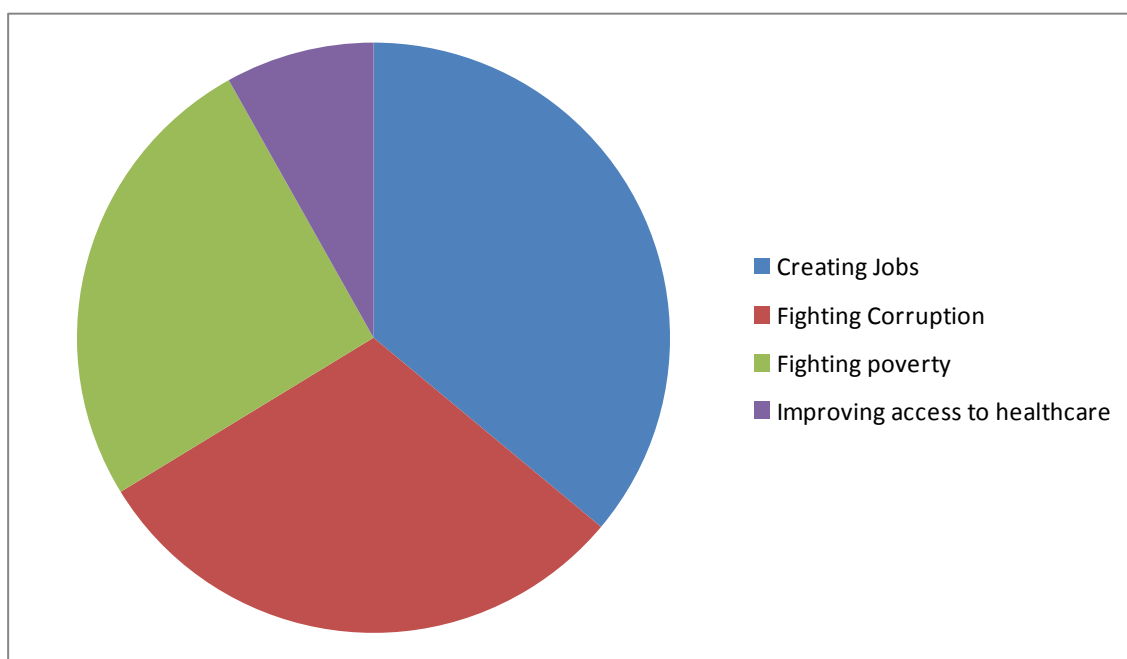

Figure 11. Citizens' opinion on which issue should be prioritized by civil society
(Data Source: IFES, 2010)

The recent shift in prioritizing the problems that civil society should address indicates a serious dislocation between the current engagement of civil society and the need for advocacy in social domains. Civil society's activity which consists in multilevel engagement with problems

of a political nature has removed civil society from the societal sphere into the gravitational pull

of the political sphere. It cannot be denied that civil society organizations have opened the

political process to inputs from non-governmental actors and have contributed toward a clear

articulation of a collective identity for NGOs. A significant impact of NGOs has been the

approval by the Government of Kosovo, on July 5, 2013, of the Strategy for Cooperation with

Civil Society (2013-2017). This policy intuitive is the direct result of increasing credibility of

NGOs and their continuous battles for recognition. The Office for Good Governance within the

Office of the Prime Minister of Kosovo was mandated to prepare the strategy for cooperation

with civil society since September 2011. The whole process involved substantial consultations

with civil society in different stages of its preparation and gave shape to a plan of action intended

to meet four strategic objectives:

1. To ensure strong participation of civil society in drafting and implementing policies and

legislation;

2. To establish a system of contracting public services to civil society organizations;

3. To establish defined criteria to provide financial support to CSOs;

4. To promote an integrated approach to development of voluntarism. The Strategy foresees the

establishment of a council which will monitor its implementation.

Furthermore, the European Union Office in Kosovo, in the frame of pre-accession

policies, has attempted to establish a structured cooperation with civil society. Starting in 2006,

the European Commission Office in Kosovo began to not only support increased communication

and cooperation through the civil society dialogue but to also focus directly on strengthening the

role of civil society. These new priorities were spelled out in the Enlargement Strategy in 2007,

in which the European Commission made the development of civil society and civil dialogue one

of the priority areas within the framework of the EU enlargement policy. The NGO Liaison Office established by the European Commission in Prishtina encourages involvement and input by the Kosovar civil society organizations. As a matter of fact, the first round of civil society consultations on the Country Strategy Pre-accession Paper which took place during May - June 2013, has been deemed successful by both this office and the participating civil society associations[45].

F.   Conclusion

The above exposé indicates that civil society in Kosovo has tried to keep up with changes that took place during the post war years. Some of these changes were externally induced through the presence of the international community in Kosovo and some others were of an internal character, involving new social and political priorities in a post war period. It is true that these changes have empowered some civil society actors above others. Civil society organizations may have been reduced in number but those that have survived the competition have demonstrated both a high level of impact and a tight connectedness to political realities in the country. In a way it can be said that these organizations evolved from their status as sites of intervention, to becoming intervening variables in the state building project. The current civil society associations might not fall neatly within the prescribed functions of civil society but their prominent position in the political processes that have taken place in the country cannot be denied. These organizations not only display a high degree of autonomy from external pressure but they have managed to acquire a complex set of conventional and non conventional forms of

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[45] Author's correspondence with representatives of civil society who were present in the first round of consultation, June 2013.

pressure which have often placated the international community. The following chapter

addresses these forms of activism and their impact on the production of politics.

VI. THE DECENTRALIZATION AGENDA: DISENTANGLING COMPLEX

RELATIONSHIP BETWEEN INTERNATIONAL AND LOCAL ACTORS

A.   Introduction

This chapter analyzes the politics of decentralization[46] in Kosovo through a process-oriented approach. While chapters four and five of this study surveyed local actors, political parties and the civil society sector, respectively, this chapter investigates the dynamics between these actors and international administration, in a real, concrete policy process, such as decentralization. The goal of this chapter is to closely examine how decentralization has been shaped through the interaction of a vast array of actors, both local and international.

It is well known that the decentralization program represents one of the most controversial policy initiatives undertaken by the international community in Kosovo, strongly and openly opposed by the local elite and local population. Initiated, sponsored and closely managed by the international administration in all its phases - from policy formulation to implementation, decentralization has often been projected as a story of the subjugation of the locals to the hegemony of the internationals. For many it seemed that Kosovo did not have any say in this policy matter and was forced to accept whatever policy agenda was deemed right by

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[46]In the most common understanding, decentralization involves a set of administrative arrangements that dilute the power of central government in favor of increasing the power of regions or provinces (Eber and Peteri, 2007). However, decentralization, as a strategy aimed at mitigating ethnic conflict in a number of post war countries, entails a broad range of complex institutional arrangements that enhance the self autonomy of territories inhabited by ethnic minorities.

the internationals. The problem with this story is that in spite of recognizing the presence of a

strong local opposition and organized popular resistance to the decentralization, it declines to tell

what happens to it. Did the local opposition have any effect at all on the decentralization agenda,

its shape or its pace? Did the opposition fade away, and how? Were the local interests ignored by

the international administration and if so, at what cost?

Answering these questions necessitate a thorough, critical investigation of the

decentralization, one that goes beyond what is apparent. Somehow, between (*international*)

imposition and (*local*) opposition, a mediating process might have taken place; it is this

encounter that needs to be excavated in order to gain a deeper understanding of the key actors,

institutions and interests that drove the decentralization process. This chapter maintains that

although decentralization in Kosovo was pushed as a policy initiative by the international

community, its final form and implementation have been reconstructed and reshaped from one

moment to the next, through an array of conflicting and often non-systematic demands put

forward by Kosovo local actors. Confrontation, collaboration and cooptation were used

sparingly by both international and local actors in order to gain each other's support. Moreover, a

vast range of local actors, by becoming deeply engaged with the decentralization project,

acquired new roles and deployed multiple forms of action that were often incompatible with a

standard script. A detailed examination of the process of decentralization which integrates both

the international and the local perspectives suggests that decentralization in Kosovo was in fact a

messy process, formulated and reformulated multiple times in a circular movement, through

resistance and surrender, ad hoc approaches and ambivalent strategies employed by local actors.

As will be explained in the subsequent sections of this chapter, decentralization was used

by the local elites in Kosovo as a bargain that could lead to the international acceptance of the

independence of Kosovo. Kosovo leaders had to accept certain policies that empowered the position of Serbian minorities in Kosovo in exchange for moving forward with the project of the independence of their state. A close investigation of the processes and events that led to the local acceptance of decentralization in Kosovo sharply contradicts claims that project the local actors as only being capable of giving consent to the international administration's agendas and initiatives.

The chapter consists of six parts: Section B unpacks the concept of decentralization and addresses the rationale for using decentralization policies as a means of mitigating ethnic conflict in Kosovo; Section C explores the entrenched ethnic divide that made post war Kosovo almost ungovernable, thus providing the biggest motivation for decentralization; Section D follows closely the key events and major negotiations that shaped decentralization as a policy agenda; Section E focuses on the main stages of engagement of local actors and the way it affected the final agenda of decentralization; Section F concludes the analysis through a reconsideration of the capacity of local actors to influence policy formation.

B.   Decentralization: Institutional Designs of Ethnic Appeasement

1.   An Overture to Decentralization in Kosovo

It is important to stress that decentralization as part of the whole institutional setup in Kosovo was not accidental but born out of the necessity to find a plan of action in an environment where nothing else seemed to work. The decentralization project was implemented to address a complex challenge faced by the international community in Kosovo:

In order to prevent a humanitarian crisis during 1998 and 1999, the international community scrambled to find a solution to the problem of the sovereignty of Kosovo. The war in Kosovo started because of Kosovars' demand for independence from Serbia and creation of an

independent state of Kosovo, a precedent already established by the other former republics of

Yugoslavia. Unfortunately, as it has been explained in Chapter 3, Kosovo did not have the status

of the republic under the Yugoslavian and later Serbian constitution; therefore, granting

independence to a region presented a highly controversial issue to the existing international law

and international practices. Furthermore, Serbia was not willing to let Kosovo go. Besides

Prishtina, neither international negotiators, nor Belgrade were willing to face the issue of

sovereignty of Kosovo immediately or straightforwardly. Therefore a way to stop the warring

parties had to be found, a way that circumvented the problem of sovereignty.

From this perspective, decentralization was conceived primarily as a policy instrument

that could offer a temporary solution and could make Kosovo governable at time when the

sovereignty of the state, and by extension, the legitimacy of the Kosovo central government was

highly disputed. As it was, many areas inhabited by Serbian ethnic minority declined to

recognize the legitimacy of the Kosovo government and obey orders and regulations produced

under that authority. Under such conditions, the international community considered expanding

the scope and range of the authority of local government in ethnic territories as a way out of the

policy gridlock. The decentralization program intended to transfer multiple functions from the

central government to the level of regional and local government of municipalities and villages.

This way, the government in the regions inhabited by the Serbian minority, particularly, could be

able to perform its functions and solve people's everyday problems until the legitimacy of a

Kosovar central government, unaccepted by this minority group, could be permanently resolved.

In this light, decentralization was not simply a stage in the application of the international

state building project but its prop and anchor point. In a way it can be said that the sovereignty of

Kosovo was negotiated through decentralization. Prior to examining closely how the challenge

of sovereignty provided a stimulus for the decentralization to evolve from a controversial policy initiative to a main policy program, it is necessary to explain what is decentralization and what it meant in the context of Kosovo.

2.   <u>Unpacking "Apparent" Solutions: What is Decentralization?</u>

Decentralization, broadly defined, is a policy approach that institutionalizes distribution of power from central or federal level to state or regional/local level of government. Decentralization involves multiple components and different areas of government, as well as different degrees of local autonomy: from administrative and budget sector to fiscal policies to political decision-making. A workable concept of decentralization is that of "*a system of government in which there is a vertical division of power among multiple levels of government that have independent decision-making power over at least one issue area*" (Roeder, 2005, p. 23). Authors such as Lipset (1977), Brancatti (2006) and Wolff (2004) note that there exists a tendency among scholars to equate decentralization with federalist designs because, in essence, both models seek to distribute power vertically, from the central to the lower levels of government. However, it should be noted that decentralization, specifically its application in post conflict societies such as Nigeria, Bosnia and Herzegovina, Northern Ireland, South Sudan or East Timor, to mention just a few, represents a different mode of power distribution. Decentralization policies in these countries are centered on ethnic/religious groups as units of power. Such policies involve complex institutional safeguards for representation of minorities and different levels of minority groups' political, administrative and even territorial autonomy (Roeder, 2005). Very often, post ethnic settlement involves enumerated extra powers given to governments in the regions where minority groups reside, thus creating pockets of "asymmetrical power" in which minority groups gain full control over issues of governance within their

territory vs. the weak power of the central government. In general, decentralization programs in a post ethnic context consist of a two-pronged approach aimed at rearranging power among minority and majority at the following levels:

(i) Central level of government: at this level, decentralization programs provide for special arrangements that favor ethnic groups within the frame of institutions of the central government. Reserved seats for representatives of minorities in the Kosovo Assembly, the use of veto rights by minorities, personnel quotas for each minority group in the executive branch, guaranteed ministerial appointments for members of ethnic minorities and detailed constitutional guidance on minority rights are some of the mechanisms applied in Kosovo.

(ii) Local level of government: decentralization packages at this level provide for exclusive, autonomous powers of communities in relation to a range of issues of local interest, exercised through community elected municipal government. The range of issues is normally defined in a constitution and varies across certain domains, from administrative and financial functions to full authority and self –rule in selected areas of public policy such as education, healthcare or trade.

In principle, decentralization as a policy instrument for mitigating ethnic conflict has been considered highly controversial and criticized by scholars and practitioners in the field. The pro-decentralization cluster of studies (Lijphart, 1977, Baskin, 2004, Brinkerhoff, 2005, Siegle and O'Mahony, 2007) argues that, by bringing governance closer to people, decentralization opens up spaces of self-decision making, enhances communities' control over the most acute political, economic and social problems that affect daily life, as well as provides for these groups an institutional layer to counterbalance the threat of the authority of central government. In short, decentralization offers to ethnic groups institutional safety for the life of their community and

values they want to preserve. Moreover, these institutions provide a space for ethnic groups to address and work out their grievances, prior to pushing them at the central level. Ethnic groups are encouraged to get involved in decision making processes through the venues of local governance, and, in the long run, through these institutions they might gain ownership in the central government which they did not trust initially.

Contrary to this view, a number of scholars raise the claim that decentralization may reproduce or reinforce ethnic cleavages by enforcing their division and legitimizing it (Brancatti, 2006, Horowitz, 1991, Kymlicka, 1998, Roeder, 2005). The risks are located within the scope of the same policy actions that are supposed to be beneficial for the protection of ethnic identities. Thus, legislation frames that provide for special protection of the language and culture of threatened ethnic groups or for distribution of economic/financial resources that prioritize certain regions, coupled with a high degree of self rule offered in autonomous administrative units, may contribute successfully towards bonding within the group but not as much in bridging different ethnic groups (Noel, 2005, Pickering, 2006). In addition, the side effects of such policies might fuel ethnic hate because often programs of "affirmative action" or "asymmetrical power" in favor of ethnic communities are perceived by other groups as unjust, undemocratic or discriminatory. When minority groups are given extra powers within their own territory or region, thus inflating the self – autonomy of a minority unit within a state, the question of the authority of the central state and the possibility of governability of ethnic territories becomes highly questionable.

Two important lessons can be drawn from the foregoing discussion. *First*, the effects of a specific arrangement of power among ethnic groups are highly debatable and therefore, whenever imposed as a top-down agenda in post conflict societies, are met with stubbornness,

resistance and opposition from the local stakeholders. *Second*, these designs are very risky because they run against the preferences of the dominant ethnic majority for creating its own homogeneous state.

C.   Vicious Circles of Insecurity: Pluralist Challenges to Post Conflict Kosovo

1.   Ethnic Cleavages in Pre-War Kosovo

Historically, ethnic groups in Kosovo have been living together but separately (Kostovicova, 2005). The population of Kosovo is about 1.9 million, of which 90% are Albanian, 7% Serb, and 3% other minority groups such as Roma, Ashkali and Egyptian (RAE), Turk, Gorani, and Bosniak (Statistical Office of Kosovo, 2009)[47]. Generally, ethnic groups or minorities used to and still have a defined territorial location, as illustrated by Fig. 12.

Kosovo minority groups are defined in the new Kosovo Constitution as "*inhabitants belonging to the same national or ethnic, linguistic or religious group traditionally present in the territory of Kosovo*" (The Constitution of the Republic of Kosovo, 2008). Serbians are the biggest ethnic minority group in Kosovo and the one with which Kosovars have had a long history of non acceptance, resentment and open confrontation. During the pre-war period, the Serbian ethnic group residing in Kosovo was a minority only in terms of numbers (refer to Table 1). The fact that this group had full control of all Kosovo political and economic institutions made it a major oppressive force. They "*enjoyed the status and privileges that came from close*

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[47] The statistics for Kosovo's population and its minority groups have always been a source of contested arguments. Prior to the war, Kosovars, particularly those residing in the Highlands, consistently refused to participate in the regular population census conducted by the Yugoslav state; after the war, Serbian minorities refused to participate in censuses organized by the International Administration, OSCE (for electoral purposes) or the Government of Kosovo.

association with the state – particularly after 1989, when Albanians were purged from public

sector employment"[48].

Figure 12. Ethnic settlements in Kosovo, by size and territorial distribution
(Source: Office of the Prime Minister of Kosovo, Population and Housing Census, 2011)

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[48] Author's interview with two staff members of the KSI who have worked on the minorities'
project funded by the German Foundation, Friedrich Ebert Stifftung. Their findings are published
in the KSI study, "*Ethnic Minorities in Kosovo*", 2007.

From this point of view, ethnic relations between Serbs and Kosovars entangle undertones of class relations, with Serbs being wealthier, dominant in the economy, politics and government, and Kosovars being oppressed and exploited in their own home. It is perhaps the reminiscence of this pattern that still makes it hard for Serbs currently residing in Kosovo to accept being labeled as a minority. The connotation of minority in the context of former Yugoslavia was primarily that of a powerless group. Ivanovic, head of the Serbian National Council, who was born and raised in Kosovo, declares: "*We Serbs do not accept being classified as a minority. It is humiliating*" (Stevens, 2009, p. 21).

TABLE II
SERBIAN POPULATION IN KOSOVO

Year	Total Population	Serb Population	Share of Serb Population (%)
1948	728 436	171 911	23.6
1953	804 530	189 869	23.6
1961	966 022	227 016	23.5
1971	1 247 344	228 264	18.3
1981	1 585 333	209 498	13.2
1991	1 961 513	194 190	9.9

Few would disagree that a claim to multiethnicity in Kosovo has been maintained through gates, fences and deliberate separation between the Kosovar and Serb communities. According to the 1991 census, from 1961 – 1981, about 1214 settlements in Kosovo became ethnically homogenous. Boundaries of ethnic groups were not only ethnic, linguistic, religious

and cultural but also geographical. In sum, the trend in Kosovo was that one's preferred neighbor was one's ethnic kin (Kostovicova, 2005). The mono-ethnic residential pattern has been always preferred by Serbs and Kosovars. While in the capital, Prishtina, segregation was not that visible due to patches and neighborhoods circling each other, the lines of division were quite bold across regions and villages. However, in spite of Belgrade's tough policies in Kosovo, Kosovars and Serbs *"maintained civil relations with each other well into the 1980s"* (Ramet, 2006, p. 541). After 1989, the Serbian state made segregation a policy priority based on which the government of Kosovo, public institutions, education, health, art and culture were cleansed from Kosovo professionals. During the following decade, Belgrade's police state in Kosovo combined political and economic oppression with a direct threat to life.

2.   Serbian Population as a Vulnerable Community in Post War Kosovo

One of the most immediate missions undertaken by the International Administration established in Kosovo was to address the security of the Serbian population returning to their homes in the province. The issue was how, based on what model, could the Serbian population be integrated in post war Kosovo?

According to existing statistics (Statistical Office of Kosovo, 2009), approximately 130,000 Serbs resided in the pre-war Kosovo, out of which, about 60,000 used to live in the Serb-dominated provinces north of the Iber/Ibar River, in the divided municipality of North Mitrovica and three municipalities of Leposaviq, Zubin Potok and Zvecan. The remaining 70,000 Serbs were scattered in enclaves in Kosovar-dominated central and southern provinces, with concentrations in Gracanica (south of Prishtina) and the municipalities of Shterpce/Strpce and Novoberde/Novo Brdo. During the armed conflict and NATO campaign, many rural Serbs

who could not move to Serbia, tried to find shelter in less risky areas in Kosovo, thus becoming internally displaced persons (IDPs).

With Kosovars being a majority and in control after the war, Serbs felt threatened to return to their homes (UNHCR Report, 1999, 2000). The first UNMIK administrator, Bernard Kouchner, faced with challenges on the ground, pitched the idea of creating special protected areas for the returning Serbs, which was in essence a program for spatial segregation (Burke, 2005). However, his proposal was abandoned almost immediately due to input from international organizations such as the Council of Europe (CoE) and the Organization for Security and Cooperation in Europe (OSCE). Experts of these organizations working in or for Kosovo were of the opinion that forms of ethnic tolerance and cooperation could be enhanced based on a catalogue of legally entrenched entitlements and legal mechanisms for the protection of individual and community rights (Weller, 2009). It can be affirmed that initially, the "generic" liberal model, which provides for individual rights-through constitutions and other legal arrangements was considered to be sufficient in Kosovo. This line of argument seemed reasonable when considering that the discussion was about 130,000 Serbian individuals. CoE and EU had developed advanced mechanisms for the protection of minorities and had a successful record of managing minority rights in other European countries with larger sizes of ethnic minorities. In addition, the negative experience of Bosnia and Herzegovina had made all interested parties wary of approaches that combined expanded powers of minorities' government with spatial segregation.

The Constitutional Framework for Provisional Self-Government in Kosovo (PISG), adopted on May 21, 2001, under UNMIK authority, represented the first attempt to regulate the protection of rights of all ethnic groups. Chapter 4 of the Constitutional Framework stated the

rights of minority groups such as the right to use language and alphabet freely; the right to education and access to information in their own language; the right to enjoy equal opportunity with respect to employment in public bodies, the right to communicate with members of their communities outside of Kosovo and the right to use and publicly display their national symbols. To this end, no territorial or asymmetrical power was assigned to minorities' government by the Constitutional Framework for the duration of the political interim settlement.

An early report of OSCE (OSCE Report, Kosovo, 1999), analyzes the trend in return of refugees and IDPs during the period June – October 1999. According to this report, the number of Serbs in the capital, Prishtina, dropped significantly, from 20,000 (during prewar years) to between 1 000 to 2 000 persons in October 1999. The Report stated that Serbs were being forced to leave their properties and sign over rights to their property in standard contracts before fleeing; in many cases Kosovars moved into empty residences within minutes of Serb departure. KFOR's attempts to register persons at risk in its patrols, set up emergency telephone lines, reinforce doors to homes and offer protection to threatened individuals and families, even a 24-hour guard in certain cases, proved to be insufficient.

All Serbs in mixed villages left their homes during late 1999 and the beginning of 2000, choosing to relocate in homogenous Serb areas within the territory of Kosovo, close to the capital, such as Caglavica and Graganica. In fact, the overall population of these two towns increased significantly because of the flow of Serbs displaced from other parts of the province. As a result, mono-ethnic enclaves of various sizes (often guarded by KFOR) were created, inhabitants of which felt reasonably secure within their confines. Unfortunately, despite KFOR protection, incidents of attacks on these areas, organized by outsiders, were disturbing to Serbs in the enclaves and to the international administration which could not provide full protection of the

returning minorities (UNHCR Report, 1999). According to the UNDP Early Warning Report (2000), more than 81% of Serbs residing in enclaves stated that they did not feel safe traveling out of their enclaves.

By February 2005, only about 8,000 of more than 230,000 non-Kosovar refugees and IDPs had returned to Kosovo (UNDP, Early Warning Report, 2005). Those who returned constantly boycotted activities related to the PISG, which they considered an illegitimate government. On Belgrade's orders, the majority of Serbs in Kosovo declined to participate in all elections held since the war, with the exception of the first 2001 national election. These were elections for the Kosovo Parliament and with the status of Kosovo still ambiguous, the Serbian population in Kosovo as well as the Belgrade government hoped to gain access to political power in Kosovo. Once it became clear that the return of Kosovo under the sovereignty of Serbia was no longer an option in international negotiations, Serbs residing in the province were urged by Belgrade to boycott and block every move that intended integration of this group within the political and social structures of Kosovo. As observers note: "*Although the Constitutional Framework guaranteed the Serb community at least 10 out of 120 seats in the Assembly of Kosovo regardless of whether any Serbs actually vote, few Serbs representatives have made constructive contributions to the Assembly or other PISG institutions*" (Burke, 2005, p. 72).

During Kosovo's first parliamentary elections in November 2001, the Serb coalition Povratak (Return) was able to mobilize enough votes to obtain 22 seats in the 120-member parliament, far above their guaranteed 10 seats (Stroschein, 2008). Less than 1% of eligible Serbs voted in the October 2004 parliamentary elections, a boycott endorsed by leaders in Belgrade (OSCE Election Report, 2004). A Serb boycott of the 2007 parliamentary elections had a similar effect, as only 3 percent of registered Serb voters went to the polls (OSCE Election

Report, 2007). Serb representation after both elections thus became limited to the quota of 10 parliamentary seats. The Serb representatives accepting to participate in the Kosovo Assembly often were blackmailed and publicly shamed by Belgrade or not accepted by their own community[49].

Belgrade's influence on Serbian inhabitants of Kosovo was maintained through a very large payroll, estimated at 1.6 million Euros per month (KIPRED, 2009). The payroll supported municipal administrations in towns and villages inhabited by Serbs in Kosovo. These governmental structures functioned out of control of Kosovo's central government, especially in the city of North Mitrovica and three northern municipalities. The Serbian Interior Ministry forces (MUP) operated openly in the North, and those they arrested were often tried at the court in Kraljevo in Serbia proper, under Serbian law. The education and health services reported to ministries in Belgrade and the telephone system was disconnected from Kosovo Telecom and reconnected to the Serbian system (OSCE, 2009). De facto and de jure, Kosovo government had no reach over these territories.

3.   Freedom Without a Future – Insecurities of Kosovars

The intensive and extensive engagement of the international community to provide security for the Serbian ethnic group proved to be a challenging task. Yet, it was only half of the story. Kosovars also had their share of insecurity. It seemed that security was not a static phenomenon but a changing and wavering process, the meaning of which took different connotations, depending on each ethnic group's position. For Kosovars, security had to do with gaining the sovereignty of their own state, securing Kosovo's independence. They couldn't feel

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[49] Rada Trajkovic, a Serbian physician and one of the leaders of Serbian Coalition, *Povratak*; interview in Klan Kosova, special edition "B-zone" ("Zona B"), February 4, 2011.

secure in a quasi state whose future was in limbo. After NATO's intervention in 1999 and with

the establishment of the UNMIK, under the UN Resolution 1244, the issue of Kosovo's

independence was postponed and Kosovars were left to their own devices. Since they would not

settle on anything other than independence, Kosovars, principally interested in their status issue,

were resolute to gain full control of their territory, if not de jure, at least de facto. The fatherland

had to be claimed by each individual, winning day after day a piece of Kosovo, house by house,

acre by acre, street after street and bridge after bridge, through self-defense strategies and by

cleaning up every Serbian mark.

The forcible displacement of persons and destruction of infrastructure during the war

enforced the individual insecurities. According to the UNHCR independent evaluation, more

than 860 000 Kosovo Albanians left their homes or were evacuated in other states prior to NATO

bombardment campaign (UNHCR, 2000). In addition, within days of NATO intervention, "*the*

exodus of some 200 000 minority Serbs, Roma, Ashkali and Egyptians and other minorities from

Kosovo began" (UNHCR, 2007). Most of the Kosovo Albanians returned in a few days after

NATO intervention only to find their houses and property destroyed.

> "*About 50 per cent of all available housing had been destroyed during the armed conflict*
> *in 1998 and 1999. Tens of thousands of people were homeless, a situation which resulted*
> *in a rapid increase in illegal housing occupation and a general threat to safety and*
> *security in the province. Large numbers of refugees returned to Kosovo to find they could*
> *not move into their own houses or apartments and were forced to look for alternative*
> *shelter*" (Carlowitz, 2005).

While most of the ethnic Albanian refugees or internally displaced persons returned in

1999, the fact that only 8 000 Serbs (out of more than 200 000) returned in the course of five

years meant free residences and spaces available for occupation by Kosovo Albanians.

In the town of Mitrovica, particularly in its Northern part controlled by Serbs, the security situation of Kosovars was beyond control. As Perrit documents:

> "*Albanians who lived in the de facto Serb sector in the North Mitrovica were regularly beaten and evicted from their homes. Serbs trying to cross the Ibar river to their homes in the city's southern half were harassed and threatened by Albanian loiterers, who gathered at the bridge daily. .. Although the bridge had a nominal French KFOR presence patrolling it around the clock, there were a number of clashes and confrontations on the bridge that included gunfire, rioting and rock throwing*" (Perrit, 2009, p. 54).

In the first week of March 2000, Serb militants in North Mitrovica, went door to door, driving more than 1 000 Kosovar inhabitants from their homes to the southern part of the city. Violence left at least six people dead, while two French peacekeepers were wounded by Kosovar sniper fire. North Mitrovica became a staging ground for Serbian paramilitaries, police and other self-proclaimed "guardsmen" of northern Kosovo. As Oliver Ivanovic, head of the Serbian National Council, would state: "*We have enough guns and equipment to start World War III*" (Purvis, 2000). The U.N. mediator, Ambassador Richard Holbrooke, defined Mitrovica as "*the most dangerous place in Europe today*" (Baltimore Sun, Feb. 24, 2000).

At this point, the challenge for the international administration was, as the international negotiators preferred to describe it: "to square the circle" (Perrit, 2009, Weller, 2009). Until the status of Kosovo was finally resolved, the issue was to find some political and legal solutions that would permit the people of the province to coexist without violence. Evidence from the ground suggested that the approach to Kosovo's ethnic divide through frames of human, civil and legal rights was not sufficient enough to yield any beneficial result. Kosovars were not ready, at least not yet, to accept Serbs in their future state and Serbs were not ready to accept in their future a state run by Kosovars. From this perspective, the decentralization policies could function as a *modus vivendi* and as a *modus operandi* in the unfinished state of Kosovo.

D. **Decentralization in Kosovo: from _Modus Vivendi_ to _Modus Operandi_**

    1. **The First Challenge: A _Modus Vivendi_ for Independence**

Although the decentralization program in Kosovo became part of the prevalent discourse after the spring of 2004 (UNMIK Press Release, July 23, 2004), the idea took shape as early as 1998, when international actors were trying to deal with the ethnic strife in the province. The following section analyzes two tentative peace agreements, the Hill and Rambouillet Agreement, which never reached a full closure but nevertheless influenced significantly preferences toward decentralization as a policy solution to the situation of Kosovo:

a) During 1989, aware of the consequences of the Kosovo conflict in the region, the international community appealed to both sides – Belgrade and Prishtina – "*to cease violence and to commit themselves instead to dialogue and peaceful settlement*" (Weller, 2009, p. 87). Prishtina's position that it would accept "*nothing less than independence*" and Belgrade's point that it would offer "*nothing more than autonomy within the existing territory of the Federal Republic of Yugoslavia*" invalidated international attempts to negotiate peace talks (Pulaj, 2004).

Moreover, the international community was stuck in a dead end negotiation process framed by the commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. Initially the international mediators sought to resolve the crisis through "*an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration*" (UN Security Council Resolution, September 23, 1998).

The Hill[50] draft (October 1998) represents the first attempt to expedite talks among warring parties by steering the dialogue away from the status of Kosovo and focus instead on the

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[50] Named after the US Ambassador in Belgrade, Christopher Hill, who worked on Kosovo's initial settlement plan.

technicalities of assigning more powers to ethnic communities through the lower levels of government. In addition, the draft provided for arrangements of self governing units at the level of the communes as well as for "*self administering regions comprising multiple communes*" (UN Security Council Resolution, September 23, 1998).

Trying to not alienate Belgrade, the Contact Group on Kosovo considered this proposal as a practical and temporary solution to the crisis in Kosovo. Moreover, Hill was able to attain an informal agreement by Belgrade and Prishtina under the condition of postponing the sovereignty debate for a three year period, during which both Serbs and Kosovars should work to normalize the situation in the province of Kosovo assisted by an international presence in Kosovo (The UN Secretary General's Report, Annex, October 3, 1998). After this trial period, a comprehensive assessment of the situation conducted by international actors should take place in order to negotiate a final approach to Kosovo issue.

Hill's settlement was in the end rejected by Serbia because Belgrade had enough leverage to push for a more favorable position. Kosovars, on the other side, were concerned that Hill's provisions were similar to the approach taken by the international community in Bosnia and Herzegovina, and as such they enforced creation of an ethnic Serb entity within the Kosovo territory[51]. Both Belgrade and Kosovo were highly hesitant to formally accept and sign the agreement, and by December 1998 negotiations reached an impasse. However, Hill's suggestions for institutional articulation, at the local level, of the position of the ethnic minority in Kosovo was revisited constantly, although in different contexts, during subsequent peace talks on the

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[51] Author's interview with Edita Tahiri, former Minister of Foreign Affairs and member of Rugova delegation during peace talks.

status of Kosovo, as well as throughout the project of designing the formal political institutions of Kosovo.

b) The goal of the Rambouillet Conference, held in February 1999, was to define the terms of an interim political settlement for Kosovo. The draft-agreement proposed by this conference build on the Hill's plan, as it referred to the communes as "*the basic levels of local self government*" (Article I (8), Chapter1, Framework Agreement) and it endorsed a broad range of special provisions for ethnic groups. The agreement guaranteed, for each ethnic group, and particularly for the Serbian group, the right to education and schooling in its own language, the right to display national symbols, the right to protect national traditional and cultural heritage, to operate its own religious institutions, to elect and establish its own institutions, to maintain contact with representatives of their national community in Serbia, etc. Communes were to be responsible for education, health care, environment and local economy. Although anxious about this "special treatment of the Serbian population in Kosovo"[52], what lured Kosovo Albanians was the "interim" part of the Agreement:

> "*Three years after entry into force of this agreement, an international meeting was to be convened in order to determine a mechanism for a final settlement of Kosovo*" (Article I (3), Chapter 8, Framework Agreement).

The Rambouillet agreement never reached closure. Belgrade refused to sign the final agreement mainly because it included substantive and detailed comments from the Kosovar delegation (Weller, 1999, Albright, 2002). According to these comments, Prishtina declared that it would accept the terms of the Rambouillet Settlement, and particularly the package of rights assigned to the Serbian community in Kosovo, only if the agreement provided for the future

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[52] Author's interview with Sadri Ferati, Minister of Local Government and former member of the KLA.

discussion of the final status of Kosovo. At this point, with Belgrade deploying troops on the border of Kosovo, with the humanitarian crisis unfolding in the province, and rushed by the western negotiators to reach a settlement, the Kosovar delegation tried hard to push for an *interim* agreement rather than getting a final and unfavorable closure on Kosovo's status (Weller, 2009). The Kosovo delegation was able to gain the support of the US delegation which offered a side letter to the agreement, stating that it supported a referendum on Kosovo's independence after three years.

2.   The Second Challenge: A *Modus Operandi* for Ethnic Serbs

As noted in section B, the small number of Serbian refugees and IDPs who returned to Kosovo and, most important, the reluctance of Serbs in Kosovo to participate in Kosovo institutions provided the impetus to move forward with the decentralization plan, as a plan of action – a *modus operandi* – for integration of the Serbian community into Kosovo's social and political life. It should be noted that a full program of decentralization did not appear until 2004 and that this program started to be implemented only by late 2007 and 2008. A series of clashes between Kosovar and Serb populations, culminating with the events of March 2004, provided the window of opportunity for decentralization to be considered as the only policy option left on the table.

Initially, during 2001, UNMIK promulgated Regulation 2001/9, which outlined the Framework for Provisional Self - Government in Kosovo. The Regulation stated that "*Kosovo is composed of municipalities, which are the basic territorial units of local self-government with responsibilities as set forth in UNMIK legislation in force on local self-government and municipalities in Kosovo*". This move represents a decrease in the power assigned to the government at the local level, much less than what was stipulated in the Hill and Rambouillet

drafts. According to Regulation 2001/9, municipalities were not established as the exclusive ground of all public authority. As a matter of fact, the Kosovo Assembly retained dominant power as a central institution of governance. Additionally, a range of mechanisms of diffusing power among ethnic groups were enforced, such as distribution of seats in the Kosovo Assembly, legislation for cultural heritage, or executive representation of minority groups.

The Kosovo Assembly "had *a total of 120 seats, 100 of which were to be distributed proportionally among Kosovar parties, coalitions, and individual candidates on the basis of votes received, whereas the remaining 20 seats were reserved for minority representatives, including 10 seats for the Serbs, 4 for the Roma/Ashkali/Egyption, 3 for the Bosniaks, 2 for the Turks, and 1 for the Gorani minority*" (Burke, 2005, p. 21). Regulation 2001/9, Section 9.3.5 provided for minority representation at the executive level: "*at least two Ministers shall be from Communities other than the Community having a majority representation in the Assembly*."

This new organizational chart of the government was supposed to influence positively the participation of ethnic minorities' elite and ethnic population in the political process. However, as the results of the November 2001 national elections indicate, "*turnout was high among Kosovars (64%) while the Serbian community participated in enough numbers to give their Povratak (Return) Coalition 11% of the vote*" (Burke, 2005, p. 15).

Furthermore, Belgrade urged the Serbian community in Kosovo to not participate in the 2002 municipal elections in response to the expanding authority of the central Kosovar government. During this time, decentralization was articulated once more as a potential strategy for managing Kosovo's ethnic tensions. The "*Seven Point Plan for City of Mitrovica*" (Steiner,

UNMIK SRSG, October 2002)[53] suggests that "*common interests* [of each ethnic group] *need to be decided jointly at the municipality level*," and that "*specific interests can be decided on a local level, in a municipal sub-unit*". This proposal reintroduces the idea of decentralization as a policy tool for managing ethnic divide. The Kosovar political elites considered this step truly dangerous because it sought to legitimate ethnic boundaries. The idea that "*good fences make good neighbors*" was considered to be a political risk by many Kosovo leaders[54].

The event that gave the final impetus to the decentralization project was the March 2004 incident in North Mitrovica. Violent protests spread in a couple of hours along the whole territory (*Koha Ditore* /Daily Time, *Bota Sot/* World Today, April 5 and 6, 2004). The riots were directed against ethnic Serbs and their religious cultural monuments in many areas of Kosovo. The violence left 19 people dead, 954 injured, 4100 displaced and 550 houses and 27 orthodox churches and monasteries destroyed (OSCE Report, 2004). The riots put into question the capability of the international administration to prevent or manage such situations.

> "*KFOR and NATO have lost their aura of invulnerability and invincibility. Regional security implications are serious and widespread. The perception of international weakness and lack of resolve will not be lost on extremists in Kosovo and elsewhere in the Balkans, including newly resurgent nationalists in Belgrade. If the underlying causes of the violence are not dealt with, immediately and directly - through political, developmental and security measures alike - Kosovo risks becoming Europe's West Bank*" (Europe Report, 155, April 2004).

As Hehir and Robinson (2007) have documented, impressions of gradual progress and hopes for the final status of Kosovo dissipated in the light of the events of March 2004. In the

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[53] Michael Steiner, the third Senior Representative of the UN Secretary General and the Head of UNMIK in Kosovo, 2001 – 2003.

[54] Interview with H.D., Self – Determination, October 2010. This claim is also supported by interviews with the Assistant Head of the Decentralization Unit in the ICO and three members of this unit.

face of the riots, "*the unstable foundations of four and a half years of gradual progress in Kosovo buckled and gave away*" (ICG Report, 2004).

In response to these events, as Weller (2009) notes, the topic of decentralization became central to seven out of the fifteen rounds of Vienna negotiations held during 2006. Decentralization was part of the conditions to be fulfilled by Kosovo in order for the international community to accept its sovereignty. In the eyes of Kosovo leaders, it was worth the cost, since it truly could lead to the independence of their state.

The final outcomes of the Vienna negotiations were incorporated into the *Comprehensive Proposals for a Status Settlement for Kosovo,* prepared by Martii Ahtisaari, Special Envoy of the Secretary-General and accepted by the UN Security Council on March 26, 2007. Annex III of the Ahtisaari Plan covered in detail the program of decentralization. It proposed a series of rules and regulations aimed at expanding the functions of local government of the Serbian community (KIPRED, 2009). The package provided for the establishment of five new Serbian majority municipal units and the expansion of a sixth one; "*extended competencies to the Serbian communities*" (ANEX III) such as the management of higher education and secondary health care facilities, full authority over cultural affairs, protection of cultural/religious heritage, and election/dismissal of local police commanders (ANEX III). Moreover, Serbian municipalities in Kosovo were allowed to receive financial and technical assistance from their mother state, Serbia. All "ethnically sensitive" issues were to be decided by the international community, specifically by the International Civilian Representative/EU Special Representative appointed by the UNSC and the EU Council of Ministers (ANEX III).

As stated in the Declaration of Independence on 17 February 2008, the Assembly of Kosovo "*accept*[ed] *the full obligations of the Ahtisaari plan*" and promised to incorporate in the

Constitution of Kosovo all "*relevant principles of the Ahtisaari plan*" (Declaration of

Independence, Paragraph 4). In order to ensure "*full implementation of Kosovo's status*

settlement" (ICO mission statement), a new international structure, the International Civilian

Office (ICO), was installed in Kosovo with the approval of the National Assembly (Weller,

2009). ICO became the central institution for implementing the decentralization agenda.

E.   "Domestication" of the Decentralization Agenda

The discussion in this section, up to this point, has presented a set of events and

conjunctures that necessitated the decentralization project in Kosovo. But what was the relevance

of the local actors in these events? In this section I focus on the role of Kosovo local elite in three

major events pertaining to the decentralization agenda: (I) The Rambouillet negotiations; (II) the

Vienna Accords; (III) Implementation of the decentralization program.

1.   The Rambouillet Negotiations

As noted above, the Rambouillet negotiations were conducted during 1999 with the

immediate purpose of negotiating a peace treaty between Prishtina and Belgarde. The Kosovo

delegation was comprised of 16 members (Krasniqi, 2006). They all knew each other but they

represented different organizations, such as the Kosovo Liberation Army (KLA), the Democratic

League of Kosovo (DLK), the Government of Kosovo (the parallel one), the United Democratic

Movement (UDM - a split of the Democratic League), as well as a few independent public

personalities. Some of them had participated in the previous Hill negotiations. "*We knew very*

well, writes Shala (2009, p. 76), *the position of the Contact Group but we did not know well the*

position of each other."

Almost immediately after arrival, the delegation was ushered into the conference hall,

where French President Chirac, French foreign minister Vedrine and British foreign minister

Cook, opened the negotiations by clearly stating that Kosovo peace should be signed in

Rambouillet (Weller, 2009). Both Belgrade and Prishtina were handed an initial draft of the

agreement. As one of the members of the Kosovo delegation writes:

> "*That night we decided that we could not wait for the next day. We decided to convene the first meeting of our delegation. Ironically, we managed to find a conference room after a half an hour search. The room was so small that we had to sit close to each other in spite of some of us not looking eye to eye to each other for a while. An outsider that did not know us would have thought that this was a meeting of friends*" (Shala, 2009, p. 81).

The members of the delegation were able to agree on a broad framework for negotiations:

to push for Kosovo's separation from Serbia and to secure Kosovo's autonomy with the presence

of an international civil – military protectorate installed in Kosovo (Shala, 2002, Surroi, 2001).

Marc Weller, the international legal expert assigned to the Kosovo delegation describes the

balance of power in the negotiation rounds as "*structural inequality*" (Weller, 2009). The

Yugoslavian delegation felt secure because its claim on keeping intact its territorial sovereignty

over Kosovo had been confirmed by the UN Security Council and by practically all actors

involved in mediating the conflict. Belgrade had little interest in any model that would let

Kosovo go. Initially it seemed that if negotiations were to fail, the Kosovo delegation,

entrenched in the position of full sovereignty and separation from Serbia, would be the spoiler.

Had that been the case, a final agreement that could expand the rights of the province of Kosovo

under the sovereignty of Serbia would have been quickly finalized (Fischer, 2008). However,

contrary to initial expectations, the Kosovo delegation "*had worked quite extensively*

throughout... Kosovo managed to commit substantive comments on all documents it received"

(Weller, 2009, p. 127). The Russian Newspaper, *Njezavisimaja Gazeta*, reported that:

> "*Kosovo representatives in Rambouillet have presented demands that were unwelcomed by the international Troika. They asked for a clear provision on the interim nature of the*

current agreement and additional provisions for a reopening of negotiations of the Kosovo status in the future" (cited in Vukaj, 2007, p. 253).

Both Secretary of State Albright (2003), and EU Ambassador Petritsch (2002) recall how challenging was for the western mediators to persuade the Kosovo delegation to accept the Rambouillet terms. As one member of the Kosovo delegation in Rambouillet states:

> "*The biggest problem was that in trying make Rambuillet's terms acceptable to Serbs, draft agreements changed continuously and we had to agree among ourselves on how to approach each and every new draft. It was enervating and time consuming*"[55].

After ten days of draining negotiations, the Kosovo delegation was faced with a draft that seemed to be openly biased to Serb proposals. Pushed to the brink, the Kosovo delegation unanimously agreed not to accept the draft (Surroi, 2001). However, Kosovars could not afford to abandon negotiations and carry the blame for the failure of the agreement. "*We decided to stay and fight about every term of that draft. We were determined to extract as much as possible from that conference*" (Shala, 2002, p. 121). Two days later, a new draft reflecting substantive changes circulated and Kosovars accepted the text as "*imperfect…[but]at least it allows rooms for a possibility of the future independence of Kosovo by keeping the West close to us*" (Shala, 2002, p.143).

Attempting to reconcile differences among members of the Kosovo delegation and to persuade those that still wanted to abandon the negotiations to stay instead and finalize them, another member of the Kosovo delegation reasoned: "*Kosovo in Rambouillet means Kosovo in the West and this means that Kosovo can get out of Yugoslavia*" (Qosja, 1999, p. 140). As Krasniqi (2006), a member of the delegation and later the Head of the Kosovo Assembly recalls, the decision to sign the final agreement was not easily achieved and almost caused the delegation

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[55] Author's interview with a lawyer, member of the Kosovar team in Rambouillet.

to disintegrate. Skirmishes among members of the Kosovo delegation are well documented. Trying to persuade Thaci (the leader of the KLA) to sign the agreement, Rugova, his political opponent and leader of the LDK, asked him whether his signature was conditional on a position being offered in the new government to the KLA (Krasniqi, 2006). Heavy bargaining took place not only among the Kosovo delegation and international mediators but also among members of the Kosovo delegation who needed to reconcile their differences and speak with one voice. On March 18, 1999, the Rambouillet Accord was signed by the Kosovo delegation, the US and the representatives of the EU. Neither Serbian, nor Russian delegations appeared, thus causing the invalidity of the agreement (Fischer, 2008, p. 146).

2. <u>**Vienna Accords**</u>

The Vienna negotiations, conducted in 2006, took place in a whole different context. First of all, the international administration established in Kosovo made the reach of Belgrade over the province unattainable; second, local political actors had already gained more space within the PISG in co-governing Kosovo and they were incessantly demanding more power; third, and most important, it seemed that the international community had moved away from the option of returning Kosovo under the Serbian rule. According to the Helsinki Monitor:

> "*Even the Contact Group, which includes the USA, Russia, Great Britain, France, Germany, and Italy, had implied that the negotiations were likely to lead to Kosovo's independence. On the other hand, it could be said that the final status of Kosovo is not the main issue. More important is to define the position of the Serbian minority in an independent Kosovo*" (December 11, 2005).

This political climate permitted Kosovo elites to focus more on strategies of how to kill two birds with one stone: reach a beneficial agreement for Kosovo and use it as a currency in the political scene of Kosovo. Sectarian, fragmented and even private interest of each actor came into play. For those in power, getting to Vienna meant another secure victory in the next

elections; for those out of power it meant higher credibility and better chances to win in the next

elections. Contrary to Rambouillet, the Kosovo elite did not feel intimidated by the weight of

having to participate in a historical agreement and deal with international experts. Neither

preparations for the content of negotiations nor articulation of the position of the Kosovo

delegation were given too much importance[56]. The fight was about *who* would participate in the

negotiations.

The inability of Kosovo political leaders to organize themselves into an effective

delegation and their lack of preparation was visible from the first round of negotiations (Weller,

2009). With the opening of negotiations, Belgrade proposed that discussions of the future status

of Kosovo should not be part of the agenda. The Kosovo delegation was caught off guard,

without any contingency plan or alternative bargain. Now that the most important part of

negotiations - the status of Kosovo - has been taken away, there was no room for trade off. The

Kosovo delegation doubted whether these negotiations could mean any real benefit for Kosovo

(KIPRED, 2006).

> "*Lacking the stature and tool of diplomatic practice… individual party leaders stalled the talks and went off on individual missions for discussing with friendly governments, receiving reassurances in the process that all be well at the end* " (Weller, 2009, p. 202).
> In Vienna, Kosovo delegation showed some flexibility by accepting assistance from the

European Centre for Minority Issues in regard to preparing a complete set of institutional

mechanisms for the protection of minorities (*Kosovo Perspectives*, 4, 2006). The Kosovo

delegation was much more hesitant to allow for more autonomy for Serb enclaves. Finally, after

six months of negotiations, it decided to accept the package of rights for minorities but motioned

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[56] Author's interview with Albin Kurti, leader of the Self – Determination.

for provisions that would define a time frame for their existence, after which Kosovo "*should be given the opportunity to develop as a normal, diverse state*" (Weller, 2009, p. 205).

The flexible approach to the issue of minority rights helped Kosovo to win over the Belgrade platform which demanded the return of Kosovo to pre-Rambouillet status. More important, this issue was resolved with the strong assistance and contribution of Kosovar civil society organizations. With the opening of the Vienna negotiations, Kosovo had established a Community Consultative Council (CCC) which allowed community representatives to be briefed about the negotiations and to avail initiatives that could be presented in the course of negotiation. While the Kosovar delegation in Vienna was consumed with power struggles among its members, the CCC was able to offer in Vienna, through Surroi, its head and a member of the Kosovo delegation, a comprehensive platform on accommodating minorities, containing more than 70 pages of specific provisions for minority protection (Radio Free Europe, April 21, 2006).

CCC took a principal role in formulating the proposals on community issues that were to be submitted at the Vienna negotiations. According to Weller (2009), in early Spring 2006, the proposals of the CCC were discussed in an arranged meeting in Cambridge, which brought together members of the CCC, Kosovo political parties, scholars and international experts. In a further meeting in Thessaloniki , the output of the Cambridge conference was discussed among representatives of Kosovo's ethnic groups and Kosovo officials and members of the parliament. During its initial stage the document was sent for review to legal experts from the OECD, the CoE and other international bodies. The idea was to make the final draft really strong so it could withstand pressures in the Vienna negotiations.

The removal from the Vienna negotiations of the issue of Kosovo's final status was interpreted in Kosovo as a gesture in favor of Serbia and as a betrayal of Kosovo's interests in

Vienna. According to these views, the Ahtisaari proposal gave too many powers to Serbian entities in Kosovo, allowing them to obstruct the Kosovar system of government while leaving the state of Kosovo unfinished. Some political forces in Kosovo considered decentralization a trap of international diplomacy which secured the territorial integrity of Serbia in Kosovo while ignoring the immediacy of the status of Kosovo. Kosovo's mood swung the other way. Resistance to implementation of decentralization was building up.

3. Implementing Decentralization

It was clear to Kosovo elite that the protection of ethnic minorities through decentralization was closely related to the consideration of Kosovo's independence. Yet, while the public in Kosovo was skeptical about the outcomes of the Vienna negotiations, Kosovar elites were deeply divided on how to proceed with the decentralization program. To save face, the Kosovo government and the largest political parties in the governmental coalition (LDK, AAK, PDK), criticized decentralization as a:

> "*top-down proposition of the international community… a vehicle for reengaging the minority Serbian communities into the political process…driven by international geopolitical demands [rather than] ensuring effective and efficient local service delivery on the ground*" (KLGI, 2009, p. 12).

In general, political parties preferred to avoid any clear articulation of their own preferences toward decentralization unless using its critique as a weapon for discrediting their opponents. Decentralization became a minefield and parties were ready to distance themselves from individuals who had either participated in Vienna or supported the negotiations[57]. Very often, push and pull strategies were at play. For example, while the head of the newly created

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[57] Author's interview with Sadri Ferati, Head of the Ministry of Local Government.

Ministry of Local Government and negotiator in the Vienna rounds, Lutfi Haziri, declared that "*We will implement the decentralization immediately…tomorrow if possible*", his PDK party leaders, went out of their way to dodge the questions in public debates[58].

Parties insulated themselves from the decentralization debate not by accident but through meticulous calculation. It was much more beneficial for them to exclude the discussion of decentralization from their party platform and agendas of action. This way, as a respondent[59] put it: "*parties could be criticized for incompetency in drafting their platforms and programs but not for grave political mistakes such as tolerance to Belgrade*". In the opinion of this respondent, avoidance of decentralization discourse was rather a selected strategy that allowed parties to face low cost risk while scrambling for control of the state. The unpredictability of political parties on this issue confused and divided further public opinion in Kosovo. Very often decentralization became a domain of a personal struggle for political power.

Prior to Vienna negotiations, Haradinaj, the leader of the AAK, then the Prime Minister of Kosovo, took a particular interest in the issue of decentralization. Thaci, the leader of the PDK, at that time out of government, pronounced himself a staunch opponent of decentralization[60]. Although the suggestions of the Working Group on Local Government addressing the issue of decentralization in lieu of March 2004 riots were inconclusive in terms of which specific municipality should be included in the project, prime minister Haradinaj " *startled many observers by embracing the pilot projects, expressing readiness to grant municipal status*

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[58] Author's interview with the ICO representative in the municipality of Mitrovica.

[59] Author's interview with the head of Rockefeller Foundation in Kosovo.

[60] Thaci's position on this issue has changed often up to 2008. After 2008 he has been a strong proponent and defender of decentralization.

to the [Serb] enclave of Gracanica and to move quickly on implementation" (ICG Report,

"Kosovo toward final status" cited in Burke, 2005, p. 81).

With Haradinaj's initiative, on February 22, 2005, the Government of Kosovo moved

forward with the approval of the first five pilot municipal units, aiming to accomplish the first

phase of the project within the next 18 months. Contrary to Haradinaj's expectation, "*three*

municipalities out of five refused to cooperate" (Burke, 2005, p. 83).

The pilot municipality project was attacked not only by leaders of the Serbian minority

but also by some prominent the Kosovo Albanin parties. Thus:

> " [P]*olitical parties that stood in opposition to the ruling LDK-AAK coalition following*
> *the 2004 elections - the PDK and ORA (HOUR), a new coalition established by*
> *publishing magnate Veton Surroi[61] …accused the Haradinaj Government…of acting too*
> *hastily without making the necessary preparations beforehand. They also blamed*
> *UNMIK for pressuring Haradinaj's Government and warned that the proposed pilot*
> *municipalities would further divide Kosovo along ethnic lines*" (Burke, 2005, p. 83).

In summer of 2005, Haradinaj was charged with war crimes and was summoned by the

International Court in Hague. Haradinaj's resignation from the position of prime minister

resulted in a slowdown of the implementation of the pilot project.

Political battles that were muted by political parties were given voice by civil society

organizations. While the Kosovo public was questioning the role of political parties as efficient

political actors, civil society organizations were able to fill the vacuum by moving the debate of

decentralization from closed door to an open discursive sphere. In a way, civil society actors, by

bringing the decentralization project into close contact with local domains and local interests,

provided for both modification and acceptance of the project. Thus, Forum 2015, a Kosovar

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[61] In about a year Surroi would be a member of the delegation in the Vienna rounds and would
completely switch its position in favor of decentralization and pro asymmetrical powers given to
Serbian municipalities.

think tank, provided a clear inventory of the "*motives for and against the cooperation with the decentralization regime*" (Forum 2015, 2009, p. 10). Forum 2015 explained that Kosovo was the main stakeholder of this project, since benefits from implementation of decentralization (independence and better functionality of municipalities) were much higher than its cost.

Forum 2015, in cooperation with KIPRED and KLGI, two other think tanks, ventured into articulating the position of the Serbian community vis-à-vis decentralization. In cooperation with a few civil society organizations in Belgrade, Forum 2015 found out that funding from the Belgrade government to Serbian enclaves was reduced year after year. Pretty soon, Forum 2015 warned, the "Kosovo supplement" fund, as it had been known, would soon run dry. Under these conditions, the Serbian community was advised to respond positively to decentralization. KIPRED and KLGI provided expertise and supplied a set of policy analyses in the form of policy recommendations to the government, the International Civil Office (ICO) which was the international agency in charge of decentralization, and the members of the international community in Kosovo. Their analyses enjoyed full credibility and were highly influential. During the interview, the Head of the Swedish International Development Assistance office (SIDA) in Prishtina referred to these organizations and printed one of their policy reports[62]. At some point, even ICO considered that it was highly important to forge consensus with NGOs rather than with parties[63].

Indeed, every step in the process of decentralization was met with multiple degrees of resistance, politically and socially. The Self-determination Movement (*Vete-vendosje*), another

[62] Author's interview.

[63] R. Naegeli, Head of the Community Affairs Office, ICO; interview given to newspaper Zeri (Voice), August 12, 2011.

important NGO, considered that the price to be paid for Kosovo's independence was way too high. Self-determination became the most outspoken actor against decentralization in Kosovo and a leader in politics of contest. The process of decentralizations, argued members of this organization, established the control of less than 10% of the population (the Serbian community) over more than 30% of the territory of Kosovo, and also secured territorial continuity among Serbian municipalities sin Kosovo[64]. Self-determination saw this process as a real loss of administrative and sovereign control of Kosovo over its territory because it believed that "*Kosovo without full control over its entire territory could not be a functional state*" (KLGI, 2010, p.17). Thus, in the Self-determination argument, decentralization complicated further the question of Kosovo's sovereignty, rather than bringing it closer to a final solution.

Self-determination was successful in convincing some Kosovar villages to disagree with the new municipal boundaries. On September 9, 2006, Self-determination organized a public protest in Gjilan, the administrative center of the region that was the most affected by decentralization. The Gjilan protest brought together, in addition to Self-determination, members of the LDK, PDK AAK parties and youth groups which were against decentralization (Self-Determination Newsletter, November 10, 2006). In spite of the violence that often characterized protests organized by Self-determination, its activity raised public awareness about what were assumed to be the negative consequences of the decentralization process. At some point, the international community felt that it had to move beyond considering Self-determination a pesky

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[64] Author's interview with Albin Kurti, leader of Self- determination and Hydajet Durmishi, coordinator of (anti) decentralization project within the organization.

presence and attract it in negotiation tables[65]. In addition, Self- determination methods which often provoked the police and fueled violence, no longer enjoyed public support.

From 2008, when the new municipalities were established to the current time, steadily but slowly, the positive effects of decentralization appeared in multiple areas: The municipal elections of November 2009 were the first after the decentralization process was completed. Serbian voter turnout was ten times higher compared with November 2007, when the process of installing Serbian municipalities was still on paper (KIPRED, 2010). What is more important was that support was given to Serbian moderate political forces and not the Serbian political parties that functioned as extensions of political parties in Belgrade. Twenty Serb political entities applied for certification to participate in the elections of 2010, in spite of Belgrade's threat to boycott the election. During the election, Serbian voter turnout was higher than that of Kosovars (KIPRED, 2011). In the last three years, Serbian political leaders participating in Kosovo's government have been strong advocates of decentralization and big supporters of new municipalities, A number of Serbian political leaders who were previously involved with parallel structures financed by Belgrade have come a long way since 2001. With the exception of North Mitrovica and three Serbian municipalities in the North[66], Serbs residing in south and central Kosovo are continuously involved in the political life of Kosovo. Although far from perfect, decentralization had significant bearings on increasing Serbian voter turnout and diminishing

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[65] Author's interview with members of Quint.

[66] Negotiations held during 2013 between Belgrade and Prishtina and mediated by the EU foreign policy chief, Baroness Ashton, produced a new agreement pertaining to the rights of Serbs in Kosovo. According to terms of this agreement a so-called Association of Serb Municipalities will include the four Serb-run northern municipalities of North Mitrovica, Leposavic, Zvecan and Zubin Potok (BIRN, April 19, 2003).

Belgrade's influence over Serbs in south and central Kosovo. It is worth noting that while decentralization can be credited for certain political gain, it will produce long term benefits only if it is coupled with other layers that go beyond political arrangements.

F.   Conclusion

The decentralization in Kosovo was a complex process, drawing on numerous layers of events and actors. It is true, of course, that the entire process featured a heavy international involvement, from consultation to guidance to tight management. However, it will be a misplaced acknowledgement to claim that the final agenda of decentralization was established singlehandedly by international actors. In spite of limited resources, capacities and experience, local actors in Kosovo were able to exert their own influence over decentralization and protect their basic interests. These interests operated right from the genesis of the idea of decentralization to its articulation, negotiation and implementation. The seemingly ad hoc and inexperienced Kosovo negotiators, pursued multiple forms of engagement with international mediators, from petty forms of coercion to open and direct confrontation over the substance and the terms of the proposed agreements. In spite of seemingly powerful international actors leading multiple rounds of negotiations, it was nevertheless the input from Kosovo's delegation that shaped the final plan of decentralization plan and made it a bargain chip in the negotiations for independence.

VII. CONCLUDING REMARKS

> "*A vision of the world is a division of the world*"
> (Bourdieu, 1980, p.210)

A.   <u>Introduction</u>

This research raises the issue of understanding the making and meaning of politics in cases of international intervention in post conflict societies, where sovereignty is severely limited or absent. While the question of politics without sovereignty is highly abstract, this dissertation addresses it via exploration of local agency in Kosovo. From this perspective, the dissertation problematizes the prevalent discourse about politics anchored to the sovereignty model. As the analysis of local actors in Kosovo suggests, political agency is generated in nontraditional spaces and involves novel styles of actions that go over and beyond normative prescriptions provided by the sovereignty model. The research adds to a relatively nascent but steadily growing body of knowledge concerned with exploration and integration of local actors into international strategies of intervention and agendas of peace building. While the existence of a burgeoning literature about peace building and state building cannot be denied, the major body of the research so far has been focused on the shortcomings of local actors in sites of international interventions. That the local actors matter is not any longer an exotic claim; of what use is the local agency and how does it integrate itself into international strategies of intervention remains yet to be studied. It is necessary to move beyond a projected inferiority of the character of local agency in post conflict intervention, which often has been typified as inadequate, erratic and lacking. When it comes to the analysis of peace building through international intervention, the prevailing theoretical interpretations have been aggressively concerned with the analytical weight attributed to external actors. Two main approaches have grown at this juncture: the exaltation of international actors or

the "*romanticization*" of local actors. The first approach considers the existing local agency as not fully developed or as not conducive to peace. The research positioned with this approach focuses on exposing and registering the shortcomings and defects in the local agency. The second approach discusses from a normative point of view the necessity of involving the local agency in supporting international initiatives concerned with building peace through state building. That the issue of "local ownership" keeps resurfacing in the discourse of post conflict peace building indicates its serious and stubborn presence. To study local agency we need an approach that does not reify the prerequisites of our customary understandings of politics and political actors. Political life in sites of interventions presents us with more varied forms than what is offered by a customary script based on normal polities. These forms may upset our conventional understanding of the roles of political actors and genres of political action. Nevertheless, to dismiss them as lacking, proto or abnormal is to remain within the brackets of a model of organization of politics based on state and territorial sovereignty. Such a model is no longer a prototype.

In subsequent sections, I address two key points that have been of critical importance to this research:

First, the gap between existing theories /interpretative frames and challenges presented by practices of state building needs to be taken into account. Peace building through international intervention has been guided by a set of core principles of the democratic theory which makes specific claims and sets certain expectations on the identity of domestic political actors. It cannot be denied that these claims and expectations are based on a model of politics that is confined within the borders of territorial sovereignty. However, international state building offers a model of the political that is situated in the interaction between the international and the local. While

this raises the issue of coping with new identities in the making of local actors, it questions first of all the effectiveness of a customary understanding of their role and function.

Second, if we are to move beyond the romanticization of the locals and the exaltation of the internationals, the solution is not to shift the focus from one plane to the other, from the locals to internationals and vice versa. The emphasis is to abandon the linearity and to investigate the complex encounters between them. In other words, analyses of policy input and output are highly important, but our understanding of local and international actors will be incomplete without examining the real, daily, transitional and messy patterns of interactions that take place among them. International intervention is about "infrapolitics" as one author defines the multiple degrees of convergence and divergence reshaped in daily interactions between the local and international (Richmond, 2011). It is through the examination of infrapolitics, of political practices that take place in ambiguous, obscure and invisible spots that we might be able to capture the subtle and distinctive nuances of the local agency.

B.   Conceptual Gaps

As has been explained in Chapter 2 of this study, peace building through international intervention, third-party assisted state building or international state building is not supported by an overarching, confirmed or homogenous theory. The rationale for such interventions was grounded on a set of multiple theories whose applicability has proved relatively relevant albeit in a different context. The organizing principle of peace building intervention has been the establishment of formal state institutions in post conflict societies, similar to those that exist in western democracies. In spite of being applied in contexts as different as Bosnia, Kosovo, East Timor, Iraq, Liberia or the Solomon Islands, the matrixes of intervention centered on restoring

state functionality through the installation of democratic institutions. Two key points should be made in reference to such policy orientation:

First, the state-centered approach was dictated by the emergent need of societies which collapsed due to ethnic war or civil war. Fukuyama's metaphor "*to jump start the collapsed societies*" (2004) summarizes a very straightforward logic that lies at the foundation of international intervention. The issue here is to understand that there are cases where such operations are necessary and justified. In fact, as has been explained in Chapter 3 through the case of Kosovo, the alternative of non – intervention to collapsed states is to let the states die, an approach that means permitting prolonged human suffering.

It is from this perspective that we should consider whether the violation of the basic principle of international relations, that of non- intervention and territorial sovereignty, is illegal and unjust. In a way, these interventions showed that when faced with the dilemma as to what matters more, states or people, sovereignty or human rights, the latter won. As Marc Weller puts it, international interventions heralded a new international system in which states cannot "*claim rights and privileges that exceed or destroy those of constituents or the people*" (Weller, 2004, p. 3). International state building ushers in new forms of politics both at the state and the international level. But this is just the *ethos* of its theoretical significance. For when it comes to *logos*, to technicalities of international intervention we run into ambiguities and paradoxes. The most important of them is that, although it may seem that international state building interventions have overcome the state, their strategy for establishing sustainable peace is through reintroducing /jumpstarting/rehabilitating the state. Statehood is still winning over statelessness. Nevertheless, negotiating statehood takes place in a different context and through multiple encounters between those who have a direct claim on the state – local subjects and those who

facilitate statehood – international actors. This situation raises a number of thorny issues, the most important of them pertaining to the question: What might be the forms of political life in such conditions?

The answer to this question takes us to the *second* key point of the discussion*:* International state building projects assume that iteration of formal state structures that are similar, at least in form, with the West should correct the excesses and supplant the shortages of the local agency. While the international community becomes part and parcel of local governance, having thus acquired a non-customary role, based on what logic can we expect the local actors to fall within the parameters of conventional roles?

As is well known, a model of politics anchored on sovereignty offers a pre-ordained location in the space of politics for each and every political actor. The sovereignty model is all about routinization of the well – defined roles of political actors. Thus, it is due to this model that we might be able to tell apart a political party from a civil society organization, a lobbying group or a government. Politics within the confines of territorial sovereignty are all about rituals and conventions. But what about politics that take place at the margins of sovereignty? It is here that we need to rethink and recalculate the issue of local actors, political agency and the domain of politics in general. As the Kosovo case demonstrates, when the sovereign state is no longer the precursor of politics, a reverse model of politics emerges. State and sovereignty in this model are negotiated and constructed through the existence and actions of local actors. In this context, appropriation of the state becomes the end goal of domestic actors who reformulate their style of action and their identity, in order catch up with and win the competition in a political market overcrowded by the presence of international actors. Local actors develop new strategies of survival by intermingling traditional forms of political action with new styles and methods. Thus,

for example, political parties, as has been noted in Chapter 4, have changed the nature of their internal organization and have loosened up their ideological orientation in order to exploit opportunities available to them. Similarly, civil society organizations had to change their style of action in order to influence what is perceived to be a highly constraining organizational environment. Such day to day changes are ambiguous and amorphous in their short term outcomes but they generate long term transformation of the identity of these actors, of structures of power, as well as of the nature of politics itself.

C.   **"Infrapolitics" of State Building**

Most of the international interventions that have taken place in the last two decades have considered the local agency either as nonexistent or as having no usability value. In an environment of full collapse of states due to civil or ethnic strife, international interventions adopted a double pronged strategy: to supplant the collapsed state and at the same time to work toward building self –sustaining polities. *Stateness*-first was the trademark of international interventions. From this perspective, the disposition of the international community toward the local agency could be characterized as the rejection of the local, at least during the initial phases of intervention. "*The local…is the exotic.., the traditional, the parochial, the non democratic, the non-political*" (Fagan, 2005, p.175).

However, on the dismissal of locals form the matrix of intervention could not really dismiss locals existing and living on sites of interventions. It is worth remembering that the local community in post conflict sites represents an extensive and overcharged agency. Coming from fresh political battles, war even, local subjects recognize the discrepancy between the value they set on themselves and the value that is officially granted to them by the international community. The inevitable effect produced by such a discrepancy leads the locals to search for every window

of opportunity for self-empowerment. They respond to a system of institutionalized constraints in multiple forms, spontaneous and calculated, principled and unprincipled, risky and safe, private and public. The methodologies of empowerment used by local actors render the nature of the local agency innovative, unique and unorthodox. Thus, it can be said that the reproduction of the local agency takes place through the process of its negation by international actors. As soon as the local agency affirms its presence, a movement that has erroneously been interpreted as stubborn resistance, the next stage takes place in the agendas of international peace building: a particular endorsement of local actors by international actors based on the "correction" or "normalization" of the locals.

Thus, as has been examined in Chapters 4 and 5 the engagement of the international community with political parties and civil society has been multi modal. Foreign aid to the Kosovar civil society during 2003 amounted to 207 million Euros, close to half the amount of the budget of the state of Kosovo, 490 million Euros. International organizations with expertise in the civil associations sector, such as OSCE, assisted directly in the "institutionalization" of civil society, from assisting with the procedures of registration to grant applications. The overemphasis on institutionalization of civil society represented in itself a reduction of that part of Kosovo civil society which had a long pedigree as a social movement rather than as an organization.

International assistance to political parties, channeled mainly through campaign and electoral aid, was guided by an instrumentalist approach. In the frame of international intervention in the party sector, parties were seen as instruments for enabling electoral competition, not as an end in itself. Said simply, the biggest preoccupation of the international community was not as much about assisting parties to perform their classic functions connected

to the organizational strength of the party, the clarity of party programs or party electoral politics, as it was to secure a reasonable number of parties that could keep the electoral game going.

Yet we need to recognize that, if at one extreme we find international power determinant, we simultaneously find that local actors are not simply puppets on a string. The story of decentralization in Kosovo is but one episode that illustrates how local actors constantly reinvent and renegotiate themselves and their access to power. As has been discussed in Chapter 6, decentralization in Kosovo, from the conception of the idea to its stages of implementation, was entirely an international project. However, the decentralization program underwent multiple stages and its final configuration was shaped neither in the realm of the international nor of the local. An examination of limits, contacts, paradoxes and ambiguities that led to the final production of decentralization indicates that the imposition of international actors and the stubbornness of local actors were mediated in complex and long interactions. Unpacking the decentralization program shows that the weight and relevance of each actor, local or international, is relative and different at particular moments and conjunctures.

The analysis of decentralization raises the question of methods of studying local agency. To use Bourdieu's terminology, neither the "*objectification of subjectivity*" nor the "*subjectification of objectivity*" (Bourdieu, 1980) is capable of providing a full understanding of the metamorphosis of the local agency and its degrees of *in-ness* in the structure of power. In the context of international interventions, to objectify subjectivity means to look at the local agency from a rigorous distance of foreign expertise. Nothing can be more misleading than this approach which is based on applying particular codified schemes to foreign, strange and exotic societies. These schemes or models structure an *apriori* meaning assigned to local actors, thus hindering

our full understanding of local agency. In this case, as Bourdieu would put it, the discourse about the subjects says less about them than about the foreigners' relations to them. Equally misleading is the "subjectification of objectivity" or removal of distance local –international. Such an approach indeed erases the borders between local/international but it has an empty value or rather an ethical value which is not necessarily equivalent with knowledge value. The myth of the local or the romanticization of local, as this position has been described in peace building literature, attaches an inflated value to indigenous local politics. This approach, in the very end, hinders the capacity of local actors to open up, learn and enter into more cosmopolitan structures of power.

Few would disagree that local agency in sites of post conflict intervention is produced and maintained not in a traditional, enclosed, proper space of politics, but in flux, through aberration, ambivalence and innovation. In order to capture the fluidity of the local agency, attention should be paid to those "in-between-spaces" (Bhabha, 1994) which are neither properly international nor duly local. Furthermore, as Richmond (2011) observes, the fluidity and "alterity" of local agency has not only a spatial but also a temporal character. This means that a detailed examination of the local agency in its everyday practice and out of proper political space – in its hidden margins – is essential for overcoming the limitations of our understanding imposed by the entrenched model of the political. To study the local agency means to explore those forms of politics that take place in the interstices of international/local.

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APPENDIX

UNIVERSITY OF ILLINOIS
AT CHICAGO

Office for the Protection of Research Subjects (OPRS)
Office of the Vice Chancellor for Research (MC 672)
203 Administrative Office Building
1737 West Polk Street
Chicago, Illinois 60612-7227

Exemption Granted

August 23, 2010

Anika Bishka, MA
Political Science
BSB 1007 W Harrison St
M/C 276
Chicago, IL 60607
Phone: (630) 335-9686 / Fax: (312) 413-0440

RE: Research Protocol # 2010-0496
"Performance and Perceptions: Shared Sovereignty Regime and Democracy
Building in Kosovo"

Dear Anika Bishka:

Your Claim of Exemption was reviewed on August 21, 2010 and it was determined that your
research meets the criteria for exemption. You may now begin your research.

Exemption Period: **August 21, 2010 – August 20, 2013**
Engaged Performance Site(s):   UIC
Subject Population: Adult subjects only

The specific exemption category under 45 CFR 46.101(b) is:
(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement),
survey procedures, interview procedures or observation of public behavior, unless: (i)
information obtained is recorded in such a manner that human subjects can be identified, directly
or through identifiers linked to the subjects; and (ii) any disclosure of the human subjects'
responses outside the research could reasonably place the subjects at risk of criminal or civil
liability or be damaging to the subjects' financial standing, employability, or reputation.

You are reminded that investigators whose research involving human subjects is determined to
be exempt from the federal regulations for the protection of human subjects still have

responsibilities for the ethical conduct of the research under state law and UIC policy. Please be aware of the following UIC policies and responsibilities for investigators:

1. Amendments You are responsible for reporting any amendments to your research protocol that may affect the determination of the exemption and may result in your research no longer being eligible for the exemption that has been granted.

2. Record Keeping You are responsible for maintaining a copy all research related records in a secure location in the event future verification is necessary, at a minimum these documents include: the research protocol, the claim of exemption application, all questionnaires, survey instruments, interview questions and/or data collection instruments associated with this research protocol, recruiting or advertising materials, any consent forms or information sheets given to subjects, or any other pertinent documents.

3. Final Report When you have completed work on your research protocol, you should submit a final report to the Office for Protection of Research Subjects (OPRS).

4. Information for Human Subjects UIC Policy requires investigators to provide information about the research protocol to subjects and to obtain their permission prior to their participating in the research. The information about the research protocol should be presented to subjects in writing or orally from a written script. When appropriate, the following information must be provided to all research subjects participating in exempt studies:
   a. The researchers affiliation; UIC, JBVMAC or other institutions,
   b. The purpose of the research,
   c. The extent of the subject's involvement and an explanation of the procedures to be followed,
   d. Whether the information being collected will be used for any purposes other than the proposed research,
   e. A description of the procedures to protect the privacy of subjects and the confidentiality of the research information and data,
   f. Description of any reasonable foreseeable risks,
   g. Description of anticipated benefit,
   h. A statement that participation is voluntary and subjects can refuse to participate or can stop at any time,
   i. A statement that the researcher is available to answer any questions that the subject may have and which includes the name and phone number of the investigator(s).
   j. A statement that the UIC IRB/OPRS or JBVMAC Patient Advocate Office is available if there are questions about subject's rights, which includes the appropriate phone numbers.

Please be sure to:

→ Use your research protocol number (2010-0496) on any documents or correspondence with the IRB concerning your research protocol.

We wish you the best as you conduct your research. If you have any questions or need further help, please contact the OPRS office at (312) 996-1711 or me at (312) 355-2908. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Charles W. Hoehne, CIP
Assistant Director, IRB # 2
Office for the Protection of Research Subjects

Enclosure: None

cc: Dick W. Simpson, Political Science, M/C 276
        Sultan Tepe, Political Science, M/C 276

VITA

EDUCATION

PhD (2014) – University of Illinois at Chicago, Department of Political Science. Dissertation Thesis: "*At the Margins of Sovereignty: Policies, Politics and Actors in Post-Conflict Kosovo.*"

MA, Political Science (2007) – University of Illinois at Chicago, Department of Political Science. Thesis: "*Institutions and Path Dependency: The effects of the European Framework Convention for the Protection of National Minorities on Roma's rights in Czech Republic and Bulgaria*".

BA, Political Science/Philosophy (1989) **–** University of Tirana, Faculty of Political Science and Law, Tirana, Albania.

WORK EXPERIENCE

August 2012 - Current:	Lecturer, Loyola University (Chicago), Department of Political Science.
Jan. 2012 – May 2012:	Adjunct Faculty, St. Xavier University, Department of History and Political Science.
Summer 2010:	Visiting Instructor, University of Prishtina, Summer School, Department of Political Science, Kosovo.
Aug. 2006 – Dec. 2009:	Graduate Teaching and Research Assistant, Department of Political Science, UIC.
Feb. 1999 – Aug. 2005:	Data Analyst, MedEval Corporation, Lombard, IL. Private company. Primary SIC: Management Consulting Services; Primary NAICS: Administrative Consulting Services and General Management.
Oct. 1993 – Jan. 1998:	Liaison Officer, Council of Europe Office, Tirana, Albania.
	Member of the Council of Europe Committee of Experts for the Development of Human Rights, DH – DEV**,** Council of Europe, Strasbourg, France, 1995 – 1997.

Member of the Council of Europe Committee for Social Affairs (CDAS). Strasbourg, France.   Contributor to Committee's publication "Equality: Utopia or Challenge?"

Sep. 1989 – Sep. 1993:   Instructor, University of Tirana, Department of Sociology/Political Science, Tirana, Albania.

GRANTS, AWARDS

Visiting Fellow Researcher, European University Institute, Robert Schuman Centre for Advanced Studies, Florence, Italy, Summer 2012.

JSTS Grantee - Training seminar organized by the Woodrow Wilson Center, European Studies Program, August 2011.

Ragsdale Fellowship, Department of Political Science, University of Illinois at Chicago, January – August 2011.

IREX/IARO Fellowship funding doctoral field research in Kosovo, July 2010 – December 2010.

Fellowship, *Clingendael* (Netherlands Institute of International Relations) and Erasmus University, Training Program "European Union Affairs", Hague and Rotterdam, Netherlands, September – December 1993.

Fellowship, Open Society Foundations, Post Baccalaureate Studies Program "Art and Architecture in Central and Eastern Europe" Central European University in Prague, Czech Republic and Alte Pinakothek, Munich, Germany, January – May 1993.

SELECTED PRESENTATIONS

"*Applications beyond the Western Europe: European Charter of Self Government as a mechanism for accommodating ethnic minorities*" Round Table, Department of Political Science, Program of European Studies, University of Maastricht, Netherlands, August 27 – 29, 2013.

"*A matrix of payoffs: Shifting roles of state and non state actors in conflict settlements*", paper presented at the 13th Mediterranean Research Meeting, Robert Schuman Centre, European University, Montecatini Terme, Italy, March 21 – 24, 2012.

"*Consociational designs in post conflict intervention*", paper presented at the Training Seminar organized by the Woodrow Wilson Center, August, 2011.

"*Inducing risk aversion: Conditions that optimize decentralization as a power sharing strategy in post conflict management – the case of Kosovo and Bosnia/ Herzegovina*", paper presented at

the Annual Meeting of the Association for the Study of Nationalities, Columbia University, April 15 – 17, 2011.

"*The hour of midday: On the formation of Serbian and Kosovar identity*", paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, March 31 – April 3, 2011.

"Being Kosovar: Citizenship in the absence of state", paper presented at the joint workshop NATO (KFOR) & European Union Rule of Law Mission in Kosovo (EULEX), Prishtina Headquarters, October 27 – 28, 2010.

"*Reconstructing national identity in the Western Balkans: the Case of Bosnia/ Herzegovina, Macedonia and Kosovo*", paper presented at the Annual Meeting of the Midwest Political Science Association, Chicago, IL, April 2 – 5, 2010.

"*Performance and perceptions: analyzing domestic susceptibility to international administration in Kosovo*", paper presented at the Conference: *Kosovo - From One Protectorate to Another,* University of Quebec at Montreal, Raoul Dandurand Chair of Diplomatic Studies, Montreal, Feb. 11 – 12, 2010.

"*Globalization from below and its effects on human rights*", virtual presentation at the Second International Global Studies Conference, Dubai, United Arab Emirates, May 30 – June 1, 2009.

"*Modeling the role of the European Union in building civic nations in the Balkans*", paper presented at MIRICO, Human and Minority Rights Conference, Goethe University, Frankfurt, Germany, October 24 – 25, 2008.

"*The forgotten variable? Social globalization and human rights: a quantitative analysis*", paper presented at the Annual Meeting of the International Studies Association - Northeast, John Hopkins University, Maryland, October 3 – 4, 2008.

PROFESSIONAL MEMBERSHIP

American Political Science Association

Association for the Study of Nationalism and Ethnicity

Consortium for Slavic and East European Studies (through CEERES, University of Chicago)

International Studies Association

American Association of University Women

SERVICE

2013 – 2014 (Academic year):	Political Science Department Undergraduate Committee; review of undergraduate curriculum.
2010 – Current:	WBC – INCO NET, European Commission Project on Coordination of Research Policies with the Western Balkans.

OTHER

Languages: Albanian (native), English (professional), Italian and Serbo-Croatian (conversational).

Familiar with qualitative methods of inquiry: ethnography, text analysis. Trained and certified in research design methods such as survey, focus groups, closed and open-ended interviews.

Good command of statistical packages STATA and SPSS.