

Liberal Arts & Sciences: Conflict Studies & Political and Social Philosophy

The Division in Northern Kosovo

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Cover photograph

Mitrovica, April 16, 2011. © Thomas Baar

The Serbian flag on the North side of the bridge over the Ibar in Mitrovica marks the division between the Albanian south and Serbian north in Kosovo.

After the invasion of international forces in 1999 a large Serbian population had withdrawn north of the river Ibar to protect itself against Albanian reprisals. The river Ibar constitutes until this day the line of demarcation between the Serbian community and the Albanian majority population in Kosovo, the factions that found themselves on opposite sides during the conflict.

With the support of Belgrade, the Serbs have established their own political structures, providing amongst others education and health care services. The Serbian population rejects the legitimacy of the international missions and the Kosovo institutions and still regards Belgrade as its civil authority. The Ibar forms a line of demarcation between the ethnic communities and the opposing political institutions in Kosovo.

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Introduction

"Once the concept of "otherness" takes root, the unimaginable becomes possible."

Slavenka Drakulic¹

The city of Mitrovica is located in the North of Kosovo and is placed on the edge of the border between Kosovo Albanians and Serbs. The city, once the economic heart of Kosovo where Albanians and Serbs seemed to live side by side,² marks now more than ever the ethnic segregation in Kosovo. Through Mitrovica runs the river Ibar, the demarcation between Kosovo's North, which is predominantly populated by the Serbian community, and the South, where the Albanian population constitutes the majority. The bridge over the river functions as the border crossing between these two ethnic groups, which found themselves on opposite sides during the conflict. Contact and cooperation between the two sides is almost non-existent: twelve years since the invasion by the international forces the ethnic segregation still perseveres.³

The river Ibar marks not only the ethnic and communal division in Mitrovica, but also a division on the political institutional level. North of the Ibar, the influence and mobility of the Kosovo institutions disappears. 'The North has not been under effective control from Pristina [the political capital of Kosovo] for two decades; its sparse and predominantly rural Serb population uniformly rejects integration into Kosovo.'⁴ On 17 February, 2008, the members of the Kosovo Assembly, acting as 'the democratically-elected leaders of [their] people, [... declared] Kosovo to be an independent and sovereign state.'⁵ The Serbian minority population rejects this declaration of independence and regards Kosovo still as a province of Serbia; accordingly, it considers the Kosovo institutions to be illegal. With support from Belgrade, the Serbian population maintains its own political structures in the North of Kosovo.⁶ The partition in the North seems now more than ever entrenched and institutionalized.⁷

The current status quo blocks the political aspirations of Serbia and Kosovo, which both want to join the European Union.⁸ Besides, the deadlock situation seems to form the major obstacle to the socio-economic development and the proper functioning of the rule of law in Kosovo's Northern region.⁹

¹ Drakulic (1993) in Neuffer (2002); p. 32.

² ESI (2003), ESI (2004); pp. 2 – 3, ICG (2005); p. 2 and UNDP (2011); p. 12.

³ See ICG (2011).

⁴ ICG (2011); i.

⁵ *Kosovo Declaration of Independence* (2008).

⁶ ICG (2002); pp. 6 – 9 and ICG (2011); pp. 3 – 7.

⁷ Interview with Naim Rashiti, ICG, 20/04/2011.

⁸ ICG (2011) and B92 (2011).

⁹ ICG (2011).

THE PROBLEM AND THE QUESTION

Only by breaching the current political impasse, a solution can be found for the fundamental problems facing Northern Kosovo.¹⁰ Furthermore, it is only through resolving the current situation in Northern Kosovo that the realization of the political aspirations of both Kosovo and Serbia towards European integration appears to become accessible.¹¹ Hence I want to raise the following question: ‘How to overcome the division in Northern Kosovo?’

This question is focussed at resolving the social problems arising from the division in Northern Kosovo. Within this thesis, I will focus on two aspects of the division in Northern Kosovo. Through a philosophical reflection, I will attempt to obtain insight into the dynamics of *ethnic* division and by means of Conflict Studies, I will try to understand the *political institutional* division. The main question will therefore be: ‘How to overcome the [*political institutional* and *ethnic*] division in Northern Kosovo?’

THE INTERDISCIPLINARY METHOD

The finding of a solution to this deadlock situation is a seemingly insurmountable task. Therefore, I will just attempt to make a suggestion in which direction a solution should be sought in order to overcome the division in Northern Kosovo. As mentioned before, the division manifests itself on both the *political institutional* and the *ethnic* level. The levels mutually influence and reinforce one another. The ethnic division instigates the partition between the political institutions of both ethnic communities and the political institutional division, for its part, reinforces the ethnic segregation. Precisely because of this complexity, one single discipline will not prove to be able to provide a clear and unambiguous solution that will be accepted as realistic and acceptable by all parties and sides involved.

I will attempt to formulate an answer to the question: ‘How to overcome the division in Northern Kosovo?’ through the use of disciplinary insights of both Conflict Studies and Philosophy. Within the field of philosophy, I will demonstrate in which way political actors, institutions and networks constitute determining factors in the process of ethnic identification.¹² By means of conflict studies, I will attempt to demonstrate how the political institutional division in Northern Kosovo has been established and is maintained on the basis of an ethnic segregation. Only through the use of these disciplines, it will become possible to create a complete and comprehensive understanding of the dynamics behind both dimensions of the division. Conflict Studies creates the possibility to fathom, by focussing on the dynamics and grounds of the conflict, the realization and basis of the political institutional division. Through the use of philosophy, it becomes possible to gain an understanding of the rise of ethnic differentiation – understood as a process of identification and ascription – and the possible ways to overcome ethnic division.

¹⁰ The fundamental problems facing Northern Kosovo are – as mentioned before – poor socio-economic conditions and insufficient implementation of the rule of law. See amongst others ICG (2011).

¹¹ ICG (2011) and B92 (2011b).

¹² See Wimmer (2008).

CONFLICT STUDIES – THE POLITICAL INSTITUTIONAL DIVISION

The focus of Conflict Studies is directed at the study and research of 'violent conflict and its causes, conditions and consequences.'¹³ Through the integration of multiple disciplines, Conflict Studies attempts to unravel the dynamics and causes behind the emergence and development of violence and violent behaviour. Conflict Studies 'draws on a variety of academic disciplines including anthropology, political sociology, international relations and development studies.'¹⁴

Within the framework of Conflict Studies, I will attempt to focus on the political institutional division in Northern Kosovo. For a clear understanding of the current situation there, it is of the utmost importance to obtain insights into the root causes behind the ethnic and political institutional division. Through Conflict Studies, I will hopefully demonstrate how the political institutional and the ethnic division in Kosovo arose, thereby finding an answer to the question how the political institutional division in Northern Kosovo has been established and what should be done to overcome it.

PHILOSOPHY – THE ETHNIC DIVISION

Philosophy derives from the Greek φιλοσοφία [philosophia], which means "the love for wisdom". Although there is a lot of discussion among philosophers of what defines philosophy and how the principles of this academic discipline are determined,¹⁵ there does however seem to exist some consensus on its methods and approach. Philosophy can be comprehended as rational deliberation through systematic argumentation on complex and fundamental problems. Through the use of reason the philosopher tries to construct a rational line of thought by which these fundamental problems are being addressed and unravelled.

In this thesis, I will try to make use of the methods of philosophy to form a critical reflection on the process of ethnic identification and the formation of ethnic division. Contrary to its predecessor on Conflict Studies, the philosophical chapter will not focus on the specific case of Northern Kosovo and the ethnic division between the Albanian majority population and the Serbian minority community. Instead, the philosophical reflection will concentrate on the process of ethnic classification and address the question how ethnic boundaries arise in general.

With the use of the philosophy of Foucault and the theories of amongst others Wimmer and Balibar, I will attempt to explain how the ethnic label has become socially constructed and how ethnic division is established. In further philosophical reflection, I will attempt to show how the ethnic classification is formed and influenced by political actors, institutions and networks.¹⁶

Thus, the main question of the philosophical chapter will be: How does ethnic division arise and what can be done to overcome it?

¹³ Centre for Conflict Studies (2011).

¹⁴ Centre for Conflict Studies (2011b).

¹⁵ Sinnott-Armstrong (2011).

¹⁶ Wimmer (2008).

INTEGRATION

The ultimate goal is to integrate the insights of both disciplinary chapters in order to find an answer to the following question: 'How can the division in Northern Kosovo be overcome?' The two chapters will each shed light on a different dimension of the division. Using Conflict Studies, I will try to find an answer to the question how the *political institutional* division in Northern Kosovo did arise and what can be done to overcome it. And using philosophy, I will try to answer the question how *ethnic* does arise and what can be done to overcome it. In doing so, the interaction between the ethnic and the political institutional division will become apparent. By integrating the insights of both disciplinary reflections, I hope to find a solution to the political institutional and ethnic division in Northern Kosovo.

How can the [political institutional and ethnic] division in Northern Kosovo be overcome?

- **Conflict Studies – The Political Institutional Division**
 - *How did the political institutional division in Northern Kosovo arise?*
 - *What should be done to overcome the political institutional division in Northern Kosovo?*

- **Philosophy – The Ethnic Division**
 - *How does ethnic division arise?*
 - *What can be done to overcome ethnic division?*

Conflict Studies – The Political Institutional Division

1. Introduction

The intervention of the international community in 1999 brought an end to the ethnic cleansing of the Kosovo Albanian population by the Serbian armed forces. The large-scale deployment of an international mission under the leadership of the United Nations proved however unable to restore unity, order and stability in Kosovo. The Serbian population isolated itself from the Albanian majority and the Kosovo society had become divided along ethnic lines.¹⁷ The division manifested itself as well on the political institutional level. With the support of Belgrade, the Serbian community established its own political structures, providing among other things medical and educational services.¹⁸ The Kosovo Serbs refused to cooperate with the international presence and the Serbian majority areas became inaccessible to the international mission.¹⁹

Within this chapter, I shall attempt to demonstrate how the division on the political institutional level was created. I will focus in particular on the area north of the river Ibar, where the Serbian community forms the majority and the influence of Belgrade is most tangible. The continuing division between the Serb and Albanian communities appears to form a determinative factor in the persisting instability in Kosovo's northern regions. Due to an ineffective implementation of the rule of law, the North remains an unsafe and insecure environment in which criminal organizations appear to operate freely.²⁰ Besides, the North has to cope with poor socio-economic conditions and large-scale unemployment.²¹ The political contestation over Kosovo's North seems to block the political aspirations of the governmental authorities of both Serbia and Kosovo towards European integration.²²

The ethnic division between the Serbian and Albanian communities has been constitutive of the current political institutional division in Northern Kosovo. The political structures of the two ethnic communities seem to operate parallel to one another, contesting each other for political control. The international missions in Kosovo have always performed a decisive role within this political institutional contestation and are a determining factor in the formation of the political institutional division. Within this reflection, I hope to find an answer to the question on how the political institutional division in Northern Kosovo arose and what could be done to overcome it.

¹⁷ Judah (2008); p. 102 and King and Mason (2006); p. 111.

¹⁸ OSCE (2003) and United Nations (2005a); p. 9.

¹⁹ King and Mason (2006); p. 61 and Judah (2008); pp. 100 – 101.

²⁰ ICG (2011) and interviews conducted with amongst others Interviews with Bajram Rexhepi, (10 April 2011) and the Dutch EULEX officers (18 April 2011).

²¹ ICG (2011), UNDP (2010) and UNDP (2011).

²² ICG (2011) and B92 (2011).

2. Conflict and Intervention

At the end of the 20th century, Kosovo reached the international headlines. This small southern province within the Federal Republic of Yugoslavia²³ had become the battleground of an ethnic conflict between Serbs and Albanians. The Albanian majority population of Kosovo²⁴ had always been suppressed within Yugoslavia. But since Slobodan Milosevic had come into power, the constraints upon the Albanian community had increased and Kosovo had been deprived of its political autonomy.²⁵ The claims for political self-determination and independence by the Albanian population in Kosovo would come to resonate louder and louder. Eventually, the resistance against the Serbian oppression began to assume more violent forms and the Kosovo Liberation Army (KLA)²⁶ launched attacks against 'Serbian officials and people considered to be collaborators to the Serbs.'²⁷ In response, Serbian armed forces lunged into Kosovo at the beginning of 1998. The Serbian troops directed their attacks against the entire Albanian community and a campaign of ethnic cleansing of the Kosovo Albanian population seemed to have been initiated. Many Albanians fled out of Kosovo or were forced to leave.

On the 24th of March 1999, NATO launched a campaign of air strikes to bring a halt to the ethnic cleansing of the Albanian population by the Serbian armed forces.²⁸ The withdrawal of the Serbian forces was succeeded by the deployment of an international mission into Kosovo. The United Nations Security Council drafted Resolution 1244, which constituted the mandate for the United Nations Interim Administration Mission in Kosovo (UNMIK). 'UNMIK was mandated to administer the territory, build the democratic institutions that would allow the people of Kosovo largely to govern themselves, and create the conditions that would lead to the

²³ The Federal Republic of Yugoslavia – consisting of Montenegro and Serbia with Kosovo inside – was the country that remained after the dissolution of the Socialist Federal Republic of Yugoslavia after the three Yugoslav Wars which lasted from 1991 up till 1995, in chronological order: the war in Slovenia (1991), the Croatian war of independence (1991 – 1995) and the Bosnian war (1992 – 1995).

²⁴ Census has always been a sensitive issue on the Balkans, hence there are no accurate and reliable demographics available of Kosovo. It can however be said with some certainty that Kosovo has been inhabited by approximately no more than 2 million people. The various estimations state that the proportion of the Albanian population in Kosovo ranges between 77.4 percent up till almost 90 percent. The size of the Serbian minority community is estimated between 14.9 and 7 percent. The rest of the population can be framed within the other minority populations – among which Roma, Ashkali and Egyptians. (Judah (2008); p. 2.). The percentages have fluctuated throughout the years in relation to the violence and certain other developments, which caused the flight or departure of various ethnic communities out of Kosovo.

²⁵ Increasing demands in Kosovo for more autonomy, a right to self-determination and secession were answered by Belgrade's abolishing of the autonomy of Kosovo in 1989.

²⁶ Also known as the Ushtria Çlirimtare e Kosovës (uçk). (Judah (2008); p. 75.).

²⁷ Judah (2008); pp. 78, 82. See also ICG (1998); p. 2.

²⁸ NATO (2005). 'By the time the bombing had ended, the UNHCR [the UN Refugee Agency] reported that 848,100 Albanians had fled the province. Of these, 444,600 were in Albania, 244,500 in Macedonia, 69,000 in Montenegro, and 91,057 in other countries. Including the hundreds of thousands displaced within Kosovo, some 1.45 million Kosovo Albanians were displaced.' (Judah (2008); p. 88.).

resolution of its final political status.²⁹ The decision over the final status of Kosovo was postponed and hence 'the underlying cause of the conflict – the question of who would rule Kosovo' – remained unaddressed.³⁰

In October 2000, the international presence organized its first municipal elections in Kosovo. These constituted the first official consultation of the entire population, 'albeit with negligible Serb participation'.³¹ The general elections of the "provisional institutions of self-government"³² (PISG) on November 17, 2001 seemed to form the establishment of a transitional government. When Kosovo Albanian representatives tried to include the topic of the final status as one of the provisions of the PISG in the Constitutional Framework,³³ UNMIK revoked the Constitutional Framework and forbade the future status process to become one of the provisions of – and decisions to be made by – the PISG.³⁴ The international mission maintained its neutral stance towards the future status of Kosovo and UNMIK ordered that the "provisional institutions of self-government" would not necessarily constitute a *transitional* administration forming the political basis for a prospective independent Kosovo.

After the elections UNMIK did not hand over many competencies to the newly formed PISG. 'Even after the formation of a local parliamentary structure in form of the Kosovo Assembly and the Kosovar government, UNMIK departments transferred only some of their administrative and executive functions and authorities to the new local ministries of the PISG'.³⁵ The PISG did not gain any actual force or authority – or what is described as local ownership³⁶ – and subordinated to the powers of UNMIK; it was no more than a puppet of the international mission.

Since the invasion by the international forces, the Serbs in Kosovo constitute more than ever an isolated minority. Sequestered in their own territories and anxious to step outside their secluded zones, the Kosovo

²⁹ King and Mason (2006); p. 4.

³⁰ King and Mason (2006); p. 79.

³¹ Chesterman (2001); p. 7.

³² The provisional institutions of self-government 'comprise the Assembly, the President of Kosovo, the Government, the Courts and other bodies and institutions as set forth in the Constitutional Framework for Provisional Self-Government in Kosovo.' (United Nations, 2010b).

³³ 'The Constitutional Framework on Interim Self-Government in Kosovo describes the institutions which will be put in the hands of Kosovo's leaders and civil servants after general elections, on 17 November 2001.' (UNMIK (2001); p. 2.).

³⁴ Chesterman (2001); pp. 5, 8 and ICG (2001); p. 4.

³⁵ Narten (2009); p. 265.

³⁶ 'Local ownership is the process and final outcome of the gradual transfer to legitimate representatives of the local society, of assessment, planning and decision-making functions, the practical management and implementation of these functions, and the evaluation and control of all phases of statebuilding programs, with the aim of making external peacebuilding and statebuilding assistance redundant.' (Narten (2009); p. 254.)

Roland Paris describes peacebuilding as the 'action undertaken at the end of a civil conflict to consolidate peace and prevent a recurrence of fighting.' (Paris (2004); p. 38.) Paris and Narten argue that statebuilding forms a necessary step in the process and methods of modern peacebuilding. (See Narten (2009); p. 252 and Paris (2004); p. 5 – 7.) Narten describes that '[e]xternal statebuilding interventions in postwar societies have a common denominator: they all aim at building functioning and self-sustaining state structures'. (Narten (2009); p. 252.) Statebuilding is hence the process of building functioning and self-sustainable state structures.

Serbs maintained their own political structures – providing amongst others medical and educational services – with the support of Belgrade.³⁷ The hope of the international community that the ties with Belgrade would be cut by involving the Kosovo Serbs in the elections soon turned out to be premature. The Serbian community in Kosovo apparently unanimously refused to participate in the political process³⁸ and denied the legitimacy of UNMIK and the newly established Kosovo institutions. Several years later Kosovo Serbs still lived concentrated in their enclaves,³⁹ having ‘chosen to stay outside of the central political institutions and maintain parallel structures for health and educational services.’⁴⁰

The term “parallel structures” is a term that has been adopted by the international missions and the Kosovo institutions, which deem the “Serb-run structures” to be illegal, since these operate parallel to their own legitimate structures. The description of certain political structures as “parallel” is essentially a symptom of the political institutional division. I will however deliberately use the term “Serb-run structures” instead of “parallel institutions” or “parallel structures”, because of the strong political connotation behind the designation of the Serbian structures as “parallel”. Moreover, it turns out that in practice there are no effective working structures of UNMIK or the Kosovo institutions in the Serbian majority areas; by which the Serb-run structures in these areas are essentially parallel to no other structures or institutions.⁴¹

3. *Division in the North*

When KFOR troops⁴² entered the northern city of Mitrovica ‘[i]n the immediate aftermath of the war’,⁴³ a large Serbian population⁴⁴ had withdrawn north of the river Ibar to protect itself against potential retaliations

³⁷ OSCE (2003).

³⁸ Chesterman (2001).

³⁹ Visser and Verweij (2005); p. 65.

⁴⁰ United Nations (2005a); p. 9.

⁴¹ As I will argue in the remainder of this elucidation, the absence of the Kosovo institutions and the international missions applies in particular to the Serbian regions north of the Ibar. When I speak of “the North”, I do not only refer to the northern part of the town of Mitrovica, but as well to the three municipalities north of the river Ibar, where the Serbian community constitutes the majority population. These municipalities are Zvečan, Zubin Potok and Leposavić. The Serbian majority areas south of the river Ibar are increasingly cooperating with the Kosovo institutions and therefore seem to integrate gradually into the Kosovo society. The northern regions, however, still refuse to cooperate with the Kosovo institutions and hence still seem to be inaccessible to the Kosovo institutions. See amongst others ICG (2011); p. 2 – 3 and 7.

⁴² The Kosovo Force (KFOR) is the military mission of NATO in Kosovo.

⁴³ Judah (2008); p. 101.

⁴⁴ The International Crisis Group estimates that two thirds of the Kosovo Serbs live south of the Ibar and one third of the Serbian community north of the Ibar; in the northern part of Mitrovica and the three municipalities Zvečan, Zubin Potok and Leposavić. (ICG (2008); p. i.). Judah makes – based on a report of the European Stability Initiative (ESI) – a similar estimation; ‘[The ESI] results showed that “there are still nearly 130,000 Serbs living in Kosovo today, representing two-thirds of the pre-war Serb population.” Of these, it said that almost two-thirds (75,000) lived south of the Ibar, that is in enclaves surrounded by Albanian areas, or in mixed villages. “Almost all of the urban Serbs have left,” said the report, “with North Mitrovica now the last remaining urban outpost.”’ (Judah (2008); p. 102.).

by Albanians.⁴⁵ For the Serbian community the river formed a natural line of defence against possible attacks by Albanians from the south. 'A group of young [Serb] men formed the "Bridgewatchers," ostensibly to protect northern Mitrovica from the violence Albanian extremists inflicted on other Serb communities in Kosovo.'⁴⁶ Out of the fear of renewed violence between the two ethnic communities, KFOR closed off the bridges over the Ibar, thus restricting movement between the two sides.^{47 48}

*'Almost immediately after UNMIK and KFOR entered Kosovo in June 1999, Mitrovica became a flashpoint for confrontation, and they were never able to establish effective control of the northern part of the city. Serbs fled their homes in the South of the city, and together with Serb IDPs [Internally Displaced Persons] from the rest of Kosovo sought refuge across the river. Albanians who had fled the North [remained] largely unable to return to their homes. The Serbs in northern Mitrovica felt threatened and besieged. They saw that in the rest of Kosovo violent attacks against Serbs took place despite the presence of the international community. They distrusted UNMIK, and continued to look to Belgrade as their civil authority.'*⁴⁹

The river functioned not only as the demarcation between the ethnic communities – Serbs and Albanians – that found themselves on opposite sides during the conflict, but also marked the end of the effective control and influence of the international missions.⁵⁰ The area north of the Ibar up till the Serbian border was predominantly inhabited by Serbs while Albanians 'left, or rather did not return to the north'.⁵¹ The Serbian population north of the river Ibar rejected the legitimacy and authority of UNMIK and continued to regard Belgrade as its civil authority.⁵²

'[U]nwilling to submit to UNMIK rule, or to accept integration of the northern part of the city into Kosovo society and political institutions',⁵³ the Serbian community established and maintained its own political and municipal structures with the support of Belgrade. 'Serbia's budget supports the continued maintenance of

⁴⁵ See on the Albanian reprisals – often considered as a 'reversed ethnic cleansing' – amongst others Van der Borgh (2007); p. 14 and King and Mason (2006); p. 50 and 111. See also Human Rights Watch (1999) and ICG (1999).

⁴⁶ ICG (2002); p. 3.

⁴⁷ ICG (2000); p. 1 and ICG (2005); p. 3. See also King and Mason (2006); p. 169.

⁴⁸ 'According to OSCE figures, Mitrovica municipality has currently a population over 100,000 people. North of the Ibar River there are 12,000 Serbs, 3,000 Albanians, 2,000 Bosniaks, 600 Turks and 500 Roma, including approximately 5,000 internally displaced Serbs (IDPs). Ironically this part of the city is one of the most multiethnic regions in Kosovo. South of the Ibar, fewer than twenty Serbs remain – almost all the 300 Serb families who lived there before 1999 have moved north. Before the conflict, half the population in the North was Albanian but around 9,000 of these former residents are now displaced in south Mitrovica or elsewhere in Kosovo.' (ICG (2011); p. 3.). The European Stability Initiative (ESI) estimated that in 2003 65,012 Albanians lived in Mitrovica South and 2,100 in Mitrovica North in contrast to 300 Serbs (& Montenegrins) in Mitrovica South and 13,402 in Mitrovica North. (ESI (2004b); p. 2.).

⁴⁹ ICG (2002); p. 3.

⁵⁰ ICG (2005); p. 1.

⁵¹ Judah (2008); p. 101.

⁵² ICG (2002); p. 3. See also King and Mason (2006); p. 61: 'Most Serbs had been instinctively hostile to KFOR and UNMIK. In northern Kosovo, where they were in a local majority and had the critical mass needed to be self-sufficient, they actively opposed the new order.'

⁵³ ICG (2002); p. 6.

parallel security and administrative structures in Mitrovica [...] ensuring that the international community will be unable to consolidate UNMIK's administrative control over the city.'⁵⁴ The Serb-run structures provide in the North amongst others a judicial system, health care services, education and social security.⁵⁵ UNMIK did not get a foothold north of the Ibar, so that the Serb-run structures constituted the only effective governmental authority and institutions in the North. 'Three years after its establishment [UNMIK] has not established a safe and secure environment, the rule of law or a meaningful civil administration in north Mitrovica. The city's continuing *de facto* partition, with parallel structures run by Belgrade operating north of the Ibar, is a black mark on the international community's record.'⁵⁶

Underlying the refusal of the Serb community, living north of the Ibar, to cooperate with UNMIK institutions and to integrate into the Kosovo society are deep 'fears for domination and expulsion'.⁵⁷ The fear that it would become isolated within Kosovo and outnumbered by the Albanian majority induced the Serbian community to cling onto its own political structures and the support from Belgrade. The 'Serbs [in the North] have little interest in participating in or cooperating with UNMIK institutions, and few incentives to start doing so. They fear expulsion, and have no confidence in the willingness of the Albanian-controlled municipality to treat them equitably or provide them with services.'⁵⁸ As a consequence, the Serbian community closed off the North for the international presence and the Serbian structures continued to operate independently of UNMIK.⁵⁹

In 2002, UNMIK was at last able to gain a foothold in north Mitrovica with the support of Belgrade. 'An administration directly run by an UNMIK official, with a local advisory board, was introduced in north Mitrovica.'⁶⁰ Besides, the municipal structures in the northern municipalities Zvečan, Zubin Potok and Leposavić had 'partially integrated with UNMIK, accepting its officials and institutions'.⁶¹ Although UNMIK was instituted as the official authority, the Serb-run structures would continue to operate largely independent of the United Nations' mission. It became clear that UNMIK had not been able to establish an effective control over the North.⁶²

The inability of UNMIK to establish an effective rule of law in the North most clearly demonstrated the impotence of the international presence. A judicial system controlled by the Serbian authorities remained

⁵⁴ ICG (2002); p. 7.

⁵⁵ ICG (2005); p. 2; '[The] parallel Serbian government institutions [provide] education, healthcare, social security, justice and others'.

⁵⁶ ICG (2002); p. i.

⁵⁷ ICG (2002); p. 11.

⁵⁸ ICG (2002); p. 10.

⁵⁹ The Northern 'Serb population barely tolerates UNMIK's presence and institutions, which it sees as agents of an Albanian project for an independent Kosovo, and gives loyalty instead to Belgrade [and] its parallel institutions'. (ICG (2005); pp. 1 – 2.).

⁶⁰ ICG (2005); p. 4 – 5.

⁶¹ ICG (2005); p. 6.

⁶² ICG (2008); p. 5. See also King and Mason (2006); p. 168: 'UNMIK heralded it as a major breakthrough. In reality, the mission merely managed to establish a presence and still did not challenge the band of thugs known as 'the bridge watchers' who really ruled the northern part of Mitrovica.'

operational north of the Ibar, arresting and detaining convicted criminals.⁶³ In addition to this, the international authorities proved unable to establish their own system to enforce the rule of law in Northern Kosovo. The inability of UNMIK to implement the law in Northern Kosovo turned the regions north of the Ibar into a safe haven for criminal structures and organizations.⁶⁴ The inability of UNMIK to ensure a safe and secure environment was possibly most visible through its inability to prevent, or properly react on, the frequent violence between the two ethnic communities and the attacks directed at the international presence.⁶⁵

The majority of Kosovo's population identifies the stagnant economic situation and the high rate of unemployment as the main problems facing Kosovo.⁶⁶ The overall unemployment in 2004 in Kosovo was at the staggering rate of 44.42 %. In Mitrovica, this figure was even higher with a rate of 51.62 %.⁶⁷ In 2000, UNMIK had shut down the Trepca mining complex on account of severe environmental pollution.⁶⁸ Trepca had been the main employer within the region and hence the rate of unemployment dramatically increased,⁶⁹ causing a high degree of poverty among the population.⁷⁰

⁶³ ICG (2002); p. 13. 'A parallel municipal administration exists (although it provides insufficient services); Serbian Interior Ministry forces (MUP) operate in the North, and suspects arrested by them are brought for trial at the court in Kraljevo in Serbia proper, where they are tried under Serbian law.' ICG (2002); p. 3. See also ICG (2011); p. 18 on the activity of the MUP in Northern Kosovo.

Apart from to the insufficient provision of services by this Serb-run judicial system, it should be questioned if these structures even have the intention to create a safe and secure environment in Northern Kosovo. It should also be understood that these structures enforce the legislation of the Republic of Serbia and not the UNMIK-legislation. All these factors contribute to an unsafe and insecure environment in Kosovo's North – despite the presence of the Serb-run judicial system.

⁶⁴ ICG (2002); p. 3 and ICG (2011); p. ii.

⁶⁵ See amongst others ICG (2002); p. 4: 'The tense environment that characterises Mitrovica has led to frequent violence. In early February 2000, a rocket-propelled grenade attack on a UNHCR bus carrying Serbs from Mitrovica killed three and wounded several others. This set off revenge attacks that killed ten Albanians and persisted throughout the spring. In February 2001, similar violence was launched by the murder of an Albanian youth in the North. Albanian demonstrators took out their anger on French KFOR troops, burning armoured vehicles and assaulting soldiers. Nor was the recent attack on UNMIK police the first time that organised vigilantes put UN personnel in danger. In March 2001, after the arrests of Serbs suspected of assaulting UNMIK police, organised attacks included house-to-house terrorizing of officers living in the North.'

⁶⁶ UNDP (2010); p. 5, 8 – 9 and UNDP (2011); p. 15 – 18.

⁶⁷ UNDP (2004b); p. 121.

⁶⁸ ESI (2003b); p. 82.

⁶⁹ ICG (2002); p. 3.

⁷⁰ See also UNDP: '[Mitrovica] is one of the poorest municipalities in Kosovo, with a poverty rate of 69.7 percent per headcount, or with poverty distribution of 22.6 percent. Poverty is persistent across Kosovo and according to the World Bank poverty rates among [Kosovo-]Serbs have increased. The World Bank Poverty Assessment of 2007 reports that the poverty headcount rate in [Mitrovica] region is the highest in Kosovo.' (2011 p. 13.). See also UNDP (2011); pp. 14 – 18.

4. Riots and Independence

In March 2004, Mitrovica became the stage for renewed violent confrontations between the Albanian and Serbian community. The violence soon spread throughout Kosovo, making the Serbian minority community the target of violent attacks by the Albanian population.⁷¹ 'The international community was taken by surprise by the violence in March. It had failed to read the mood in the population and to understand the depth of the dissatisfaction of the majority and the vulnerability of the minorities.'⁷² The violence was, however, not only directed against the ethnic minorities. 'Though there was clearly an inter-ethnic aspect to the violence that erupted in 2004, it cannot be disputed that UNMIK was targeted by the Albanian mobs.'⁷³

A 'growing dissatisfaction and frustration [... stemming from] a serious lack of economic opportunities and an absence of a clear political perspective'⁷⁴ among the Kosovo Albanian majority had formed the breeding ground of this renewed outburst of violence. The lack of political perspective arose from the limited handover of authority and competencies to the local administration – the PISG –⁷⁵ and the refusal of the international community to take a decision on the future status of Kosovo. The international community faced an alarming 'legitimacy crisis'⁷⁶ and understood that it had to readjust its strategy.⁷⁷

At the end of 2005, the United Nations Security Council appointed Martti Ahtisaari as the Special Envoy of the Secretary-General 'for the future status process for Kosovo'.⁷⁸ The United Nations thus commenced facilitating the negotiations on the future status of Kosovo between the Republic of Serbia⁷⁹ and the Provisional Institutions of Self-Government of Kosovo. Soon, it became clear that both sides remained diametrically opposed on the central issue of the future status of Kosovo. Martti Ahtisaari declared that 'Belgrade was willing to give everything but independence and Pristina wanted nothing but independence'.⁸⁰ It had become apparent that no agreement on the final status of Kosovo could be reached between the governing authorities.

On the 27th of March 2007, Martti Ahtisaari presented a COMPREHENSIVE PROPOSAL FOR THE KOSOVO STATUS SETTLEMENT to the United Nations Security Council; he had 'come to the conclusion that the only viable option

⁷¹ '22 people were killed and 500 injured in ethnic fighting in the worst violence since the UN took over.' (United Nations 2005b) 'After two days of rioting, at least 550 homes and twenty-seven Orthodox churches and monasteries were burned, leaving approximately 4,100 Serbs, Roma, Ashkali, and other non-Albanian minorities displaced.' (Human Rights Watch 2004).

⁷² United Nations (2004); p. 3.

⁷³ Lemay-Hébert, (2009); p. 71.

⁷⁴ United Nations (2004); p. 3.

⁷⁵ Narten analyzed the limited transfer of power and competencies to the local authorities as a 'symptomatic failure of international statebuilding in Kosovo to promote local ownership.' (Narten (2009); p. 266.).

⁷⁶ Lemay-Hébert, (2009).

⁷⁷ United Nations (2004); p. 11.

⁷⁸ UNOSEK (2007); p. 1.

⁷⁹ After the people of Montenegro had declared the will to become independent, the "State Union of Serbia and Montenegro" – the successor of the Federal Republic of Yugoslavia – had been dissolved into Montenegro and the Republic of Serbia.

⁸⁰ BBC (2006).

for Kosovo is independence, to be supervised for an initial period by the international community.⁸¹ The proposal included a recommendation for a transition period in which UNMIK 'would transfer all legislative and executive authority⁸² to the Kosovo government. Besides, UNMIK was to be replaced by two new international missions; the ESDP and the ICR.⁸³ Under supervision of the new international missions, Kosovo should become a self-determinant and independent country. The United Nations Security Council could however not reach an agreement on the proposal and, therefore, Ahtisaari's plan was not implemented.⁸⁴

On 17 February 2008, the members of the Kosovo assembly unilaterally declared 'Kosovo to be an independent and sovereign state.'⁸⁵ After the negotiations with Serbia had failed and the United Nations Security Council could not come to an agreement on the COMPREHENSIVE PROPOSAL or a further course of action,⁸⁶ the Kosovo authorities had taken matters into their own hands.

'Shortly before Kosovo's declaration of independence, the European Union approved deployment of a non-military 2,000-member Rule of Law mission, "EULEX," to develop further Kosovo's police and justice sector.'⁸⁷ The COMPREHENSIVE PROPOSAL had however never obtained the approval of the United Nations Security Council and hence UNMIK refused to hand over competencies to the new international missions.⁸⁸ Moreover, the deployment of EULEX was delayed. The first months after Kosovo's declaration of independence formed a chaotic situation, during which 'the UN did not pull out, the ICR did not take a leading role and EULEX did not fully deploy.'⁸⁹

'After months of indecision, Secretary-General Ban Ki-moon announced in June the start of the UN Mission in Kosovo's (UNMIK) reconfiguration, opening the way for a handover of UN assets and premises.'⁹⁰ After the reconfiguration of technicalities between the UN and the EU had been agreed on, the EU could commence the full deployment of the new international missions. 'Kosovo Serbs [however] refused to cooperate with EULEX and the ICO, which they saw as agents for Kosovo's independence',⁹¹ and thus inhibited the deployment of the new international missions in the Serbian areas.⁹²

⁸¹ United Nations (2007); p. 2.

⁸² ICG (2008); p. 1.

⁸³ EULEX forms the European Security and Defence Policy (ESDP) Rule of Law Mission. EULEX is led by the European Union and has been given 'a mandate to monitor, mentor and advise Kosovan institutions in the area of the rule of law and [would gain] limited executive powers.'⁸³ The second mission, 'the International Civilian Representative (ICR, who heads the International Civilian Office, ICO, and is "double-hatted" as the EU Special Representative, EUSR) [has begun] monitoring Ahtisaari plan implementation.' ICG (2008); p. 1.

⁸⁴ ICG (2008); p. 1.

⁸⁵ *Kosovo Declaration of Independence* (2008).

⁸⁶ Ibid.

⁸⁷ *2008 Kosovo Declaration of Independence* (2011).

⁸⁸ ICG (2008); p. 1.

⁸⁹ Ibid.

⁹⁰ ICG (2008); p. i.

⁹¹ ICG (2008); p. 1.

⁹² ICG (2008); p. 8.

'In May [2008] Serbia conducted local elections in Kosovo for the first time since 1996, in 23 of the 30 municipalities where Serbs live. [...] The setting up of new municipalities loyal to the Serbian government has been most successful in the north Mitrovica administration [and the] three municipalities north of the Ibar [...] In other enclaves [south of the Ibar] little has been done to make the parallel municipal authorities functional.'⁹³ The North had established its own municipal structures loyal to the Serbian government, while the deployment of the new international missions was blocked.⁹⁴ The division between Kosovo's North and South had widened and the integration of the Serbian community north of the Ibar into the Kosovo society seemed further away than ever before.

Before 2008 the Kosovo Serbs had always regarded UNMIK as an occupation force within Serbia, but after Kosovo's declared independence the Serbian community embraced the status-neutral mission of the UN. 'Northern Serbs ignored UNMIK before 2008, because they wanted to distance themselves from the provisional Pristina government then operating under UN auspices; after independence they quickly hoisted UN flags.'⁹⁵ The UNMIK administration gradually reduced its mission throughout Kosovo, but UNMIK maintained a large presence in the North where it employed an "umbrella function" in relation to the newly elected Serbian municipalities;⁹⁶ UNMIK functions as a mediator for the Serbian municipalities in the North in the contact with the Kosovo Albanian minority in the region, with the Albanian municipalities south of the Ibar and with international economic development actors.⁹⁷ Hence UNMIK seems to function as a legitimate extension of the Serbian municipalities.⁹⁸

The United Nations would also form an umbrella for the new EULEX mission through which it became possible to start the EU deployment north of the Ibar. By adopting a status-neutral position and commencing its

⁹³ ICG (2008); p. 3, 4. See also ICG (2011); p. 1: 'When Kosovo independence was declared on 17 February 2008, Northern Serbs quickly distanced themselves from the new state. In May 2008, Serbia organised local elections in Kosovo Serbs areas for the first time, resulting in the re-election of the mayors of the three pre-existing municipalities of Zvečan, Zubin Potok and Leposavić and creation of a new Mitrovica municipality.'

⁹⁴ ICG (2008); p. 25.

⁹⁵ ICG (2011); p. 2.

⁹⁶ 'UNMIK administration has in [fact] ceased to operate throughout Kosovo, except in Mitrovica, where it overlaps with the Serbian municipal administration. The Serbian municipalities are the only authorities north of the Ibar; nothing is truly parallel to them. They operate pretty much as if in Serbia, although with resident UNMIK officials, who mainly communicate with minorities and have no executive powers. [...] The UNMIK Administration Mitrovica (UAM) still functions, much to the dislike of Pristina and many in the international community. Its international staff is small, and about half of its 123 employees also work for the (Serbian) Mitrovica municipality.' (ICG (2011); p. 2.) See also the various interviews conducted in March and April 2011.

⁹⁷ UNMIK (2011).

⁹⁸ Immediately after the elections in May 2008, the Serbian municipalities were declared to be illegal – amongst others by UNMIK. However under the umbrella of UNMIK, the Serbian municipalities are regarded as an acceptable partner by several actors. 'This is because Serbian institutions, though internationally illegitimate, are broadly supported by the local population and do real work. Given Northern Serbs' comprehensive rejection of Pristina's authority, Kosovo institutions cannot practically replace Serbian ones.' (ICG (2011); p. 20). See also the various interviews conducted in March and April 2011.

deployment within the framework of the UNSCR 1244,⁹⁹ EULEX seemed to become increasingly accepted by the Serbian authorities and the Serbian community. '[T]he UN still does important work in Kosovo. It facilitates cooperation that would otherwise founder on the parties' irreconcilable positions. EULEX, the EU rule of law mission, could only deploy throughout Kosovo by accepting the national superiority of UNMIK in its dealings with Belgrade and the North'.¹⁰⁰ Under the umbrella of UNMIK, it became possible for the EU to commence the deployment of its rule of law mission EULEX north of the Ibar.¹⁰¹

5. *The Status Quo: Division in the North*

*'Few Serbs accept Kosovo independence. South of the Ibar, many participate in Kosovo's institutions, [...] but without explicitly endorsing separation from Belgrade. [...] In the North, however, Serbs reject both integration and independence.'*¹⁰²

While the Serbian enclaves south of the Ibar increasingly seem to cooperate with the Kosovo institutions and the new international presence, the Serbian community north of the Ibar still refuses to participate in Kosovo's institutions. Although the entire Serb community in Kosovo seems to oppose the declared independence of Kosovo, the Serbs in the South are forced to integrate in the Kosovo society as they have been increasingly cut off from the support and influence of Belgrade because of their isolated position south of the Ibar.¹⁰³ North of the Ibar, however, the Serbian community, with the financial support from Belgrade, has been able to maintain its own municipal structures and provision of education and medical care.¹⁰⁴ 'Observers in Pristina and friendly capitals see Serbia's massive payments to the North as a major obstacle to the region's integration into Kosovo. As long as Serbian money sustains their way of life, Northerners have little incentive to compromise'¹⁰⁵ and participate in the Kosovo institutions.

Despite the deployment of EULEX, the law enforcement in the North remains problematic and criminal networks continue to operate freely.¹⁰⁶ In addition to this, the North still has to cope with poor socio-economic

⁹⁹ UNSCR 1244 was the resolution, which formed the framework and mandate for UNMIK. See EULEX (2011); 'EULEX works under the general framework of United Nations Security Council Resolution 1244'. See also ICG (2010); p. 3.

¹⁰⁰ ICG (2011); p. 2.

¹⁰¹ The ICO is however hardly operative north of the Ibar. Because the ICO recognizes Kosovo's declaration of independence – and therewith is not status-neutral – the Serbian community opposes the ICO and refuses to cooperate with this organization. (Interview with Jeff Bieleley, 14 April 2011.). Moreover, EULEX seems to be as well not fully operational in Kosovo's northern regions; this will be further elucidated in the remainder.

¹⁰² ICG (2011); p. 7.

¹⁰³ See interview with Naim Rashiti, ICG, 20 April 2011. See also ICG (2008); p. 26.

¹⁰⁴ As mentioned before, these Serb-run structures are often conceived and labelled as "parallel structures" – since they do not operate within the Kosovo institutions. See ICG (2011); pp. 1 – 2.

¹⁰⁵ ICG (2011); p. i.

¹⁰⁶ ICG (2011) and the interviews with Dutch EULEX officers on 18 April 2011, who expressed their discontent about the current mission. ICG as well as the Dutch EULEX officers indicate that the implementation of the EULEX mission is still very slow and that EULEX is still not active in the North on all levels of its mandate. See also B92 (2011b).

conditions, high rates of unemployment, and poverty.¹⁰⁷ Perhaps most problematic is that the current status quo blocks the political aspirations of both Kosovo and Serbia. 'Neither can join the EU while the North's status is in dispute. Addressing local problems by improving on pragmatic solutions already in place and finding a framework for criminal justice acceptable to the local population would likely perpetuate its uncertain status, by keeping it distinct from the rest of Kosovo.'¹⁰⁸ The International Crisis Group argues that a solution to the current problems can only be reached by a gradual integration of the North into the Kosovo society.¹⁰⁹

The Kosovo authorities currently attempt to introduce their own municipal structures and institutions in the North – independent of the Serb-run structures.¹¹⁰ A Municipal Preparatory Team (MPT) has been 'tasked with laying the foundations for a new municipality within the Kosovo system.'¹¹¹ The MPT however immediately encountered much resistance from the local Serbian population, and thus the attempt of the Kosovo institutions to introduce a new municipal authority – loyal to the Kosovo institutions – seems as yet to lack success.¹¹² In addition, the local population in the North also opposes the external financing of projects by national or international actors and organizations that support Kosovo's independence.¹¹³ Many projects and initiatives intended to support the economic development north of the Ibar hence seem to fail.

Despite the resistance of the Kosovo Serb community north of the Ibar against participation in Kosovo institutions and integration in Kosovo society, there appears to emerge at the individual level an increasing willingness to cooperate with Kosovo structures.¹¹⁴ It is however a misconception to think that the willingness of individual Kosovo Serbs to cooperate is equal to a willingness to integrate into Kosovo's state framework. The willingness to cooperate is not equal to an acceptance or recognition of the independence of Kosovo.

The increased willingness to cooperate with the Kosovo institutions stems from an economic interest and a fatigue among the local population about the continuing political stalemate.¹¹⁵ A withdrawal of the financial

¹⁰⁷ UNDP (2010); p. 5, 8 – 9, UNDP (2011); p. 15 – 18, and ICG (2011); p. ii, 8.

¹⁰⁸ ICG (2011); p. ii. See also B92 (2011).

¹⁰⁹ ICG (2011).

¹¹⁰ Interviews with Bajram Rexhepi, current Minister of Interior Affairs in the Government of the Republic of Kosovo, (10 April 2011), with Sadri Ferati, former Minister of Local Government Administration in the Government of the Republic of Kosovo (31 March 2011) and with an official of the Municipal Preparatory Team, North Mitrovica (22 April 2011).

¹¹¹ ICG (2011); p. 9.

¹¹² Interview with an official of the Municipal Preparatory Team, North Mitrovica, at 22 April 2011. See also ICG (2011); pp. 9 – 11.

¹¹³ The most striking example in this respect is the large-scale project that the U.S. Agency for International Development (USAID) seeks to implement in the North. With help of the MPT, USAID tries to realize large-scale infrastructural improvements north of the Ibar in order to support the economic development. The Serbian community however opposes the implementation of the various projects of USAID because it cooperates with the Kosovo institutions and is therefore not status-neutral. (See the various interviews conducted in March and April 2011, among which especially the interviews with Ruzica Bozovic, at 19 April 2011, and an official of the Municipal Preparatory Team, North Mitrovica, at 22 April 2011. See also ICG (2011); p. 10 – 11.).

¹¹⁴ ICG (2011); p. 1. See as well the various interviews conducted in March and April 2011.

¹¹⁵ ICG (2011). See as well the various interviews conducted in March and April 2011.

support from Belgrade would presumably strengthen the incentive to cooperate. It would however not create an incentive among the Serb population in the North to integrate into Kosovo's institutional framework. The Serbian community still largely regards Belgrade as its civil authority and considers Kosovo a province of Serbia.

Replacing the municipal structures in the North by introducing Kosovo institutions would therefore not lead to a solution to the problem in Northern Kosovo. 'This is because Serbian institutions, though internationally illegitimate, are broadly supported by the local population and do real work.'¹¹⁶ Instead of replacing the Serb-run structures, the Kosovo authorities should try to gradually integrate these structures within their own institutional framework.¹¹⁷ Although the structures are illegal according to UNSCR 1244 and international law, the Serbian people have elected these authorities themselves and these structures hence form a genuine representation of the will of the local population.

A possible method to integrate the Serb-run structures and the Serbian population north of the Ibar is by presenting a genuine and realistic solution for the problems the North has to cope with; in particular for the failing implementation of the rule of law and the poor socio-economic conditions. By blocking the financial support from the authorities in Belgrade, the incentives to cooperate amongst the Serbian population would probably increase; but without a genuine solution to the most fundamental problems in the North, the Kosovo Serbs will probably continue to oppose any further deployment of the international presence or of the Kosovo institutions in the North.

While Belgrade has always fiercely opposed the presence of the international missions in Kosovo and the development of independent Kosovo institutions, hardly anyone seems to believe that Belgrade would like to reintegrate Kosovo within the Republic of Serbia. Already in 2002, the International Crisis Group argued that Belgrade tried 'to consolidate Serb control over the northern parts of Kosovo, with Mitrovica as the cornerstone [in order] to prepare Kosovo for eventual partition'¹¹⁸ along the Ibar.¹¹⁹

Nonetheless, a partition of Kosovo along the Ibar would be problematic since it would create the risk of potential renewed inter-ethnic violence and instability in the entire Balkan region. The Serbs living south of the Ibar would become even further isolated within the Kosovo society and 'would face an immediate backlash of violent expulsion.'¹²⁰ Secondly, the Albanian community could react violently to the loss of the areas north of the Ibar, causing the risk of renewed violent confrontations between the two ethnic communities along the Ibar.¹²¹ Thirdly, the redrawing of borders along ethnic lines could reignite nationalist sentiments across the Balkans and hence endanger the stability of the entire region.

¹¹⁶ ICG (2011); p. 20.

¹¹⁷ Possibly the Kosovo authorities should offer the North – and the northern municipalities – a substantial level of political self-determination or autonomy within the state institutions of Kosovo. (See also ICG 2011.)

¹¹⁸ ICG (2002); p. 7. In public, however, Serbian officials deny that partition is the official state position of Serbia. (B92 2011). In spite of this, the various interviewees spoken in March and April 2011 often suggested the opposite.

¹¹⁹ See also the various interviews conducted in March and April 2011.

¹²⁰ ICG (2007); p. 14.

¹²¹ ICG (2007); p. 14.

In March 2011, the authorities of Kosovo and Serbia started a new round of negotiations under the mediation of the EU. Only if the condition of regional stability is fulfilled, both governing authorities can work towards their political ideal of European integration. The requirement of regional stability induces both authorities to renew the dialogue in order to devise a solution for the unstable and problematic situation in Kosovo's northern regions.¹²²

The European Union itself, however, is compelled to reach a compromise on the political contestation over Kosovo's North as well. The persistent division between Kosovo's North and South creates an increasing dissatisfaction among the Kosovo Albanian population on the current political impasse. In addition, it will be impossible for the EU to reduce its presence in Kosovo until a solution has been created for the North. In the meantime, the EU will be forced to continue the deployment of its highly expensive mission.¹²³ Finally, the EU also faces detrimental consequences of the lack of an effective rule of law in Kosovo's northern region; Kosovo's North functions as the main port of transit for drug and human trafficking into the European Union.¹²⁴

Consequently, the EU should make use of the political aspirations of both governing authorities by exerting pressure on the dialogue in order to reach a solution for Northern Kosovo. Furthermore, the political aspiration of integration into the EU could be used as a lever by international actors in order to induce both Belgrade and Pristina to cooperate with EULEX in its attempt to implement an effective rule of law and 'improve northern security and public order'.¹²⁵

6. Conclusion

Since the intervention of international forces in 1999, the Serbian minority community has been isolated within the Kosovo society. In northern Kosovo, where the Serbs constituted the majority, the Serbian community maintained with the support of Belgrade its own political structures, providing amongst other things education and health care services. The Serbian population deemed the international presence illegal and continued to regard Belgrade as its civil authority. The international presence under the leadership of the United Nations was hence not able to establish control over the North.

When the Kosovo Assembly in 2008 unilaterally declared the independence of Kosovo, the United Nations Mission in Kosovo (UNMIK) largely came to be replaced by a new international presence, led by the European Union. The Serbian community rejected the legality of the new international missions and the Kosovo institutions, and refused to integrate in the Kosovo society. Suddenly, the Serb community started to embrace the status-neutral UNMIK¹²⁶ and Kosovo's northern regions remained inaccessible to the new international

¹²² See also B92 (2011).

¹²³ It has been estimated that since its deployment in 2008, the EULEX mission already has cost more than € 100 million. ICG (2010); p. 5.

¹²⁴ See ICG (2011); p. 16. See amongst others as well the interviews with Dutch EULEX officers on April 18, 2011, and the interview with Yannick du Pont on April 6, 2011.

¹²⁵ ICG (2011); p. 21. See also B92 (2011b).

¹²⁶ ICG (2011); p. 2.

missions and the Kosovo institutions. To this day, the Kosovo institutions have not been able to integrate the Serb community in the North, and the presence of the new international missions in the northern regions remains weak. The population in the North is suffering from poor socio-economic conditions and an insufficient implementation of the rule of law. Besides, the political impasse in the North forms a major obstacle to the political aspirations of the governing authorities of both Serbia and Kosovo towards European integration.¹²⁷

The river Ibar forms the border between the Serbian community in the North and the Albanian majority population living in the South. The river marks not only an ethnic division in Kosovo, but a division on the political institutional level as well. The refusal to participate in the Kosovo institutions by the Serbian community has made the North into a shadow region over which many actors claim to have legitimate control. Despite the refusal of the Serbian community to recognize the independence of Kosovo, there seem to be opportunities for a gradual integration of the North into the Kosovo society. To achieve this goal, however, it is necessary that all actors and authorities involved cooperate. In my argumentation, I have especially focussed on the potential role of the Kosovo and Serbian authorities and the European Union. As mentioned, the political aspirations of both governing authorities towards European integration can play a decisive role in convincing both Kosovo and Serbia to cooperate in finding a joint solution for the situation in northern Kosovo. I have indicated that without the provision of a genuine solution to the most fundamental problems in the North, the Kosovo Serbs will probably continue to oppose any form of cooperation with the Kosovo institutions and resist integration into the Kosovo society.

The integration of the North into the Kosovo society seems to form an essential step for the realization of both countries' political aspirations towards European integration. A partitioning along the Ibar, by which the Northern part would become incorporated into Serbia, does not form a viable solution since it will, in all likelihood, produce instability and fuel for renewed violence in Kosovo and throughout the entire region. The integration of the North into the Kosovo society therefore seems to constitute the only possible and realistic solution. It is, however, of great importance to keep in mind the attitude, the fears and sentiments of the Serbian majority population in the North. The introduction of Kosovo institutions to the region encounters much resistance from the local population and hence does not constitute a realistic strategy to integrate the northern regions into the Kosovo society. A potential solution to this problem would be to change the current strategy: instead of replacing the current Serb-run structures, the Kosovo authorities could try to incorporate them into the Kosovo institutions.

¹²⁷ ICG (2011).

Philosophy – The Ethnic Division

1. Introduction

In Kosovo, a sharp division has transpired between the Albanian population and the Serbian minority. The Serbian community has isolated itself within the Kosovo society and maintained its own political structures. The demarcation between the Serbian and Albanian communities within Kosovo manifests itself upon the political institutional level; both communities have their own structures and institutions. While the Serbs living south of the Ibar increasingly seem to participate in the Kosovo institutions, the Serbian community in the North persistently rejects any form of integration within the Kosovo society.¹²⁸ Through this rejection by the Kosovo Serb population living north of the Ibar, the division in Kosovo's North perseveres.

The line that marks the political institutional division between both communities, however, does not constitute the origin and the essence of the division between the Albanian and Serbian population. The separation of Serbian and Albanian is based on a classification according to the dichotomy of ethnicity.¹²⁹ By this I mean that the separation between Serb and Albanian is founded upon a distinction in terms of ethnic identification. Two fundamental questions arise from this observation: first of all, how has this ethnic boundary been raised and maintained? And secondly – and possibly more fundamentally – why has this ethnic boundary been raised and maintained?

In both questions lies the assumption that man could deliberately influence or cultivate the formation of an ethnic boundary. In the present chapter, I will try to demonstrate within a philosophical reflection how ethnicity and ethnic boundary formation are socially constructed. Central to my argument is the vision of Foucault that the individual is brought into subjection to the frames and schemes upheld in the social domain. The dichotomy of ethnicity provides a framing of the individual within a certain ethnic community based upon the notions of ethnic origin and cultural standardization.¹³⁰ Where ethnic identification on the one hand leads to the unification of a particular group, it simultaneously leads to an exclusion of those who are considered not to belong to the ethnic community at hand. The ethnic boundary thus determines – through the classification of the individual according to the dichotomy of ethnicity – the inclusion/exclusion of a certain individual in keeping with the political aspiration of the ethnic community. By exposing the link between ethnicity and nationalism, it will become clear how ethnic imagination may become constitutive for the political aspirations

¹²⁸ ICG (2011); p. 7.

¹²⁹ The classification according to the dichotomy of ethnicity constitutes the categorization of individuals in terms of ethnic belonging; an identification of the individual through which he or she is conceived as belonging to a certain ethnic community or not.

¹³⁰ See Balibar in Balibar and Wallerstein (1991); p. 96: 'No nation possesses an ethnic base naturally, but as social formations are nationalized, the populations included within them, divided up among them or dominated by them are ethnicized – that is, represented in the past or in the future as if they formed a natural community, possessing of itself an identity of origins, culture and interests which transcends individuals and social conditions.'

of political self-determination and independence of a given ethnic community. Finally, I will attempt to indicate how the ethnic division may be overcome.

2. *The Socially Constructed Subject*

The French philosopher Michel Foucault describes how certain schemes and frames – ‘constructed by the culture, society, or social group an individual is part of’¹³¹ – arise in the social domain according to which individuals identify themselves or are being identified by others.¹³² Certain dichotomies or “dividing practices”¹³³ constitute frameworks according to which the subject becomes identified and categorized; dichotomies such as masculinity/femininity, reason/madness and ethnic/non-ethnic.¹³⁴ These frames and dichotomies – as well as their implementation in and enforcement upon society – are socially constructed. In accordance with the dichotomies, the individual’s self-perception and the way in which others perceive the individual are determined.

The frames define certain categorical distinctions on the basis of which the individual becomes identified and categorized. The frames prescribe on the basis of which characteristics the individual is perceived to belong to a certain category of the dichotomy; whether the individual is identified as belonging to the ethnic community or not. The frames hence determine which factors and characteristics do matter in the classification of the individual on the basis of the dichotomies.

Foucault emphasizes that the standards on the basis of which the individual becomes identified and categorized are the result of certain power relations. Through power the schemes and standards are imposed upon the individual; through power the individual becomes identified and framed. The distinctions on the basis of which the individual becomes identified and framed hence do not constitute natural or given modes of classification but have been socially constructed.

3. *Defining Terms: The Meaning of Ethnicity*

‘I define ethnicity as a subjectively felt sense of belonging based on the belief in a shared culture and common ancestry. This belief refers to cultural practices perceived as “typical” for the community, to myths of a common historical origin, or to phenotypical similarities. In this broad understanding of ethnicity, “race” is treated as a subtype of ethnicity.’

Wimmer¹³⁵

¹³¹ Free translation from Foucault (1984); p. 196.

¹³² Foucault (1984); p. 777 – 778. See also Butler in Gosepath et al. (2008); p. 1302 and Hengehold in Borchert (2006); p. 198.

¹³³ Foucault (1982); p. 777.

¹³⁴ Foucault has not elaborated on all these dichotomies himself. The last mentioned dichotomy, ethnic/non-ethnic, will be central to the argumentation in this chapter.

¹³⁵ Wimmer (2008); p. 973 – 974.

'[Ethnicity] refers to aspects of relationships between groups which consider themselves and are regarded by others, as being culturally distinctive.'

Eriksen¹³⁶

Ethnicity defines the distinctive cultural characteristics of a collectivity of individuals, on the basis of which these individuals are regarded by themselves or by others to constitute a unity. Ethnic groups hence form "categories of ascription and identification" that people use to classify both themselves and others'.¹³⁷ The communal bond of the ethnic group is based on the imagination of shared culturally distinctive characteristics among the members of the ethnic community. The ethnic group transcends smaller social formations such as 'the clan, the neighbourhood community and, theoretically at least, the social class'.¹³⁸

The classification of individuals in terms of culturally distinctive characteristics is problematic, however. Anthropological research has shown that there may exist as much in-group variation as out-group similarity in the cultural characteristics of the members of ethnic communities.¹³⁹ The ethnic group hence does not pertain to unique or clearly distinctive cultural features. This leads Thomas Hylland Eriksen to conclude that 'cultural difference between two groups is not the decisive feature of ethnicity'.¹⁴⁰ Fredrik Barth argues as follows:

*'It is important to recognize that although ethnic categories take cultural differences into account, we can assume no simple one-to-one relationship between ethnic units and cultural similarities and differences. The features that are taken into account are not the sum of 'objective' differences, but only those which the actors themselves regard as significant. Not only do ecologic variations mark and exaggerate differences; some cultural features are used by actors as signals and emblems of differences, others are ignored, and in some relationships radical differences are played down and denied.'*¹⁴¹

The inexistence of exclusive and 'objective' cultural characteristics of ethnic groups demonstrates that ethnic classification is a process 'of ascription and identification'¹⁴² stressing the similarity between the members of the ethnic community. There are no objective standards by which the ethnic boundary is maintained or has been established. Still it turns out that at least the *perception* of culturally distinctive characteristics of the ethnic community constitutes a fundamental factor in the process of ethnic

¹³⁶ Eriksen (1993); p. 4.

¹³⁷ Danforth (1995); p. 13 and Barth (1969); p. 10 in Danforth (1995).

¹³⁸ Balibar in Balibar and Wallerstein (1991); p. 100.

¹³⁹ See amongst others Eriksen (1993) and Moerman (1965). See also Baumann (1999); p. 59: 'The "cultural stuff," in fact, very often showed as much overlap with neighboring groups as it showed variety within the boundaries. What made an ethnic identity "ethnic," therefore, was to be sought in the social processes of maintaining boundaries that the people themselves recognized as ethnic.'

¹⁴⁰ Eriksen (1993); p. 11.

¹⁴¹ Barth (1969); p. 14.

¹⁴² Barth (1969); p. 10.

classification.¹⁴³ Andreas Wimmer argues that Barth has laid the foundation for ‘the claim that ethnicity is the product of a social process rather than a cultural given, made and remade rather than taken for granted, chosen depending on circumstances rather than ascribed through birth.’¹⁴⁴

The idea of cultural distinctive characteristics of the ethnic community is hence not more than the product of a process of ascription.¹⁴⁵ The ethnic community is not a natural entity and the ethnic identification is not based on ‘objective’ standards of cultural homogeneity between the members of the ethnic group. The ethnic boundary is socially constructed and man-made. This leads Jolle Demmers to the conclusion that ‘the ethnic group is an imagined, constructed community, created through social action.’¹⁴⁶ Since there are no ‘objective’ and exclusive cultural characteristics of the ethnic community, the ethnic classification must necessarily have been socially constructed.¹⁴⁷ But how has this ethnic classification become constructed and how does the ethnic demarcation become established?¹⁴⁸

¹⁴³ See Eriksen (1993); p. 12: ‘Ethnicity is an aspect of social relationships between agents who consider themselves as culturally distinctive from members of other groups with whom they have a minimum of regular interaction. It can thus also be defined as a social identity (based on a contrast vis-à-vis others) characterised by metaphoric or fictive kinship’.

¹⁴⁴ Wimmer (2008); p. 971. This claim has come to be known as “constructivism”.

¹⁴⁵ Barth (1969); p. 10.

¹⁴⁶ Demmers (2009). See also Baumann (1999); p. 63. ‘Ethnicity is the product of people’s action and identifications. This is why ethnicity is not about blood as such or ancestry as such. Rather, it is about the cultivation and refinement of all the possibilities first given by nature, but not finished by nature.’

¹⁴⁷ This does, however, not mean that the ethnic group does not exist. Ethnic communities ‘do exist both as human products and as objective social facts’. (Danforth (1995); p. 24.) Although it appears that the culturally distinctive characteristics of an ethnic community do not constitute an ‘objective’ truth and hence the classification of ethnicity seems to be based on factors of ‘imagination’ and ‘ascription’, the ethnic categorization constitutes genuine and existent social formations. Danforth argues that it needs to be stressed ‘that “invented” and “imagined” are to be understood in the sense of “constructed,” “fashioned,” or “created,” not in the sense of “imaginary,” “false,” or “unreal.”’ (Danforth (1995); p. 24.) See also Baumann (1999); p. 64.

¹⁴⁸ Besides the perception of culturally distinctive characteristics, the belief in a common origin seems to constitute a fundamental characteristic within the ethnic imagination. Gudmundur Hálfðanarson claims that ethnic communities ‘trace their collective development through time in order to explain their alleged characteristics and peculiarities in the present.’ (Hálfðanarson (2000); p. 9.) The perception of the culturally distinctive characteristics of the ethnic community is linked to the idea of a ‘collective development through time’ of the members of the ethnic community. Anthony Smith also emphasizes how the belief of a ‘collective development through time’ is considered to be constitutive to the collective cultural identity of the ethnic community. (See Smith (1996); p. 583.) This idea of the common origin of a certain ethnic community evolves – or can evolve – into a belief of kinship and racial similarity between the members of the ethnic community. (See Balibar in Balibar and Wallerstein (1991); p. 100.)

The perception of racial similarity between the members of a certain ethnic community is constitutive for the perception of “phenotypical similarities” of the ethnic community. (See the definition of ethnicity as formulated by Wimmer (2008); p. 973 – 974.) The idea of racial similarity is, however, not always necessary and present within the ethnic imagination. See Eriksen (1993); p. 7: ‘Ideas of ‘race’ may or may not form part of ethnic ideologies, and their presence or absence does not seem to be a decisive factor in interethnic relations.’

Finally, it should be stressed that the racial category or the perception of racial similarity is not fixed and rigid – just as the perception of culturally distinctive characteristics of a given ethnic community. The racial classification is a process of ascription that has been socially constructed as well. Wimmer emphasizes in relation to Kosovo that racial categorization stems from social construction: ‘[D]istinguishing between race as fixed, imposed, and exclusionary, on the one hand, and ethnicity as fluid, self-ascribed, and voluntary, on the other hand, would not do justice to constellations (such as among

4. *Ethnos and Demos: The Emergence of Ethnic Nationalism*

Before I will go into the formation of the ethnic boundary and the construction of ethnic foundations, I will attempt to demonstrate the potential incentives for certain actors to pursue certain forms of ethnic differentiation. The rise of the nation-state in the nineteenth century¹⁴⁹ 'provided new incentives for state elites to pursue strategies of ethnic – as opposed to other types of – boundary making. [...] [T]he principle of ethnonational representativity of government – that like should rule over likes – [had become] de rigueur for any legitimate state. It provided the main institutional incentives for state elites to systematically homogenize their subjects in cultural and ethnic terms'.¹⁵⁰ In addition, the institution of the nation-state also provides incentives for the members of the ethnic minority and the population at large to pursue or to adopt certain forms of ethnic differentiation.

The twentieth-century philosopher Etienne Balibar addresses in his work 'the reciprocal interaction, between the *two* notions of the people: that which the Greek language and following it all political philosophy calls *ethnos*, the "people" as an imagined community of membership and filiation, and *demos*, the "people" as the collective subject of representation, decision making, and rights.'¹⁵¹ Balibar refers to an intrinsic link between the perception of a certain collectivity as an ethnic community and the political realization of this given community. The *ethnos* as described by Balibar closely resembles the ethnic community; but how does the ethnic imagination relate to the political realization as embodied in the *demos*?

Within the ideology of nationalism, the nation is perceived as the sole legitimate political entity in the functioning of the state. The nation is perceived to constitute the legitimate 'basis and origin of the political power'¹⁵² within the nation-state. Nationalism hence establishes the connection – on the basis of the allocation of the right to political self-determination – between the *ethnos* and the *demos*.

'Nationalism is the political principle according to which "the political and the national unit should be congruent" (Gellner 1983:1). Nations, in other words, should have the right of self-determination, the right to exist as sovereign and independent states. [...] The goal of nationalist movements is to "turn the ethnic group into that more abstract and politicised category, the 'nation,' and then to establish the latter as the sole criterion of statehood" (Smith 1981:xii). Their goal, in other words, is to create a territorially bounded political unit, as state, out of a homogenous cultural community, a nation. A state that emerges from a successful nationalist movement is known as a nation-

Serbs in Kosovo, Albanians in Serbia) where ethnic groups experience degrees of forced segregation, exclusion, and domination usually associated with race.' (Wimmer (2008); p. 974.).

¹⁴⁹ See the work of Gellner (1983) and Hobsbawm (1990).

¹⁵⁰ Wimmer (2008); pp. 990 – 991.

¹⁵¹ Balibar (2004); p. 8.

¹⁵² Balibar in Balibar and Wallerstein (1991); p. 94.

*state – a state, that is, whose political boundaries are the same as those of the nation, a state whose population is homogeneous, whose inhabitants are all members of the same nation.*¹⁵³

Through the ideology of nationalism, the demand for political self-determination and autonomy arises within the ethnic imagination. When the ethnic group becomes to perceive itself as the legitimate basis of the political authority in the state, it transforms into a national community. Loring Danforth defines the difference between the ethnic group and the nation as an effect of politicization:

*'In spite of the similarities that exist between the concept of the ethnic group and that of the nation, several important differences between the two should be noted as well. These differences generally involve size, degree of politicization, and relationship to a specific territory. Nations are large, politicized ethnic groups associated with specific territories over which they seek some degree of autonomy. Nations, as opposed to ethnic groups, in other words, are people who exercise, or hope one day to exercise, sovereignty over a given territory.'*¹⁵⁴

When from the ethnic imagination a certain demand for political self-determination or autonomy emerges, the ethnic group transforms into a national community. The demand for the political realization of the ethnic community will refer to a certain territory over which the ethnic community hopes to constitute its sovereignty.¹⁵⁵ The demand for political self-determination hence forms the link between the ethnic community (*ethnos*) and the political representation of this community in the form of the *demos*. The nationalist principle prescribes that the right to political self-determination and political representation (*demos*) is reserved to the members of the ethno-national community (*ethnos*).¹⁵⁶

The legitimacy of the political authority in the nation-state derives from the potential to form a genuine representation of the (ethno-)national community. Since only the nation is perceived to constitute the legitimate foundation for political authority, the necessity arises to create a nation corresponding to the state; that is: the necessity to establish a link between the *ethnos* and the *demos*.¹⁵⁷ 'Why should the establishment of any particular sovereign state within the interstate system create a corresponding 'nation', a 'people'? [...] States in this system have problems of cohesion. Once recognized as sovereign, the states frequently find themselves subsequently threatened by both internal disintegration and external aggression. To the extent

¹⁵³ Danforth (1995); p. 14. It should be noted that the ideal of the 'homogenous cultural unity' is the goal and ambition of the nationalist movements. It should, however, be questioned if the realization of a pure homogenous cultural unity is even possible or realistic. As mentioned before, the ethnic community does not necessarily constitute a homogenous cultural unity with culturally distinctive characteristics. The important factor within the ethnic imagination is the perception that the ethnic group constitutes a homogenous cultural unit. On this same basis, Danforth questions even the possibility of the realization of a homogenous cultural nation-state. See Danforth (1995); pp. 14 -15.

¹⁵⁴ Danforth (1995); p. 14.

¹⁵⁵ However, only ethnic groups of a certain size will be considered able to constitute as a full-fledged national community. See on this 'threshold principle' the work of Eric Hobsbawm (1990); pp. 31 – 38.

¹⁵⁶ See Balibar (2004); pp. 8 – 9 and Gellner (1983); p. 1.: 'Nationalism is primarily a political principle, which holds that the political and national unit should be congruent.'

¹⁵⁷ Balibar (2004); pp. 8 – 9.

that 'national' sentiment develops, these threats are lessened.¹⁵⁸ The creation of a corresponding nation, which considers itself represented, involved and decisive in the political authority, would prevent the dissolution of the state.¹⁵⁹ The ideal of the nation will provide the people with the incentives to protect the nation-state against any form of internal disintegration or external aggression. Hence, it is the institution of the nation-state that provides the state elites with incentives to create a corresponding ethno-national community in order to ensure the conservation of the state and the preservation of their own political authority.

By identifying its corresponding nation, the state simultaneously defines whom it does and does not represent. In the process of (ethno-)national identification, it automatically becomes clear who does (not) fulfil the ethnic characteristics and hence does (not) belong to the ethnic and national community.¹⁶⁰ The ethnic classification thus forms simultaneously a category of inclusion and exclusion.¹⁶¹

*'As the state creates the nation and welds by force if necessary a heterogeneous population into a unified body politic, some people, whose culture does not conform to the new national culture, will inevitably be left at the margins of the nation-state. At one level these people will be rejected and excluded, while at another they will be simultaneously assimilated and incorporated. It is precisely these people who eventually constitute the national minorities that are so threatening to the legitimacy of the nation-states.'*¹⁶²

Wimmer argues that the institution of the nation-state also provides incentives for the members of a national minority¹⁶³ to emphasize the ethnic distinction – and hence to engage into a process of ethnic boundary formation. 'The principle of ethnonational representativity can be "turned on its head" by applying it to the minorities themselves. Minorities can thus be transformed, through a strategy of normative inversion, into "nations" [...] Evoking the logic of ethnonational representativity, they can demand an independent state

¹⁵⁸ Wallerstein in Balibar and Wallerstein (1991); p. 81.

¹⁵⁹ See also Danforth (1995); p. 20.: 'In order to legitimate itself, the state needs to create a nation whose interests it will represent.'

¹⁶⁰ See Danforth (1995); p. 20.: 'The process of nation formation, like many other social and cultural processes, is oppositional in character. A nation is defined through a process of exclusion; a self is defined in opposition to an other. The first and easiest task of nationalist movements is to stimulate "popular alienation from a foreign-dominated political order" (Geertz 1973c:240), to convince people, in other words, of what they are not. Then, and only then, can national movements begin the far more difficult task of defining a collective subject, convincing people, that is, of what they are. Nationalist movements, therefore, are twofold in nature. First they define and reject a national other, then they define and create a national self.'

¹⁶¹ See also Wimmer (2006).

¹⁶² Danforth (1995); p. 20.

¹⁶³ However, minorities can as well be the dominant political actor in the nation-state and control the sovereign authority. (See for example the Tutsi minority in Rwanda before 1959 and after 1994, but also the Serbian minority in Kosovo which constituted the superior political community; especially since the abolishment of the political autonomy of Kosovo in 1989 until the beginning of the conflict in 1998.) The terms "minority" and "majority" refer within this argumentation to the superior political community; that is, the community whose interests are represented by the political leadership of the (nation-)state.

for their own group or at least fair representation within an existing state.¹⁶⁴ In accordance with the nationalist principle, the ethnic minority can claim the right to political representation or even political self-determination. The refusal of assimilation into the national majority or the resistance against political subjugation in the nation-state forms the basis for potential claims of political autonomy and separatism.¹⁶⁵

Besides the incentives for the state (elites) and the ethnic minorities to emphasize certain forms of ethnic differentiation, Wimmer recognizes that the institution of the nation-state 'also provides incentives to pursue ethnic boundary-making strategies [... f]or the population at large'.¹⁶⁶ By identifying and classifying themselves as members of the national majority, the nationals ascribe to themselves the political rights of the ethno-national community. The link between the *ethnos* and the *demos* guarantees that the rights of political participation and representation are restricted to the members of the ethno-national community. It is the classification according to the dichotomy of ethnicity that determines the allocation of these rights in the construction of the nation-state. By aligning with the national majority, the individual tries to ensure that he will not end up in the politically subjected position of the national minority community.¹⁶⁷

The institution of the nation-state provides many actors with the incentive to pursue certain forms of ethnic differentiation. 'The ethnic logic of the nation-state thus shapes the boundary-making strategies of many actors and comes to permeate many different social fields.'¹⁶⁸ Ethnic minorities identify and classify themselves as ethnically distinct in order to claim, in accordance with the nationalist principle, the rights of political participation and autonomy.¹⁶⁹ The population at large appeals to ethnic characteristics to ascertain the political rights restricted to the members of the national majority. And finally, when it is stated that the nation-state provides the state with incentives to appeal to a corresponding national community, this refers to the state elites that 'are encouraged to pursue the strategies of nation building'.¹⁷⁰

¹⁶⁴ Wimmer (2008); p. 991. See also Danforth (1995); p. 21.: 'Peripheral ethnic groups, which have come to be defined as national minorities in the politicized climate that characterizes the formation of nation-states, reject the legitimacy of the state on the grounds that is dominated by an alien group.'

¹⁶⁵ See also Danforth (1995); pp. 11 – 12.: 'Ethnic nationalism can therefore be seen as an attempt to maintain or to recreate a sense of identity and community in the face of the threat of cultural assimilation or annihilation.'

¹⁶⁶ Wimmer (2008); p. 991.

¹⁶⁷ Wimmer (2008); p. 999. Wimmer argues that national minorities are as well encouraged to attempt to become assimilated in the national majority for the same reason: 'Minorities are encouraged to cross the boundary into the national majority and pursue strategies of passing an assimilation that will overcome the consequences of the new structure of exclusion and discrimination'. (Wimmer (2008); p. 991.)

¹⁶⁸ Wimmer (2008); p. 992.

¹⁶⁹ See for example the present claims for political autonomy of the Serbian minority community within Kosovo, but also the claims for independence and political self-determination of the Albanian minority community up till 1999 within Serbia. (See the first chapter.)

¹⁷⁰ Wimmer (2008); p. 991.

5. Ethnicity and Power Relations: Drawing the Ethnic Boundary

The ethnic group is exclusionary by nature. The identification of individuals in terms of ethnic belonging takes the form of a process of classification according to the dichotomy of ethnicity, whereby individuals become categorized as being ethnic or non-ethnic. '[An ethnic community] is defined through a process of exclusion; a self is defined in opposition to an other.'¹⁷¹ Within the ethnic imagination, a categorical distinction defines which factors matter in the classification of the individual along the dichotomy of ethnicity. The categorical distinction indicates which "cultural differences are regarded as significant" – as Barth would say – or which characteristics are perceived as the culturally distinctive characteristics of the ethnic community. The categorical distinction constitutes a line of demarcation between the ethnic community and the non-ethnics, the others. But how does this ethnic boundary become defined and constructed?

The ethnic differentiation is not the result of objective differences between the members of various ethnic communities, but becomes socially constructed. The ethnic boundary is hence the result of certain power relations. In his article 'The Making and Unmaking of Ethnic Boundaries', Andreas Wimmer formulates a theory on the formation of ethnic boundaries and ethnic classification.

*'The theory assumes that ethnic boundaries are the outcome of the classificatory struggles and negotiations between actors situated in a social field. Three characteristics of a field – the institutional order, distribution of power, and political networks – determine which actors will adopt which strategy of ethnic boundary making. [...] If they want their preferred ethnic classification to be accepted by others and the associated boundaries of inclusion and exclusion generally enforced and socially respected, they have to convince others of their view of society. They thus have to enter a negotiation process with other actors that may prefer other types of boundaries.'*¹⁷²

The construction of certain schemes of identification, such as the ethnic dichotomy, is hence the outcome of a negotiation process, in which actors have to convince others of their view of society. Wimmer argues that actors will appeal to certain ethnic markers in order to further their own interests. '[A]n actor will prefer that level of ethnic differentiation that is perceived to further her interests'.¹⁷³ As shown, the nationalist principle provides various different actors with incentives to pursue specific levels of ethnic differentiation in order to realize their ambitions.¹⁷⁴ 'If they want their preferred level of ethnic differentiation to be accepted by others [...] they have to convince others of their view of society.'¹⁷⁵ Only when their preferred level of ethnic differentiation becomes the dominant frame in society, it becomes possible to realize their ambitions.¹⁷⁶

¹⁷¹ Danforth (1995); p. 20.

¹⁷² Wimmer (2006); pp. 970, 997.

¹⁷³ Wimmer (2008); p. 993.

¹⁷⁴ See paragraph 4: Ethnos and Demos: The Emergence of Ethnic Nationalism.

¹⁷⁵ Wimmer (2006); p. 997.

¹⁷⁶ See Eriksen (1993); p. 45 and Baumann (1999); p. 64.

Wimmer emphasizes the influence of power in enforcing a certain level of differentiation upon the social domain. '[T]he endowment with power resources [...] [determines] how consequential [a strategy of ethnic boundary making an individual will pursue] will be for others.'¹⁷⁷ The extent to which an individual has certain power resources to his disposal determines his possibilities to convince others or to enforce his preferred form of ethnic differentiation upon the social domain. According to Foucault, power manifests itself as the attempt and the potential to guide 'the possibility of conduct [of others] and putting in order the possible outcome.'¹⁷⁸ With this definition, Foucault indicates that power forms a process of influence, in which the actor exercising power tries to guide the conduct of others and to enforce his preferred ethnic classification upon others.

Some 'scholars working in the (neo-)Gramscian tradition [...] emphasize the overwhelming definitional power of dominant actors. Subordinates passively receive and internalize hegemonic discourses'.¹⁷⁹ These scholars argue that the frames and schemes that define the ethnic differentiation constitute a hegemonic discourse, defined by the dominant, more powerful actors and enforced upon the subordinates and the social domain. This analysis describes a total submission of individuals with limited access to certain power resources or the schemes and discourses constructed by the dominant actors, 'thus leaving no room for autonomous agency'.¹⁸⁰

Foucault, on the contrary, argues that power relations necessarily presume the 'possibility of resistance'.¹⁸¹ Although the individual is brought into submission to certain schemes upheld in the social domain, the individual is not an unfree subject. 'Power is exercised only over free subjects and only insofar as they are free. By this we mean individual or collective subjects who are faced with a field of possibilities in which several ways of behaving, several reactions and diverse comportments, may be realized.'¹⁸² Power relations are not fixed and rigid and therefore always leave the opportunity for the subject to act free and self-determining.¹⁸³ There is a possibility for the individual to resist the hegemonic discourses and develop counter-discourses. '[S]ubordinates may develop counterdiscourses and other modes of dividing the social world into groups than propagated by the dominant actors'.¹⁸⁴

Wimmer argues on a seemingly similar basis that the establishment of certain schemes is not the result of certain hegemonic discourses enforced upon the social domain by the dominant, more powerful actors. The

¹⁷⁷ Wimmer (2008); p. 994. 'Obviously enough, only those in control of the state apparatus can use the census and the law to enforce a certain boundary. Only those in control of the means of violence will be able to force their ethnic scheme of interpretation onto reality by killing "Catholics," "Shiites," or "Furs," [the latter is an ethnic group in the region of Darfur in Sudan] or resettling "Tatars" and "Germans" à la Stalin, thus making Catholics, Shiites, Furs, Tartars, and Germans. Discrimination by those who control decisions over whom to hire, where to build roads, and whom to give credit is much more consequential than the discriminatory practices of subordinate individuals and groups.' (Wimmer (2008); p. 994.).

¹⁷⁸ Foucault (1982); p. 789. See also Foucault (1984); p. 196.

¹⁷⁹ Wimmer (2008); p. 997.

¹⁸⁰ Wimmer (2008); p. 998.

¹⁸¹ Free translation from Foucault (1984); p. 197.

¹⁸² Foucault (1982); pp. 789 – 790.

¹⁸³ Foucault (1982); p. 790 and Foucault (1984); p. 197.

¹⁸⁴ Wimmer (2008); p. 995. See also Wimmer (2008); p. 998: '[S]ubordinates sometimes pursue counterhegemonic strategies such as boundary blurring, inversion, or crossing.'

construction of the ethnic boundary is not a linear process in which the dominant actors determine the form and level of ethnic differentiation. The process of convincing is not simply a process of overpowering or enforcing the preferred level of ethnic classification upon others. An exchange occurs between the various actors and in order for a certain level of ethnic differentiation to become accepted, it seems to be important that it meets the interests of the actors involved. '[A] consensus between individuals and groups endowed with different resources is more likely to emerge if their interests at least partially overlap and strategies of classification can therefore concur on a shared view.'¹⁸⁵ Thus, for a certain form of ethnic differentiation to become socially accepted 'at least a partial overlap' of interests seems to be fundamental.

On this basis, the ethnic group seems to form a community of shared interests that draws a certain boundary to disassociate itself from other actors and groups in order to realize the ambitions of the members of that community.¹⁸⁶ However, as has been argued, the ethnic group is a category 'of ascription and identification',¹⁸⁷ though not necessarily a category of self-ascription and self-identification. The ethnic differentiation can also be enforced on certain individuals and groups. Groups of individuals can be identified as fulfilling certain distinctive ethnic characteristics and hence be classified as belonging to a given ethnic community: the categorization does not need to be voluntary or self-ascribed. The ethnic classification of others can serve as a means of exclusion; for example by denying the ethnic others the right to equal political participation.

What can only be concluded is that certain interests – of the members of the ethnic community themselves and/or of individuals not belonging to the ethnic group – create the incentives for actors to constitute specific forms and levels of ethnic differentiation within the social domain. Solely on the basis of the shared interests of certain groups, ethnic distinctions seem to be created and ethnic boundaries seem to be drawn.

6. *Redrawing the Boundary*

The theory of Wimmer identifies certain factors that affect the process of ethnic boundary formation. In the present chapter, I have addressed the influence of the political institution of the nation-state – or the nationalist principle – and the effect of power relations on the process of ethnic identification. The nation-state provides certain incentives for actors on various levels to emphasize certain forms of ethnic differentiation. As a result of the nationalist principle, which prescribes that the right to political participation and representation is restricted to the members of the ethno-national community, interests arise to establish certain schemes of ethnic classification in the social domain. The power relations determine which form and level of ethnic

¹⁸⁵ Wimmer (2008); p. 998. 'Interest overlap does not necessarily imply that interests are identical, however. Quite to the contrary, a consensus may result from the "exchange" of different economic, political, and symbolic resources between individuals occupying different social positions. A partial overlap of interests therefore reflects a particular structure of inequality and political alliances in a social field.' (Wimmer (2008); p. 998.)

¹⁸⁶ This conception of the ethnic community as a community of shared interests is supported by amongst others Baumann [(1999); p. 64], Eriksen [(1993); p. 42 - 45] and Barth (1969).

¹⁸⁷ Barth (1969); p. 10.

differentiation will constitute the dominant discourse in the social domain; where the ethnic boundaries will be drawn; and which characteristics will become perceived as the ethnic markers. The ability to redraw the ethnic boundary results from the potential to address the structural factors underlying the ethnic differentiation; the incentives arising from the institution of the nation-state; and the power relations shaping the ethnic discourse.¹⁸⁸

Wimmer identifies various developments that could cause a change to the discourse of ethnic differentiation upheld in the social domain. A modification of the ethnic boundary results in his perception from a change in the 'field characteristics (institutional frameworks, power distributions, or political alliances)'.¹⁸⁹ This can be considered an institutional modification, dissolving the incentives deriving from the nationalist principle, and a change to the power relations, causing a disintegration of the consensus upon which the ethnic discourse had been founded.

An ethnic differentiation is based on a certain form of consensus to accept or to adopt the given form of ethnic differentiation, deriving from the shared interests of various actors. Only certain forms of interest will provide actors with incentives to establish or to accept certain forms and levels of ethnic differentiation. When the interests to maintain the ethnic division disappear, the resistance against the ethnic discourse will increase and hence potentially cause the ethnic differentiation to change. When a change in specific power relations occurs, the basis of the consensus underlying the ethnic discourse may alter. Different actors with different interests could come into play, who could no longer be convinced of the importance of maintaining the current form and level of ethnic differentiation. Not only could new actors with different interests come into play, but also existing actors pursuing counter-hegemonic discourses could gain an increased access to certain power resources by which the resistance against the current forms of ethnic differentiation would also increase. A change in the power relations could cause the rise of new and/or stronger actors with divergent interests leading to a potential alteration of the dominant ethnic discourse.

In addition, the actors that once have agreed upon the ethnic differentiation could also gain new interests contrary to the current ethnic discourse. On this basis they could also become inclined to readjust the current forms of ethnic differentiation in order to attempt to realize their ambitions. The emergence of interests transcending, and possibly even contrary to, the interests that used to provide the incentives for maintaining the ethnic differentiation could create a resistance against the current forms of ethnic differentiation and a potential redrawing of the ethnic boundary.

Certain interests are always at the basis of the formation and conservation of forms and levels of ethnic differentiation. When these interests decline or other interests – transcending and possibly even contrary to the preservation of the ethnic differentiation – prevail, the opposition against the dominant ethnic discourse may increase and the ethnic boundary may be redefined.

¹⁸⁸ See Wimmer (2008); pp. 1004 – 1005.

¹⁸⁹ Wimmer (2008); p. 1004.

7. Conclusion

Ethnicity defines the differences between certain groups of individuals, on the basis of the 'ascription and identification' of culturally distinctive characteristics. Ethnic identification is hence a process of boundary making in which the identification of individuals leads to a categorization and classification of the individual along the dichotomy of ethnicity. Ethnic identification constitutes a dividing practice, defining the difference between individuals based on the perception of distinctive characteristics. Which characteristics are perceived to mark the difference between certain ethnic groups has been socially determined.

I have argued that various interests play a role in establishing and sustaining certain levels and forms of ethnic differentiation. The institution of the nation-state – or the nationalist principle – provides incentives to actors on various levels to pursue or to adopt these levels and forms of ethnic differentiation. The idea that the right to political participation and self-determination is reserved for the members of the ethno-national community provides the incentives for these actors.

Power relations subsequently determine which form or level of ethnic differentiation becomes the social standard. Andreas Wimmer argued that if certain actors 'want their preferred ethnic classification to be accepted by others and the associated boundaries of inclusion and exclusion generally enforced and socially respected, they have to convince others of their view of society. They thus have to enter a negotiation process with other actors that may prefer other types of boundaries.'¹⁹⁰ For a certain level and form of ethnic classification to become the dominant discourse in the social domain, it seems to be necessary that at least a partial overlap of interests stimulates different actors to pursue the given form of ethnic classification. The dominant discourse does however not have to be accepted by every single person within the social domain, though the ethnic discourse will hold as long as the resistance against it will not be powerful enough.

A redefinition or redrawing of the ethnic boundary may emerge when new, more powerful actors with divergent interests come into play and oppose the dominant ethnic discourse. In addition, the resistance against the dominant discourse may also increase when actors that once were not powerful enough gain access to new power resources. These two possible developments demonstrate that shifts in the power relations can effect an alteration of the dominant discourses. Finally, I have identified a last development that may cause a redefinition of the ethnic boundary: the consensus that formed the basis for the dominant discourse can dissolve, when new interests transcending and contrary to the interests that provided the incentives to pursue the current form of ethnic classification emerge. Actors can become inclined to revise their strategies of ethnic boundary formation and oppose the prevailing ethnic division.

¹⁹⁰ Wimmer (2006); pp. 970, 997.

Integrating Insights – Overcoming the Division

1. Introduction

In Kosovo, a sharp division has transpired between the Albanian majority and the Serbian minority community in the North. At the end of the conflict, a large Serbian population has withdrawn north of the river Ibar. The Serbian community living north of the Ibar refuses to this day any form of cooperation with the Kosovo institutions and the international missions that support the declared independence of Kosovo and the (independent) Kosovo institutions. With the financial support of Belgrade, the Serbs in the North have maintained their own political structures, providing a judicial system, education and health care services.¹⁹¹ The refusal of the Serbian community to integrate into the Kosovo society and the continuing existence of the Serb-run structures result in a political institutional division in Northern Kosovo.

The continuing division between the Serb and Albanian communities is a determinative factor in the persisting instability in Kosovo's northern regions. Due to an ineffective implementation of the rule of law, the North remains an unsafe and insecure environment in which criminal organizations appear to operate freely.¹⁹² Besides, the North has to cope with poor socio-economic conditions and large-scale unemployment.¹⁹³ The political contestation over Kosovo's North seems to block the political aspirations towards European integration of the governmental authorities of both Serbia and Kosovo.¹⁹⁴

The division between the Serbian and Albanian communities occurs at both the ethnic and the political institutional level. Within the disciplinary chapters based on Conflict Studies and Philosophy, I have tried to address both levels. By means of Conflict Studies, I have demonstrated how the political institutional division in Northern Kosovo has been established and maintained on the basis of an ethnic segregation. Within the philosophical chapter, I have argued how forms and levels of ethnic differentiation are socially constructed, based as they are on certain interests that provide actors on various levels with incentives to pursue certain forms of ethnic classification. In addition, I have demonstrated how the nationalist principle, or the institution of the nation-state, stimulates actors with these interests to pursue certain forms and levels of ethnic differentiation. Through an integration of the insights of both disciplinary chapters, I will now attempt to demonstrate how both levels of division – *ethnic* and *political institutional* – are intrinsically interrelated.¹⁹⁵

In the first chapter I have already formulated some potential solutions to overcome the political institutional division in Northern Kosovo. By incorporating the philosophical insights on ethnic differentiation, I

¹⁹¹ ICG (2011); pp. 1 – 2.

¹⁹² ICG (2011) and interviews conducted with amongst others Interviews with Bajram Rexhepi, (10 April 2011) and the Dutch EULEX officers (18 April 2011).

¹⁹³ ICG (2011), UNDP (2010) and UNDP (2011).

¹⁹⁴ ICG (2011) and B92 (2011).

¹⁹⁵ Balibar would possibly speak of a 'reciprocal interaction' between the two levels. See Balibar (2004); p. 8.

hope to formulate an answer to the following question: ‘How can the [political institutional and ethnic] division in Northern Kosovo be overcome?’

2. *The Reciprocal Interaction between the Political Institutional and Ethnic Division*

The creation of the political institutional division and the formation of ethnic differentiation both seem to be related to the nationalist principle. In the philosophical chapter, the term political institutions was used to indicate that the political institution of the nation-state provides actors on various levels with incentives to pursue certain levels and forms of ethnic differentiation. The chapter on conflict studies presented the political institutional division as a division between opposing and counteracting political structures. In the present chapter, I will try to demonstrate how both the ethnic and the political institutional division are related to the nationalist principle and show that on the basis of the nationalist principle a reciprocal interaction between the ethnic and political institutional level seems to occur.

In the previous chapter, I have demonstrated that ethnicity is a ‘category of ascription and identification’,¹⁹⁶ by which boundaries are drawn between certain ethnic groups. The identification in terms of ethnicity hence constitutes a “dividing practice” through which individuals are being classified in terms of ethnic belonging. Certain interests provide actors on various levels with incentives to pursue certain forms and levels of ethnic boundary making. I have identified the nationalist principle – or the institution of the nation-state – as one of the most prominent and decisive factors in the formation of these incentives.

The nationalist principle holds that ‘the political and the national unit should be congruent’.¹⁹⁷ Etienne Balibar talks about ‘a reciprocal interaction between the two notions of the people: [...] *ethnos*, the “people” as an imagined community of membership and filiation, and *demos*, the “people” as the collective subject of representation, decision making and rights.’¹⁹⁸ Accordingly, the nationalist principle prescribes that the rights to political participation, representation and self-determination are reserved to members of the ethno-national community. The political institution of the nation-state provides the incentives to pursue certain forms and levels of ethnic differentiation.¹⁹⁹

However, the political institution mentioned in this context is different from the political institutions that oppose each other in Northern Kosovo and constitute the political institutional division. As has been indicated, it is the nationalist principle that provides the incentives to pursue certain forms of ethnic classification; it is hence the ambition to constitute a nation-state or to realize the political self-determination for the ethno-national community, rather than an actual political institutional structure. Therefore, it should be said that the

¹⁹⁶ Barth (1969); p. 10.

¹⁹⁷ Gellner (1983); p. 1.

¹⁹⁸ Balibar (2004); p. 8.

¹⁹⁹ A further elaboration and argumentation has been given in Section 4 of Chapter 2 above.

ambition to realize certain political institutions is constitutive of potential forms and levels of ethnic differentiation.

Simultaneously it appears that based on the nationalist principle certain forms and levels of ethnic differentiation are constitutive of political institutional divisions. From the nationalist principle, the ethnic community strives for political autonomy and political self-determination. As shown in the chapter on Conflict Studies, the Serbian minority community opposes the political authority and the political institutions of the Albanian majority population. The Serbian community in the North maintains its own political structures providing amongst others a judicial system, education, health care services and social security for the own community, with the – financial – support of Belgrade.²⁰⁰ The Serbian community hence refuses to integrate in the Kosovo society and to cooperate with the Kosovo institutions. It embraces its distinctive ethnic identity to claim the right to political self-determination on the basis of the nationalist principle.²⁰¹

‘The principle of ethnonational representativity can be “turned on its head” by applying it to the minorities themselves. Minorities can thus be transformed, through a strategy of normative inversion, into “nations” [...] Evoking the logic of ethnonational representativity, they can demand an independent state for their own group or at least fair representation within an existing state.’²⁰²

The Serb-run structures constitute political structures that form a genuine representation of the will of the local population – the Serbian majority community in Northern Kosovo.²⁰³ Since the Serb-run structures are only directed at and representative of the Serbian community, it could be argued that the political structures in the North constitute structures that are in accordance with the nationalist principle.

There is a distinction between the insights from the disciplinary chapters of Philosophy and Conflict Studies that concerns the use of the term political institutions in relation to the formation of ethnic differentiation or when referring to the political structures in Northern Kosovo. Within the philosophical reflection, the term political institution referred to the nationalist principle or the ambition of the realization of the nation-state as a political self-determination of the ethno-national community. When the political institutional division was addressed in the chapter of Conflict Studies, this referred to the division between the concrete political structures in Northern Kosovo. It is however clear that the political structures – and certainly the Serb-run

²⁰⁰ ICG (2005); p. 2; ‘[The] parallel Serbian government institutions [provide] education, healthcare, social security, justice and others’. See also ICG (2011); pp. 1 – 2.

²⁰¹ It is also necessary to mention the definition of ethnic nationalism as given by Danforth as a potential motive for the Serbian community to oppose integration into the Kosovo society: ‘Ethnic nationalism can therefore be seen as an attempt to maintain or to recreate a sense of identity and community in the face of the threat of cultural assimilation or annihilation.’ (Danforth (1995); pp. 11 – 12.)

²⁰² Wimmer (2008); p. 991. See also Danforth (1995); p. 21: ‘Peripheral ethnic groups, which have come to be defined as national minorities in the politicized climate that characterizes the formation of nation-states, reject the legitimacy of the state on the grounds that it is dominated by an alien group.’

²⁰³ ICG (2011); p. 20.

structures in Northern Kosovo – appeal to the right of ‘ethnonational representativity’²⁰⁴ as based on the nationalist principle.

Hence there appears to be a reciprocal interaction between the ethnic and political institutional level on the basis of the nationalist principle. On the one hand, the nationalist principle seems to provide the ethnic community with the incentives to pursue the realization of political participation, representation and self-determination; thus creating a potential political institutional division, since the ethnic communities will demand their exclusive political structures. On the other hand, the nationalist principle can provide the incentive to pursue certain forms and levels of ethnic differentiation in order to constitute and create an ethnic community; as mentioned in the philosophical reflection, the nationalist principle provides the state (elites) with incentives to create a corresponding ethno-national community. Just as the ethnic group demands – based on the nationalist principle – a corresponding nation-state, the nationalist principle makes it necessary for the political institutions to create or identify their corresponding ethno-national community. Hereby it can become necessary for the political elites to emphasize and pursue certain levels and forms of ethnic differentiation in order to show that the political institutions that they represent meet the nationalist principle. Hence, the nationalist principle constitutes a link between the two dimensions of the division in Northern Kosovo: the *political institutional* and the *ethnic* dimension.

3. *Overcoming the Division*

It is evident that the two disciplinary chapters highlight different aspects of the problem. While the chapter on conflict studies focussed on the specific *political institutional* division in Northern Kosovo, the philosophical chapter concentrated on *ethnic* division in general. Although each chapter describes different aspects of the problem, both dimensions of division in Northern Kosovo prove to be interrelated by means of the nationalist principle; a particular interaction appears to occur between the political institutional and ethnic level of division: it appears that both dimensions of the division reinforce each other.

In the philosophical chapter, I have argued that the emergence of interests transcending – or even contrary to – the interests that once provided the actors on various levels with incentives to pursue certain forms and levels of ethnic differentiation could possibly induce a redefinition of the ethnic boundary. In order to overcome the ethnic boundary, these new incentives have to increase in strength through the emergence of new actors and/or the growing power of existing actors in support of these divergent interests, or because these divergent interests supersede the previous interests of the dominant actors.²⁰⁵

In the chapter on Conflict Studies, I have tried to formulate an answer on the question ‘How to overcome the *political institutional* division in Northern Kosovo?’ The assumption that formed the basis for this question

²⁰⁴ Wimmer (2008); p. 991.

²⁰⁵ See Section 6 of Chapter 2 above.

was the assertion of the International Crisis Group that a solution to the current problems facing the North can only be reached by a gradual integration of the North into the Kosovo society.²⁰⁶ This would encompass an increased participation and integration of both the Serbian minority community and the Serb-run structures into the Kosovo institutions. Hence only solving the political institutional problems would provide a solution to the fundamental problems the North has to cope with.²⁰⁷

I have argued that underlying the refusal by the Serb community, living north of the Ibar, to cooperate with the international and Kosovo institutions and to integrate into the Kosovo society are deep ‘fears for domination and expulsion.’²⁰⁸ In addition, the nationalist principle provides the Serbian community with incentives to claim the right to political self-determination and autonomy and to refuse any form of integration into the Kosovo society. A gradual integration of the Serbian community and the Serb-run structures in the North would presumably only become possible when both these issues are being addressed and solved. Preserving the current Serb-run structures and incorporating them into the Kosovo institutions, instead of replacing them with new municipal structures, can possibly remove the fears of the Serbian community in the North.²⁰⁹

As indicated in the philosophical chapter, the emergence of new interests transcending – or even contrary to – the nationalist principle could lead to a potential modification of the incentives of the actors on various levels; they could possibly no longer be inclined to pursue certain levels and forms of ethnic differentiation. In addition, it has been demonstrated that the nationalist principle provides actors with incentives to pursue the political realization of the ethnic community in terms of political autonomy or self-determination. The emergence of new interests could hence lead as well to the dissolution of the political institutional division. Providing a genuine solution to the fundamental problems facing the North could constitute such an interest transcending – or even contrary to – the nationalist principle.²¹⁰

In the chapter on Conflict Studies I mentioned a potential role for the European Union. From the reflection on the processes and developments leading to a potential redefinition of the ethnic boundary as has been given in the philosophical chapter, this role becomes clearly conceivable and intelligible. The EU could function as an external actor with divergent interests and might as well provide divergent interests to the existing actors

²⁰⁶ ICG (2011).

²⁰⁷ These problems are the poor socio-economic conditions and the ineffective implementation of the rule of law. In addition, I have argued that only by solving these problems and the political institutional division in Kosovo’s North the realization of the political aspirations of both governing authorities towards European integration would become within reach. See Chapter 1 above. See also ICG (2011); p. i.

²⁰⁸ ICG (2002); p. 11.

²⁰⁹ In addition, I have addressed the possibility of providing the North with a certain level of autonomy within Kosovo that may possibly meet the demands for political participation, representation and self-determination based on the nationalist principle.

²¹⁰ The provision of a genuine solution to the fundamental problems facing the North could constitute such an interest transcending – or even contrary to – the nationalist principle for actors on various levels; amongst others the population at large (both the Serbian and the Albanian communities), the political elites (the governing authorities of both Serbia and Kosovo) and the international actors (the EU).

in place. The EU should emphasize that the realization of the political aspirations of the governing authorities of both Serbia and Kosovo towards European integration only becomes accessible by solving the fundamental problems of Northern Kosovo: the poor socio-economic conditions, the ineffective implementation of the rule of law and the political institutional division in the North. Solving the latter problem would prescribe a gradual integration of the Serbian community and the Serb-run structures into the Kosovo society. On account of this condition, Belgrade would have to cut off its financial support to the Serbian community in the North and the Kosovo institutions would become enforced to incorporate the Serb-run structures instead of replacing them with new municipal structures.²¹¹

Here, two instances of the emergence of increased interests transcending – or even contrary to – the nationalist principle seem to occur; first of all a new powerful actor with divergent interests comes into play (the EU)²¹² and secondly the dominant actors – the state elites (the governing authorities of both Serbia and Kosovo) – gain new, divergent interests transcending their previous interests.²¹³ Supposedly, there is still a third possibility for emerging increased divergent interests: actors that are already in play could gain an increased access to certain power resources. The EU could also play a crucial role in this scenario by supporting politically moderate parties or actors that oppose the preservation of the political institutional and ethnic division.²¹⁴

Recall the purpose of raising the question ‘How to overcome the political institutional and ethnic division in Northern Kosovo?’ As shown, the persistent division blocks a genuine solution to the fundamental problems facing Kosovo’s North. Such a solution seems require that the political institutional division should be overcome. The question also had an even more fundamental purpose: overcoming the division would possibly reduce the potential of renewed inter-ethnic violence.²¹⁵

In the present chapter I have argued that the emergence of new interests contrary to the nationalist principle could lead to a rapprochement of the political authorities and structures, and to less emphasis on ethnic differentiation between the Serbian and Albanian community. It is not so much necessary to actually redraw the ethnic boundary; rather, it should be stressed that the ethnic differentiation does not stand in the

²¹¹ See Section 5 of Chapter 1 above.

²¹² See Wimmer (2008); p. 1005 and Kymlicka (2007); chapter 6. It should be noted that the other international missions could also be regarded as similar external actors, with divergent interests.

²¹³ The population at large could as well be comprised in this category of dominant actors gaining interests diverging from the interests that once gave them the incentives to pursue ethnic differentiation and the realization of political structures reserved to the members of the ethno-national community. The provision of a potential solution to the fundamental problems could constitute these divergent interests.

²¹⁴ In this context, I would like to mention the work of the non-governmental organization Community Building Mitrovica (CBM). Considered to be one of the leading organizations in Kosovo that advocates the necessity of inter-ethnic cooperation and interaction to solve the fundamental problems facing Kosovo’s North and the entire region. I have had the pleasure to observe their work for two months in 2011 and they have convinced me of the potential among the civilian population to work towards a solution, independent of, and sometimes even contrary to, the political institutions, which persistently oppose each other, thus hindering the possibility of a solution for Northern Kosovo.

²¹⁵ This assumption would however need more research and argumentation. I have already hinted at this in Section 5 of Chapter 1 in relation to a possible partition along the Ibar.

way of increased communication, cooperation and rapprochement between both ethnic communities.²¹⁶ The relevant goal is to ensure that the ethnic division will no longer strengthen the political institutional division; the purpose hence would be to contest the nationalist principle, so that the need for the congruence between *ethnos* and *demos* will be removed and ethnic groups no longer will pursue the realization of political structures reserved to the members of the ethno-national community.

The ultimate goal of the rapprochement of both sides is the provision of a genuine solution to the fundamental problems facing Northern Kosovo and a gradual integration of the Serb-run structures by which the political institutional division would gradually dissolve.²¹⁷

4. Conclusion

Through an integration of the insights of the chapters on Conflict Studies and Philosophy, it has become possible to formulate an answer on the question 'How to overcome the political institutional and ethnic division in Kosovo?' The two disciplinary reflections focussed on different aspects of the problem; in the integration, it became fully clear that both aspects are interrelated and mutually reinforce each other. Central to the interaction of the political institutional and ethnic dimension of the division is the nationalist principle.

In the philosophical part, I have elaborated a model for the possible redefinition of ethnic boundaries; the emergence of interests transcending – or even contrary to – the interests that provide actors on various levels with incentives to pursue certain forms and levels of ethnic differentiation may lead to less emphasis on the ethnic difference and possibly even to a redefinition of the ethnic boundary. By identifying the reciprocal interaction between the political institutional and ethnic dimensions, it became possible to adopt this same model as a possible method to overcome political institutional division as well.

In the integration, it was finally shown how the solutions suggested in the chapter on Conflict Studies may contribute to overcoming the political institutional and ethnic division in Northern Kosovo: a genuine solution to the fundamental problems facing Northern Kosovo may constitute an interest transcending – or even contrary to – the interests that presently motivate the relevant actors to maintain the political institutional and ethnic division. Notably, the shared political aspirations towards European integration of the governing authorities of both Serbia and Kosovo could constitute such an interest and stimulate these actors to start to work collectively on a solution for the problems facing Northern Kosovo. In the process, the European Union could play a decisive role by pushing these governing authorities to work on a solution, by actively contributing to finding a solution (for example with the help of EULEX), and possibly even by supporting political moderates.

²¹⁶ See also the International Crisis Group, which argues that the continuing division in the North and the current status quo form 'the main obstacle to reconciliation'. ICG (2011); p. i.

²¹⁷ It is important to mention once again that a genuine solution to the problems facing Kosovo's North can never be created without a gradual dissolution of the political institutional division in Northern Kosovo. See especially Chapter 1.

The above ideas only constitute a first step toward a solution. As said, a sustainable solution can only be reached if the political institutional and ethnic division in Northern Kosovo is overcome. To actually reach this goal, the ideas must be translated into concrete plans of action. In addition, further research should be conducted on other aspects of the problems facing Kosovo; one may think of other possible causes underlying the problems and the political institutional and ethnic division; but also of other, alternative ways to overcome the current status quo. I have, by way of *action horizon*, identified six topics for further action:

1. Research on the potential existence of interests other than the nationalist principle that stimulate ethnic differentiation and the realization of political structures reserved to the members of the ethno-national community.²¹⁸
2. Research on the potential existence of other divergent interests that are transcending – or even contrary to – the interests that stimulate ethnic differentiation and the realization of political structures reserved to the members of the ethnonational community.²¹⁹
3. Further research on the correlation and reciprocal interaction between the two dimensions of division: the *ethnic* and the *political institutional*.²²⁰
4. Research on potential alternative methods for overcoming the political institutional and ethnic division.
5. Drafting the findings and insights of this reflection into concrete steps of action on the basis of the following questions:
 - a. How to provide a genuine solution for the problems facing the North? That is: (i) What can be done to resolve the poor socio-economic conditions? (ii) How can the North become a safe and secure environment? And (iii) How can an effective implementation of the rule of law in Northern Kosovo be realized?
 - b. How should the various actors (in particular the governing authorities of both Serbia and Kosovo, and the EU) proceed to enforce a gradual integration of the North into Kosovo?
6. More extensive research on the possibility of autonomy for the Serbian community in Northern Kosovo in return for a gradual integration of the Serbian community into the Kosovo society and of the Serb-run structures into the Kosovo institutions.²²¹

²¹⁸ In this context, one should think as well of the deep ‘fears for domination and expulsion’ (ICG (2002); p. 11.) underlying the rejection of the Serb community, living north of the Ibar, to cooperate with the Kosovo and international institutions and to integrate into the Kosovo society that possibly have been underexposed in this thesis.

²¹⁹ I would like to refer as well to point 6, which puts forward the possibility of autonomy for the North within Kosovo, which could in my perception constitute a potential solution to overcome the deep ‘fears for domination and expulsion’ (ICG (2002); p. 11.) among the Serbian minority community in the North.

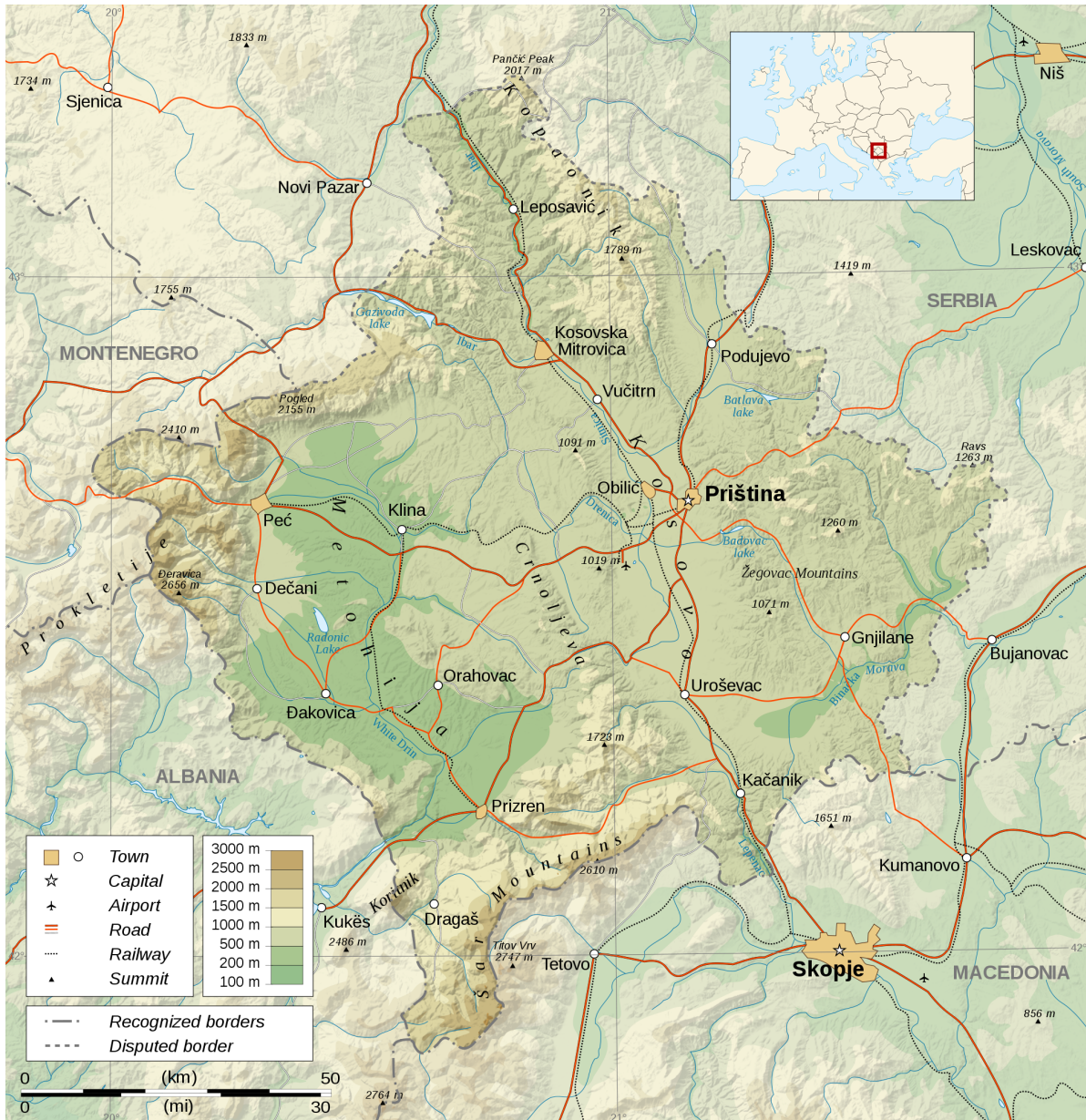
²²⁰ This correlation can be possibly be further elaborated through the research as described under point 1 and 2.

The prospect of a genuine solution to the problems facing Northern Kosovo and the political aspirations towards European integration could generate interests transcending – or even contrary to – the interests that stimulated actors to maintain the political institutional and ethnic division in Northern Kosovo. The division could hence be overcome by anticipating these potentially divergent interests. As argued, these interests could stimulate actors on various levels to adjust their actions and to work collectively towards a sustainable solution to the current political impasse. However, the responsibility lies at present with the dominant actors in play: in particular the governing authorities of both Serbia and Kosovo, but the European Union as well.

²²¹ I have already hinted at this possibility in Section 5 of Chapter 1. See also the parts on “decentralization” in the Ahtisaari plan, which hint at a potential correlation between increased integration and increased self-determination. (United Nations (2007); pp. 22 – 34.)

Annex

1. Map of Kosovo²²²



²²² Wikipedia (2011).

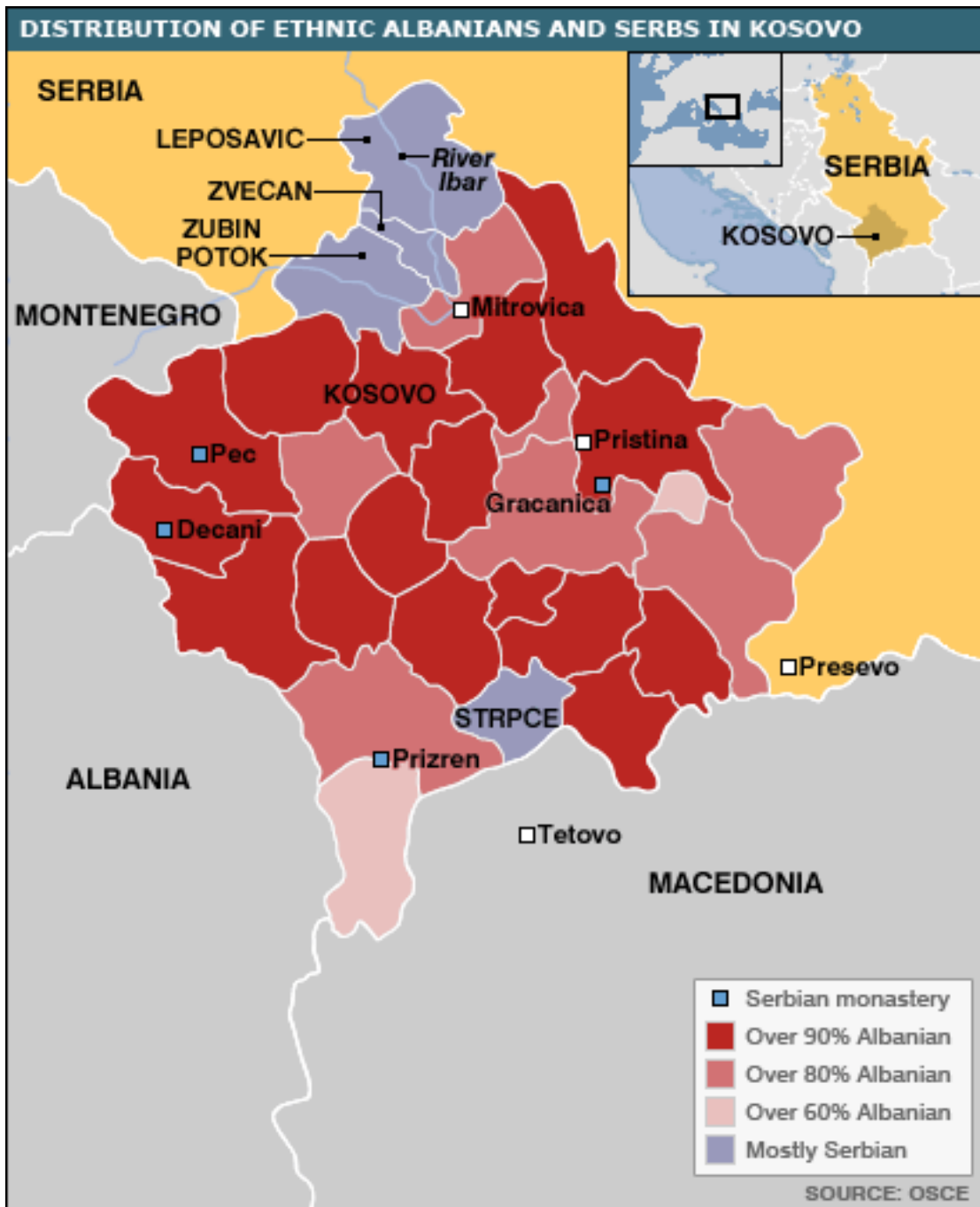
2. Map of North Kosovo²²³

APPENDIX B
MAP OF NORTH KOSOVO



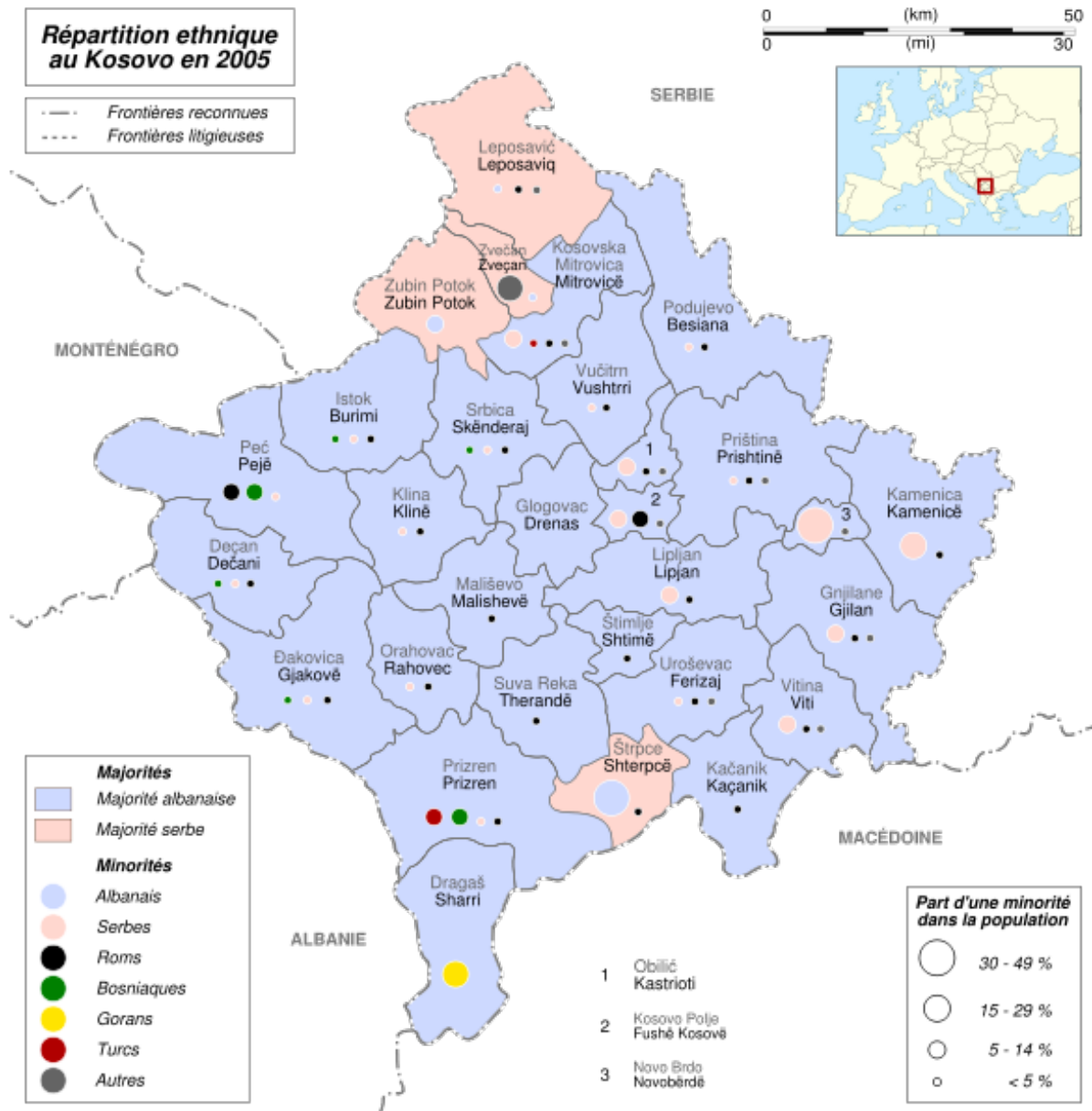
²²³ ICG (2005); p. 38.

3. The Ethnic Composition of Kosovo (post-conflict)²²⁴



²²⁴ OSCE

4. The Ethnic Composition of Kosovo (2005)²²⁵



²²⁵ RÉPARTITION ETHNIQUE AU KOSOVO EN 2005 (2005).

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INTERVIEWS

2010

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|----|-----------------|--|------------|
| 1. | Lawrence Rossin | Two time former Assistant Secretary General and Principal Deputy Special Representative of the Secretary General (PDSRSG) for the United Nations Interim Administration Mission in Kosovo (UNMIK), | 15 October |
| 2. | Uros Zver | NATO's Public Diplomacy Division, Spokesperson of NATO. | 15 October |

2011

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|-----|----------------------|---|-----------------|
| 1. | Ardiana Osmani | Project Assistant at Community Building Mitrovica. | March and April |
| 2. | Milos Golubovic | Project Assistant at Community Building Mitrovica. | March and April |
| 3. | Aferdita Syla | Project-coordinator at Community Building Mitrovica (20.. – 2010), Executive Director of Community Building Mitrovica (2010 – Present). | March and April |
| 4. | Sadri Ferati | Head of Executive Council of Municipality of Mitrovica (2005 – 2008), Minister of Local Government Administration in the Government of Kosovo (2008 – 2010), Chairmen of Mitrovica Forum. | 31 March |
| 5. | Avni Kastrati | Mayor of the Mitrovica Municipality (2010 – Present), Vice-Chairmen of Mitrovica Forum. | 1 April |
| 6. | Besim Holti | Spokesperson of Kosovo Police, Mitrovica. | 4 April |
| 7. | Milos Drazovic | Project-coordinator at Community Building Mitrovica; Project-coordinator Mitrovica Rock School. | 4 April |
| | Sokol Kuršumljija | President, LNGO Association for Peace Kosovo. | 4 April |
| 8. | Yannick du Pont | Interim project-coordinator for IKV Community Building Mitrovica Programme (2000 – 2001), Director of Spark (2007 – Present). | 6 April |
| 9. | Valdete Idrizi | Project-coordinator at Community Building Mitrovica (2001 – 2003), former Executive Director of Community Building Mitrovica (2004 – 2010). | |
| 10. | Wendy Hassler-Forest | Project Manager and Regional Representative Southeast Europe at Musicians without Borders; Project Manager Mitrovica Rock School (2008 – Present), Advisor to the CRYM Board. | 8 April |
| 11. | Bajram Rexhepi | Mayor of Mitrovica (1999 – 2001), Prime Minister in the Government of Kosovo (2002 – 2004), Mayor of Mitrovica (2007 – 2010) and Minister of Internal Affairs in the Government of the Republic of Kosovo (2011 – Present). | 10 April |
| 12. | Carel Brands | Development Co-operation Advisor at the Embassy of the Kingdom of the Netherlands, Pristina. | 12 April |
| 13. | - | Special Advisor to COM KFOR. | 12 April |
| 14. | Jeff Bielej | Deputy Head of Mitrovica Office of the International Civilian Office (and European Union Special Representative). | 14 April |

15.	Momcilo Arlov	Programme Director, Centre for Civil Society Development.	14 April
16.	Hasan Kelmendi	Representative of the United Nations Development Programme Kosovo, Mitrovica Field Office.	15 April
17.	Florije Sylaj	Financial director Community Building Mitrovica.	15 April
18.	Nexhmedin Spahiu	General Director at Radio Television Mitrovica.	15 April
19.	Daniele Pinzani	Senior Programme Advisor at Spark, Mitrovica and External Advisor to the Bridging the Divide project.	16 April
20.	Katarzyna Zaremba	Human Dimension Officer at OSCE Regional Centre Mitrovicë/Mitrovica, Kosovo.	18 April
	Katherine Nobbs	Human Dimension Officer at OSCE Regional Centre Mitrovicë/Mitrovica, Kosovo.	
21.	Dutch EULEX officers	Various Dutch EULEX agents momentarily operative at the Northern Custom Gates 1 and 31.	18 April
22.	Ljubisa Bascarevic	Senior Human Rights Assistant Regional Centre Mitrovicë/Mitrovica, Kosovo.	19 April
23.	Ruzica Bozovic	General Bridging the Divide Infrastructure Advisor and Architectural Advisor at USAID, Kosovo.	19 April
24.	Oliver Ivanovic	Leader of the Serb National Council Mitrovica (1999 – 2001), State Secretary in the Ministry for Kosovo and Metohija in the Government of the Republic of Serbia (2008 – Present).	20 April
25.	Naim Rashiti	Researcher at International Crisis Group (Balkans Analyst).	20 April
26.	Musa Mustafa	Journalist at Koha Ditore, Representative of the Kosovo-Albanian Media Sector at the Mitrovica Forum.	21 April
27.	Zeljko Tvrdisic	Editor in Chief of Radio Kontakt Plus, Kosovska Mitrovica, Representative of the Kosovo-Serbian Media at Mitrovica Forum.	21 April
28.	-	Official of the Municipal Preparatory Team, North Mitrovica.	22 April
29.	Remzije Istrefi	Project-coordinator Bridging the Divide.	26 April
30.	Vetone Veliu	Project-coordinator Community Building Mitrovica.	26 April.
31.	George Karan	Project-coordinator M-Magazine.	26 April
32.	Aferdita Syla	Executive Director Community Building Mitrovica.	26 April