

**CIVIC NATION BUILDING AS A TOOL FOR CONFLICT
TRANSFORMATION:
AN ANALYSIS OF THE AHTISAARI PLAN AND THE INDEPENDENCE
PROCESS IN KOSOVO**

by

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ABSTRACT

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M.A. in Conflict Analysis and Resolution

Supervisor: Prof. Fikret Adanır

Keywords: Kosovo, Ahtisaari Plan, Civic Nation, Nation Building, Third Party Intervention, Conflict Transformation.

This study investigates the civic nation building (CNB) process initiated by Ahtisaari Plan in Kosovo from a Conflict Resolution perspective. I treat nation building efforts of external actors as a form of structural third party intervention in post conflict and multi-ethnic divided societies, and I observe whether this process contributes to the transformation of the conflict. Special focus is placed on the Decentralization Laws and Special Protective Zones Law of Ahtisaari's Package and their impact on the relationships between Kosovo Albanians and Kosovo Serbs. Concretely, I examine whether the mechanisms provided by these laws contributed to transform the interethnic

relations based on competing nationalistic projects. For this purpose I study conflict transformations at structure, issue, actor and personal level.

For the analysis of structure and issue level a conflict mapping technique has been used in time-series. In-depth structured interviews have been implemented for the analysis of actor level and a survey among individual adults in Kosovo (Prishtina, Prizren, Mitrovica, Gracanica, and Peja) was conducted for measuring personal level transformations.

This research argues that civic nation building has chances to impact on the transformation of the conflict as long as, the third party intervening in the conflict considers and addresses different limitations found in the empirical case analyzed here. These limitations are: a risk of institutionalizing ethnicity, ‘a left-out dyad problem’ of the intervention, lack of involvement of actors in the macro-micro transfers, lack of bottom-up approach.

Despite the positive relationships found between conflict transformations and civic nation building (CNB), whether this kind intervention have been the promoter of these changes or not, is a question which remains open and demands further research and exploration.

ÖZET

UYUŞMAZLIK DÖNÜŞÜMÜ ARACI OLARAK VATANDAŞLIK TEMELİNDE ULUS İNŞASI: AHTISAARI PLANI'NIN VE KOSOVA BAĞIMSIZLIK SÜRECİNİN ANALIZI

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Anahtar kelimeler: Kosova, Ahtisaari Planı, Vatandaşlık Temelinde Ulus, Ulus İnşası, Üçüncü Parti Müdahalesi, Uyuşmazlık Dönüşümü.

Bu çalışma Uyuşmazlık Çözümü bakış açısından, Kosova'da Ahtisaari Planı tarafından başlatılmış vatandaşlık temelinde ulus inşası sürecini araştırmaktadır. Uyuşmazlık sonrasında ve çok etnisiteli bölünmüş toplumlarda dış aktörlerin ulus inşa çabalarını yapısal bir üçüncü parti müdahalesi olarak ele almakta ve bu sürecin uyuşmazlığın dönüşümüne katkı yapıp yapmadığını incelemekteyim. Ademi Merkeziyet Kanunları'na ve Ahtisaari Paket'inin Özel Koruyucu Bölge Kanunları'na ve bunların Kosova Arnavutları ve Sırpı arasındaki ilişkiler üzerindeki etkilerine belirgin bir vurgu yapılmaktadır. Daha somut olarak anlatmak gerekirse, bu kanunlar tarafından sağlanan mekanizmaların rekabet eden milliyetçi projelere dayanan etnisiteler arası ilişkileri dönüştürmeye katkı yapıp yapmadığını araştırmaktayım. Bu amaçla yapı, sorun, aktör ve kişisel düzeyde dönüşümleri incelemekteyim.

Yapı ve sorun düzeyindeki analiz için zaman serisi bazlı bir uyuşmazlık haritalandırması tekniği kullanılmıştır. Aktör düzeyinde analiz için derinlemesine yapılandırılmış mülakatlar gerçekleştirilmiş ve kişisel düzeydeki dönüşümleri ölçmek

için ise Kosova'daki (Priştina, Prizren, Mitrovica, Gracanica, ve Peja'da) yetişkinlerle ferdi anket yapılmıştır.

Araştırma, çatışmaya müdahale eden üçüncü parti bu ampirik çalışmada bulunan çeşitli kısıtlamaları dikkate aldığı sürece, vatandaşlık temelinde ulus inşasının uyuşmazlığın dönüşümüne etki etme şansının olduğunu iddia etmektedir. Bu kısıtlamalar etnisitenin kurumsallaşması, müdahaledeki “unutulmuş ikili problemi”, aktörlerin makro-mikro transferlere müdahil olmaması ve aşağıdan yukarıya yaklaşımın eksikliğidir.

Uyuşmazlık dönüşümü ve vatandaşlık temelinde ulus inşası arasında pozitif ilişkiler bulunmasına rağmen, böyle bir müdahalenin bu değişimleri teşvik edip etmediği tartışmaya açık olarak kalıyordur ve ileri düzeyde araştırma ve inceleme gerektiriyor.

To my both mothers, the tireless fighters for love, peace and freedom

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LIST OF ABBREVIATIONS

AAK	Alliance for the Future of Kosova
AP	Ahtisaari Plan
CN	Constitution
CNB	Civic Nation Building
EU	European Union
EULEX	European Union Legal Mission in Kosovo
FRY	Federal Republic of Yugoslavia
IC	International Community
KA	Kosovo Albanians
KFOR	Kosovo Force
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
KS	Kosovo Serbs
LDK	Lidhja Demokratike e Kosoves (Democratic League of Kosovo)
NATO	North Atlantic Treaty Organization
OSCE	Organization for Security and Cooperation in Europe
PDK	Democratic Party of Kosovo
SCT	Successful Conflict Transformation
SFRY	Socialist Federal Republic of Yugoslavia
SRSG	Special Representative of the [UN] Secretary-General
UCK	Ushtria Clirimtare e Kosoves (Kosovo Liberation Army)

UN	United Nations
UNMIK	United Nations Mission in Kosovo
UNSCR	United Nations Security Council Resolution
US	United States

Chapter 1

INTRODUCTION

The study of conflict resolution practices and theories applied to multiethnic divided societies has developed significantly since the early 1990s when the aftermath of the Cold War brought about the claims of national determination in the URSS and Yugoslavia. The Conflict Resolution field focused on explaining these processes, as well as the subsequent increase of the level of violence. Lately, the literature evolved towards the understanding of the intervention processes that address conflicts arose from these failing or collapsed states, as well as conflicts over competing national projects. In this sense, interventions occurred in places like Iraq, Afghanistan, Bosnia, Kosovo, East Timor were known in the conflict resolution field as ‘state-building’ or ‘nation building’ processes (see Zartman 1995, Dempsey 2001, Dobbins 2003 and 2004 Fukuyama 2004 and 2006, Chesterman 2004, Caplan 2005, Bickerton 2005, Chandler 2006, Zaum 2007). However, state-building and nation building interventions present different characteristics that, as it will be discussed here, require more precise theoretical understanding than the approach of previous literature. This study therefore, introduces *civic nation building* as third party intervention with the ambition of meeting this goal of bringing up new theoretical constructs. The specific case in question to which this different theoretical perspective will be applied is the Maarti Ahtisaari intervention in Kosovo and the independence process which resulted as a consequence.

This research focuses on Kosovo since the declaration of the Independence and subsequent implementation of the Ahtisaari Plan (AP). This plan expresses a new kind of intervention which aims at constructing a state identity. This type of intervention will be referred here as ‘nation building processes’. Nevertheless, as we shall see, this study will focus in one peculiar nation building process, a ‘civic’ one. This new enterprise started to be in process of negotiation since three years ago (February 2006) yet, this study will focus only from the period in which this intervention started to be effectively implemented so the Kosovo declaration of Independence the 17th of February of 2008

up to June 2009 which marks the 10 years after the UNMIK establishment in Kosovo and the successful deployment of EULEX in North Mitrovica border with Serbia. The ‘civic nation building’ under implementation is understood here as aiming at ending the roots of a long-lived conflict between Kosovo Albanians and Kosovo Serbs regarding – mainly-the competition between two different national projects.

1.1. The Aim of This Study

The endeavor of this research is to explore the scope and limitations of a ‘civic nation building intervention’ on the successful transformation of a conflict in multiethnic divided societies. This “civic nation building” is conceived as a structural third party intervention and their contribution to different aspects of conflict transformation process (changes in the structure and issues, and changes in decision makers and population). By studying the Kosovo’s conflict I will observe whether there is any chance for this kind of interventions to succeed in the goal of transforming the very roots of the conflict and therefore guarantee a sustainable peace in the territory.

Different studies of *nation building* process have been done in the field of History, Political Science and International Relations; however, its dimension as conflict resolution (CR) tool has not been yet examined sufficiently in existing literature. Therefore, this study aims at providing an analysis of nation building from a CR perspective, treating nation building as a form of structural third party intervention in multiethnic and post conflict societies. In my research the nation will be defined as ‘civic nation’ with the observance of some cultural elements as: symbols and cultural and historical background of the different ethnic groups. The focus of the study is not only on the process of the intervention, but particularly on its outcome.

This work is based on theories that discuss the main characteristics of nation-building processes, particularly those focusing on ‘civic nations’ with a special ambition in differentiating nation-building processes of those generally known as state building practices. As second step, the theoretical discussion incurs on exploring the theories on third party interventions aiming at bringing nation-building debate amid this cluster.

After establishing conceptual clarifications regarding a different sort of external third party interventions, the theoretical frameworks deepen the understanding of conflict transformation processes. The exploration of the impact of civic nation-building processes on successful conflict transformation processes is embedded in the arguments bridge among this theoretical plethora.

Throughout the analysis of the implementation of Ahtisaari plan in Kosovo, the reader will observe the structural measures that the process has undertaken, particularly regarding decentralization and protection of cultural heritage. The selection of these aspects guards a strong relationship with a sensitivity regarding the aforementioned two competing national projects. The journey will continue with the exploration of the changes that those measures have originated at the macro and the micro level. Therefore, the reader will encounter a comparison between former and new structures as well as issues; and the observation of decision makers and population's perception regarding the structural measures implemented by the intervention.

From this long journey, the study seeks to draw conclusions on the capacities of this kind of intervention for generating macro and micro levels transformations in the conflict. Furthermore, at a theoretical level, the findings of this study will reflect the possibility of positive relationship between the civic nation building and conflict transformation. At a practical level, the findings suggest a course of action for this sort of interventions and will show its scope and limits.

1.2. Significance of the Study

The significance of my study is twofold. Theoretically, this research clarifies intermingled conceptualizations such as state building and nation building, providing the field of conflict resolution with clear cut theoretical constructs for the analysis of third party interventions. Moreover, it explores the use of two sensitive concepts as 'civic nation building' and 'successful conflict transformation' contributing to the literature with more operationalized concepts. Similarly, this research brings about a discussion between the transfers of macro level impact on micro level aspects of the conflict as

much as its mutual enforcement. The need in the field of conflict resolution for these kinds of discussions has remained not properly addressed; this study hopes to contribute to generating conclusions in this regard.

Empirically, this research's humble ambition is to establish some guidance for foreign policy and future intervention process in conflicts in multiethnic and divided societies. Moreover, this research points out, particularly, the scope and limitations of interventions which aim at constructing a common identity among the divides.

1.3. Outline of the Study

This first chapter of my study provides a general overview to the main arguments of my research, its significance and aims as well as a summary of all chapters of this study.

Chapter two discuss the literature related to my research and the different theoretical frameworks used to bridge arguments, findings, and conclusions.

Chapter three introduces the methodology for data collection and analysis developed throughout my research.

Chapter four presents the case of Kosovo and its historical, cultural and political background.

Chapter five develops the analysis of the four dimensions of the successful conflict transformation treated here: structure level, issue level, actor level, and personal level.

Chapter six introduces conclusions regarding the findings and discusses the pertinence of the theoretical constructs.

Chapter 2

Literature Review

Nation Building, Civic Nation Building Third Party Intervention, Structural Intervention, Conflict Transformation

2.1. Nation Building

The academic debate on nation building began among historians and political scientists the discussion on the origin of the nations, and the nature of nationalism. Nation building was conceptualized as the process of political self determination of a certain ethnic group (Gellner 1983, Smith 1986, Connor 1993, Horowitz 1985). Other authors have referred to the process of nation building as “the determination of the self of the nation” regardless its ethnic origin (Norman 2006, Kohn 1944, Anderson 1991, Breully 1996, Kymlicka 1995). However, in both understandings the idea implicit is that nation building process requires a definition both of ‘the Self’ and of ‘the Other’. Hence, “[t]he process of becoming “us” is inexorably linked to the creation of the “other”” (Reicher 2004 in Cook-Huffman 2009:27, see also Triandafyllidou 1998). Nation building is, then, a process of national identity construction which distinguishes ‘us’ from ‘them’, implying the differentiation between an ‘in-group’ and an ‘out-group’ exists. The self-differentiation involves the decision of who will be ‘among us’ and who will be ‘outside’. Some authors are of the opinion that such differentiation evolves through a process of emphasizing ‘ethnic’ and cultural elements of the group or through the overarching category of ‘civic’ values and institutions by which cultural components are therefore denied. Out of this understanding, Kohn (1944) was the first to elaborate on the distinction between ‘ethnic’ and ‘civic’ nations. Nonetheless, he categorically lines up the divide between an understanding of positive developments in one (civic nation) and negative ones in the other (ethnic nations). Some scholars (Ignatieff 1994, Kuzio 2001) have related this distinction with the idea of ‘inclusive’ and ‘exclusive’ nations. There are also authors (Yack 1996, Kymlicka 1995, Kuzio 2001, Polese 2008,

Brown 1999, Nieguth 1999, Kedourie1993, Smith 1986, Kuzio 2002) who do not believe in such a distinction between civic and ethnic nations by arguing that all civic nations have an ethno-cultural background.

This study takes from this debate the elements that each perspective has found in each type of nation. In the first case, ethnic nations, the ethnic elements as memories, heritage, history and culture, language and common descendents give reason to the existence of the nation (Smith 1991, Connor 1972, Horowitz 1985). In civic nations, civic elements as civic identity, the acceptance of the multiethnic reality, common rights and duties, national defense and security, inclusive membership to the territory (Kohn 1944), civic and political institutions, citizenship (Kymlicka 1995, Norman 2006) are the defining elements of the nation. In the third path, authors such as Kymlicka (1995), Kuzio (2002), Polese (2008), Yack (1996) and Smith (1991) argue that civic nations have acquired “inherited cultural baggage” and that their development was “contingent on their peculiar histories” (Yack 1996: 196-197) or are embedded in an existent or imagined past/history (Anderson 1991). In this sense, the debate in the field of history and political science between a primordialist perspective of nation –in which nation is understood to lie in this cultural or ethnic given background- and instrumentalist/modernist perspective –in which nation is understood to be able of being constructed- left conflict resolution with a strong legacy, the information that nations can in fact be constructed.

2.1.1. Nation Building as intervention

The understanding of nation building, as an external intervention able to palliate conflict, departs from the abovementioned legacy that other social sciences have inherited to conflict resolution.

Thus, nation building has been used as a tool for intervening in a conflict, although some conceptual confusion started to arise in the literature. For instance, nation building was in vogue in the 50/60's, associated with the *development and modernization* of the newly decolonized countries (Deutsch 1963) (Hippler 2005). However, the latest theoretical and practical implementations of the concept added more

complexity to the use of nation building as a term to represent any sort of external intervention.

In this sense, nation building is regarded by Robert Rotberg (2004) as a *process of reconstructing failed states*. Rotberg is probably the most noticeable author of the new trend on the use of the concept of Nation Building outside of its former historical and political connotations on the nationalism debate; and probably the key exponent treating nation building as state building. Rotberg's concern is deliberately related to the effects of what is called 'the new terror area', as clearly states his article "*Nation building in a time of Terror*". Therefore, it seems that nation building in times of terror requires particular measures related to reconstructing states that are vulnerable to this new challenge.

In similar line of thinking, Fukuyama (2006) treats nation building as a process of *political construction* and makes an attempt to differentiate nation building from state building. The author associates state building with restoration of the old political structures, and nation building as the formation of new political structures. However, in same line that Rotberg, he links this need of political construction with failed states without deeply analyzing nation building as a process of state identity formation. In this sense, the differentiation between state building and nation building does not obtain the clarity we are expecting to find for the concept.

Similar to Rotberg and Fukuyama, authors such as Dobbins (2001, 2003, 2005), Cabe (2002), Jennings (2003), Berger (2006) use the term 'Nation Building' where they actually mean 'State Building'. When Dempsey and Fontaine (2001) describe nation building as *the most intrusive form of foreign intervention*, they are also referring in fact to state building processes that, like in Dobbins, posse a strong security component. The authors claim that "[n]ation-building is the massive foreign regulation of the policymaking of another country...which entails the replacement or creation of governmental institutions and leadership that are liked by intervener... and which requires a substantial military presence to impose the nation building plan on the target country." (Dempsey and Fontaine 2001:2). James Dobbins and others of Rand Cooperation, make instead more emphasis on the *democratization* process. Therefore,

nation-building is regarded as the use of armed force to forge and sustain democracy in a post conflict environment. (Dobbins 2001, 2003, 2005)

Not surprising then, Ignatieff (2003) compares a foreign involvement in nation-building with one of 'empire' but of a 'lite' version. Thus, nation building is seen as a new kind of *imperialism*. Therefore, according to the author, the state building measures are taking mostly by force. The intervention becomes a total change of state structures without any further goal of embracing divided communities under a peculiar state identity.

Nation-building is undoubtedly occurring in the field of post-conflict reconstruction. Whether it is Bosnia, Iraq, Afghanistan, East Timor or Kosovo, we can follow certain elements of nation-building in all that interventions, but at the same time we can find state-building processes as well. However, nation building and state building do not necessarily go together. Simonsen (2004) Allen (2008), Call and Cousens (2008) and Kostic (2007) have also pointed out this need for a differentiate understanding of nation building and state building processes.

Kostic (2007:18-19) considers nation building one sort of measures to be taken by an external peacebuilding process. These measures are mainly related to the "...imposition of externally constructed national identity onto existing ethnonational communities in order to promote legitimacy for the created state institutions among the population." The author hypothesizes that "(t)he result of this process, on the political level, is ethnic politicking. On the population level, the consequence is a strengthening of ethnonational cohesion and conservation of an existing ethnic conflict with all of its inherited incompatibility, and, at the same time, diminishing possibilities for the changing of negative stereotypes and societal reparation."

The author's perspective focuses on peace-building as a certain outcome to be reached on a particular moment. In other words, nation building is seen as a static picture. However, in disagreement with the author, nation building, only to be understood looking backwards not forward, and therefore it impacts on the ethnic divided society can only be seen throughout the time by which the conflict is rather transformed than resolved. Moreover, as I shall express somewhere in this literature

review, my perspective on nation building does not depart from a negative assumption as Kostic does. Kostic (2007) explicitly considers that the identities of ethnic groups are threatened by the mere implementation of the intervention. Such a point of departure for analyzing the scope and limitation of nation building as an external intervention, results to me like putting the horse before the carriage. Therefore, I shall disengage any negative assumption of nation building as external intervention in order to widely explore its usage.

2.1.2. Civic Nation Building as a Third Party Intervention in Post-Conflict and Ethnically Divided Societies

As we can observe, the complexity of nation building debate is wide and no clear definition or consensus has been reached. However, this study considers that nation building should be brought into the debate of conflict resolution field, therefore, as a tool of conflict transformation in post conflict and multiethnic and divided societies. Thus, for the purpose of analyzing third party intervention of this sort, it becomes necessary to start conceptualizing nation building and state building processes according to their specificities. In this research, I use the term *State Building* when I refer to the process by which the state structure is created as well as all the activities associated with it: institution building, democracy building, security building, and capacity building. By *Nation Building*, on the other hand, I understand the process of building a common identity under which all subjects of a state – built or in process of being built - are being gathered. Here I distinguish, *Civic Nation Building* when this getting-together process rests on the rule of law which offers equal opportunities for all people. In other words, civic nation building is a process which attempts to overcome ethnic divisions by embracing all possible cultural backgrounds and ethnic roots under civic laws which guarantee the equality of them all. In the process of building a civic nation it is the mean which makes the difference.

Having the same implications in mind, Kuzio (2001) distinguishes between nation building and nationalizing, and he confers the second conceptualization to those ethnic states that deny civil rights to their inhabitants. In civic nations, elements such as civic identity, the acceptance of the multiethnic reality, common rights and duties, national

defence and security, inclusive membership to the territory (Kohn 1944), civic and political institutions and citizenship (Kymlicka 1995, Norman 2006) are the defining elements of the nation by which the people are congregated.

Consequently, I shall understand here that a third party intervention of this sort is established with the aim of bringing the past and cultural baggage together and reconsidering it under a civic nation engineer that guarantee their existence but not their supremacy. The endeavor ends up being a half way combination of what have been opposed in the past debate of the literature between a civic and an ethnic nation building process, being something closer to what Kymlicka has called a 'multicultural nation'. However, as this research focuses on the tool per se, I would rather work over this civic engineering of the nation that aims at being constructed in this sort of multiethnic and divided post conflict society.

It is therefore, a civic nation in which the past is taken into account and in which the engineering of the state is constructed over it, not beneath, not aside. The state building process need to rely in a civic nation layer in order to be able to remain as a viable solution for post conflict societies. When there is not legitimacy of this state building process among people and decision makers, the process in itself is condemned to collapse. This is the basic assumption over which a civic nation building process is launched. The common identification of the population and decision makers with the new identity of the state allows continuity.

It is the past what should be overcome and transformed in a positive and viable way. Therefore, it is not a civic nation building which rejects the past in the name of the rational consent among people, but one which while recognizing the past, builds a common path over it and with it. I shall follow Yack in here. The author supports Renan's perspective (Yack 1996:116) There is a 'daily plebiscite' that recognizes the cultural differences as background and there is a cultural legacy without which the daily consent would not make sense, since there would not be a reason to continuously seek for agreement with other group of individuals. In this sense, we can say, that in post conflict societies the reason to hold together by a daily plebiscite is the memory of a past tragedy that nobody wants to repeat again. Post conflict and divided societies may

have no other shared memory than the memory of what they do not want to suffer once more.

Civic nation building end up being an engineering in which an ethnic majority and an ethnic minority get equal chances of obtaining power, not due its ethnocultural background but to the opportunities offered by the new format or civic project. The past experience in Kosovo was of competing two ‘national projects’ in which the opportunities of equal participation could get closed for either group. The CNB intervention aims at guaranteeing a format in which these sorts of solutions remain unnecessary, useless and indeed banned of returning.

2.2. Third Party Intervention

Rubin (1981:5) defines a third party as “... an individual who is in some way external to a dispute between two parties and who interposes (or is interposed) between them”. This basic definition does not explain who this ‘individual’ shall be, what exactly it means to be ‘external to the dispute’, how this ‘interposition’ shall occur, when this interposition shall take place (timing) or even why the intervener shall take over (motives). However, these concerns, unaddressed by Rubin’s definition, will structure the whole literature debate around third party interventions. In this sense, different type of interventions will be suggested in the theoretical discussion and they will be further enriched by considerations on criteria of effectiveness and success of these interventions.

My research will not be much interested on aspects of timing, motives or in criteria for effectiveness, basically, because my study deals with a rather new type of intervention- nation building- that needs first to be conceptualized as such. Therefore, the limited scope of this analysis leaves us with the understanding of these main characteristics of this type of interventions: who intervenes? And how is this intervention conducted? Following these objectives, the literature of third party, I shall observe, is related to the exploration of the following: a differentiation between indigenous and external intervention, and a mapping of the different types of interventions considered among the literature as well as a classification of the intervention addressed in my research. Stern and Druckman (2000) call for the

development of more precise definitions of interventions in international conflicts that allow us to further evaluate to which extent they have altered the conflict in any particular direction. Therefore, both, the revision of the literature and the conduction of this study will ambition to reach such a goal.

Regarding the identity of the third actor that takes place in the conflict, the literature discusses a vast amount of possibilities that range from individual to organization level¹. Montville (1991) is the first one to differentiate interventions by the actor's identity. In this sense, he refers to Track I diplomacy to traditional diplomatic and official interventions and Track II to unofficial and non-governmental interventions. In 1991, Mc Donald and Diamond introduced six more tracks covering actors of a wide spectrum of life such us: government, professionals of conflict resolution, business, private citizens, research, training and education, activism, religious, funding and public opinion and communication sector. Interesting enough, there is not track exclusively destined to external actors so it goes implicit that international actors can perfectly coordinate the whole multi-track diplomacy or be part of each of the track. With Lederach in 1997, it is more openly stated the need for integrating different levels in a peacebuilding process and special emphasis is conferred to bottom-up approaches. The track III intervention, then, will recall interventions done by grassroots level actors. Miall, Ramsbotham and Woodhouse (1999) argue that “[I]nked to this [introduction of track III level], there has been a shift from seeing third party intervention as the primary responsibility of external agencies towards appreciating the role of internal third parties or indigenous peacemakers.”

My research is particularly interested in observing the dynamics of this external/foreign intervention², and specifically the scope for its articulation with indigenous role. According to Mac Ginty (2008:148), “[i]ndigenous [as a term] suggests than an activity or norm is locally inspired.” The author also differentiates between “indigenous” and “traditional” interventions, stressing that ‘indigenous’- as a

¹ See Bercovitch (1992) for further references on this topic.

² Notice I shall use rather ‘external’ instead of foreign to avoid any negative connotation that the concept of ‘foreign’ may posse while it is refered as ‘foreign interventions’.

concept- should not have any connotation of traditional methods, despite that an indigenous intervention may use traditional tools. The author further refers to the failure of indigenous interventions and in a way justifies the need for external interventions. Using Mac Ginty definition of indigenous intervention we can consider as external intervention all those interventions that are not “locally inspired” but rather externally planned or, as Kostic (2007:15) points out, ‘implemented’ by an external actor.

One logical connotation is that processes entirely implemented by external actors or mainly following its objectives would sound as imposition and those implemented entirely by locals would lead locals to dominate the process. In the case of nation building interventions, the dangerous aspect of a local-driven intervention of this sort is – as we shall see- that the process tends to be associated with the implementation of an ethnic state dominated by the ethnic majority or by those with enough power to keep the resources of the state by controlling the process of intervention in its whole. In general terms and not only regarding nation building processes, the doubts around the participation of an external actor in a conflict are widely expressed in the literature as Hampson (2001) clearly points out. The author divides between those who are pessimistic regarding the intervention of an external third party and those who Hampson calls ‘interventionist school’ who believes that the external third parties can indeed change the course of a conflict, or at least contribute in some way to end violence.

Furthermore, the interaction between locals and external interventions is understood to result in a complicated relationship. As Mac Ginty (2008) notices, either the local/indigenous intervention loses its ‘indigenous’ aspect while sponsored by an ‘international’ intervention, or the local strata disregards the measures taken by the external intervention as Richmond and Frank (2007 :82) point out . However, the need of analyzing the possible cooperation between locals and internationals in nation building process is still pending of theoretical constructs. In a very recent debate, scholars like Chesterman (2004), Bickerton (2005), Caplan (2005), Hansen (2005) , Woodward (2005), Narten (2009), have observed this interaction for state-building processes, however, nation building process, as conceptualized here, still lack of this sort of observations.

In other different line of the debate, indigenous and external interveners have been discussed by approaching the topic of neutrality. The literature talks about ‘outsider neutral’ or ‘insider partial’ (Lederach and Wehr 1996) to make reference of the added value in the intervention by choosing either type of intervener. Both, an actor absolutely external to the main issues of the conflict or an insider able to know the locus of the internal dynamics to the conflict, are assumed to posse positive impact for different conflict settings. ‘Outsider neutral’ are mostly regarded as being a positive role for conflict environments in which the distance with the conflict situation and the parties is needed to guarantee a due process, the ‘insider partial’ is referred as being pertinent for situations in which there is need for building trust so highly regarding actors of the community are considered to intervene in the conflict. This insider is directly linked to the conflict and therefore has a firsthand knowledge of the deep roots of the conflict as much as an awareness of structural dimension to what he is also part.

Elgstrom, Bercovitch and Skau (2003) have added another category to the ones introduced by Lederach and Wehr, they refer to ‘impartial insiders’, having in mind how the role of external intervention of regional organizations regarding the conflict in which they get involved. The authors emphasize the development of trusted-relationship with all actors in the conflict.

This differentiation between outsider neutral and insider partial have also serve the purpose of classifying types of interventions. However there are also other sources for this classification that exceeds this one based on the position of the third party towards the conflict. Keashley & Fisher (in Bercovitch eds. 1996) classify the types of intervention according to the level of leverage implemented in the intervention: from the lower level of leverage as conciliation, consultation, pure mediation, power mediation, arbitration, to the higher level *as peacekeeping* which involved the use of military power. Others like Laue and Cormick (as cited in Laue, 1981) classify interventions based on the roles taken by interveners as Activist, Advocate, Mediator, Researcher and Enforcer. Pruitt and Rubin (1986) focus also in differentiating third parties interventions according their role, but they do so presenting different dual -and seem exclusive- options such as: formal vs. informal, individual vs. representative, invited vs. non-invited, impartial vs. partial, advisory vs. directive, inter-personal vs.

intergroup, content-oriented vs. process oriented. Nevertheless, a third party intervention can assume all –even contradictory- roles introduced by Pruitt and Rubin, and sometimes may need to do so for gaining scope of maneuver in negotiation process or other instances in which difficult process need to be implemented.

For Dukes (1999: 157) there are interventions which have a total different focus and perspective. While some interventions may be concerned with actions at individual level, some others are more preoccupied with taken action at the social structure in which the individuals are embedded. The first kind of interventions, Dukes refers as ‘particularist’, while to the second type of interventions the author refers as ‘structuralist’. In more or less same line of argumentation Beriker (2009) identifies types of interventions according to their main *objectives*: one destined to facilitate communication among parties (Transformative Intervention) and the other orientated to change the structure of the conflict environment (Structural Intervention). In this *Structural Intervention* “[a]ctors intervenes as a third-party and carries out activities which are designed to change the incentive structure of the disputing parties with an expectation that they would lead the parties to change their conflict behavior.” (Beriker 2009:72). Micro-level oriented activities (such as: facilitative mediation, interactive conflict resolution, conflict resolution training) fall in this category. While in the *Transformative Intervention* the third party “...intervenes in order to transform the dysfunctional relationship among the conflicting parties with the aim of creating common intellectual and value space among the parties.” Activities such as positive and negative incentives, peace-building and peace-keeping operations, initiation of bilateral agreements, power mediation and military intervention, are assumed to meet the objective of changing the incentive structure. In this sense, transformative interventions seem to have a ‘particularist’ approach while structural transformations are clearly of the type of structuralist approach. In other words, the particularist or transformative type of interventions are mostly addressing micro level aspects of the conflict, while the structural type of interventions aims at being a macro level action. For analytical purposes, this differentiation accomplishes its goal. However, as West (1993:12 cited in Dukes 1999) points out, “...structures and behavior are inseparable...how people act and live are shaped, though in no way dictated or

determined, by the larger circumstances in which they find themselves.” In same line of argumentation, Dukes (1999:159) argues that it is the structure which gives meaning to the individual behavior in a conflict but at the same time, “[p]articularist circumstances such as personality and communication do play a considerable role in how these disputes emerge, evolve, and terminate.” In other words, the consideration of both dimensions – particularist and structuralist- while intervening in any conflict is inevitable. As Rubenstein points out (1999: 179) , “[c]onflict resolution efforts that do not move to a more strategic structural level have the overall effect, therefore, of maintaining the existing system and the conflict it spawns.”

Peacebuilding interventions are mostly regarded as having such a goal of addressing structural causes, transforming the conflict and covering all levels of society (social, economical, political) as Lederach (1997) clearly describes. However, peacebuilding has also become a term all encompassing. As the whole peacebuilding intervention is expected to accomplish the goal in a long term process, different sort of interventions entitled to contribute to this peace-construction enterprise are mostly override and under-analyzed. This situation becomes clear in the empirical observation of this theoretical constructs; such is the situation in Kosovo, Bosnia and Herzegovina, East Timor, Afghanistan and Iraq, to mention some. For instance, if we are willing to analyze Kosovo peace-building process we would observe that it posses in its core a wide range of interventions implemented at the most diverse levels. The interventions go from problem solving workshop by Track III actors to Track I level negotiations and multi-track state building process. However, there is a theoretical need for approaching the understanding of a newly create type of intervention in field like Kosovo and the abovementioned examples. Therefore I shall define here, ‘civic nation building’ as an external and structural intervention, aiming at covering this gap between the empirical happenings and the theoretical developments.

The debate between structuralist and particularist type of intervention, or in other words macro level/micro level interventions has been interpreted by Hampson (2001) as a debate between a governance-based approach and a social-psychological approach respectively. In this sense, a governance-based approach to interventions is one focused on creating participatory governance structures, new social norms, rule of

law and democracy. (Hampson 2001:392) The liberal peace theory might be an example of this sort. According to the author, the objection to this practice comes to questioning the intromission of external parties to domestic affairs of other countries and the idealist belief that these sorts of enterprises are an easy task to do. Social-Psychological approaches, instead, are attempts to change the attitudes of the parties towards the conflict. (Hampson 2001:396). The main objection regarding the impact of this type of intervention to the conflict is based on the difficulties to measure the transfer of a change in individual level towards a change in the wide social fabric. (Hampson 2001:397). Hampson, has not been the only one preoccupied about the problem of *transfer* from a micro level intervention to a macro level structure. In fact, the whole debate between more particularist or structural interventions lead us to the debate about *transfers* from a macro level intervention to micro level aspects of the conflict, and vice versa, from micro level interventions to macro level dimension of the conflict. In other words, there is two different dynamics: one which address macro-micro transfers and therefore we wonder how a structural reform impacts at population and decision makers level, or how we can conclude that the changes at micro level were directly related to structural interventions; and another one which addresses micro-macro transfers and therefore we ask how interventions among population and decision makers impact in the bigger picture of the conflict, in the conflicting relationships, in the roots of the conflict, the issues, the general dynamics and eventually the whole social fabric. The problem of 'transfer' between both levels is discussed extensively by authors like Fisher (1997:345) Estree (2000), Rohuana (1993, 1995) Saunders (1995) and Sorbo (1997) among others. However, the impact of macro level measures in micro level aspects of the conflict are underestimated or not properly explored.

In a sort of logical sequence macro level measures are expected to generate an impact in macro level dimension of the conflict. Similarly, micro level interventions are expected to address micro aspects of the conflict. However, structural interventions should have the ambition to generate some sort of impact on micro level too. This option has been implicit denied by those we can called 'partitionist school'. For these academicians, the only possible thinking is of a macro level one. One in which the basic assumptions are an interplay of different structures. As such, these partitionists assume

for example that ethnic identities are immutable, that there is not space for individual agency but a security dilemma structure in which all individuals –ethnically identified- end up being trapped. These scholars disregard micro level considerations and instead defend a structural intervention that do not leave space for other than macro changes and macro interventions. This school, propose the idea of implementing partitioning or transfers of populations would eventually lead to an ‘ethnic unmixing’³ which would prevent future violence as the implicit security dilemma between different ethnic groups would be over. While authors like Kaufmann (1996, 1998), Pape (1997-98), Downes (2004, 2006) believe that ethnic separation are the only solution, authors like Hampson (2001), Kumar (1997) Sambanis (2000) , Street (2004), Ball (2007) believe that partitioning may actually increase the ‘seeds’ for conflict mostly due to the indivisible nature of this sort of conflict and the wrong assumptions of the partitioning supporters.

My research will capture this debate by observing a civic nation building process as a very particular structural intervention. This study, therefore, will ambitions at contributing the debate between macro level interventions and micro level impacts as a result of observing this type of intervention. Furthermore, my study also discusses against the ‘partitionist school’ by arguing that a civic nation building process may serve the purpose of finding a common ground among diversity, as an alternative to partitioning. With this purpose in mind, the present research will explore the scope and limitations of this kind of interventions to generate such an impact.

2.2.1 Civic Nation Building as a structural third party Intervention

In this research proposal, *Civic Nation Building*, refers to this third party intervention that aims at changing the incentive structure of the disputing parties. It does so by issuing a civic framework with the intention of overcoming ethnic divisions by embracing all possible cultural backgrounds and ethnic roots under civic laws which guarantee equal expression to all them. Therefore, it becomes a process of building a common civic identity under which all subjects of a state – built or in process of being built - are being gathered.

³ The term has been expressed by Hampson (2001)

Therefore, civic nation building implies necessarily an identity building process, however it is a peculiar identity the one which it is aimed to be created. This new identity does not pretend to start from zero in the denial of the former and already existent ones. It is rather a blend whose point of departure lies in what Montville (1993) called ‘a walk through history’. Here is where, Anderson (1983) ‘imagined communities’ comes at hand to contribute to the understanding of this new sort of civic nation building. One in which a third party has taken a role to imagine and create a proposal of new identity melding a past in order to make it workable for the future. The CNB practices does not tamper the existing ethnonational identities but rather profit from what each of them can offer and sum them up into the process .

Although not from a structural perspective, Doyle (2002), Walter (1999), Cousens (2001) have addressed the role of external actors in nation building process. However, the existing literature does not give account of the impact of these nation building practices on the overall transformation of the conflict in which the intervention takes place. An exploratory analysis of this sort can shed light on possible causal relationships that contribute to future theory-building in this matter. With this aim in mind the present research will explore civic nation building process as structural interventions implemented by an external actor.

2.3. Conflict Transformation

Conflict Transformation (CT) seems to be a rather new term in conflict resolution field. Its conceptual development has created – probably- more debate than theoretical paths; indeed it has meant a new conceptual framework for conflict analysis and resolution.

It is more likely that the term was firstly introduced⁴ as a new conceptual enterprise by the International Social Science Council’s interdisciplinary “Issue Group

⁴ At least it is not possible to track back on time other appearance of the term as such. However, some argue that the meaning that conflict transformation have acquired can be found since the earlier attempts in the conflict resolution field. This is probably true as since time immemorial human being has wonder about internal and external transformation, nevertheless the main focus here is the construction of the term and in

on Peace” in 1984, chaired by Raimo Vayrynem. To this group, followed-up a book and a symposium out of which several theoretical developments around the concept of conflict transformation have been edited in the book “New directions in Conflict Theory” by R.Vayrynem. Since then on, the concept has had as many advocates as contestants. In this sense, there are those who consider conflict transformation as a different process than conflict resolution (*advocates*), and those who try to build a continuum between conflict resolution and conflict transformation, being the latter a process in a later state⁵ of a conflict resolution process (*conciliators*). However, there is not any scholar who openly deny the existence of such conceptualization (*detractors*)

Among the clear exponents of the first group, *advocates*, are scholars as Vayrynem, Rupesinghe, Lederach, Galtung, Miall. In a general stand, all of them would agree that a conflict transformation process involves –at least- all of the following: a) a long term perspective b) an emphasis on change c) a recognition of the role of history d) a concern toward new challenges that derivates either from a new sort of conflict, protected one; or new context – 21st century dynamics e) a multilevel perspective able to encompass the already mentioned features plus different actors involved in the conflict.

The long term perspective that conflict transformation assumes is basically either referred as an open-ended and dynamic process that allude to a time-consuming enterprise that it is ongoing and never ends (Rupesinghe 1995:76, see also Vayrynem 1991, Galtung 1996, Lederach 1997, Reinman 2001). Galtung understanding of a conflict as organic leads him to see conflict transformation as a “...progressing perspective on the life cycle of conflict...” (Galtung 1995:51). Then the long-term process becomes eternal as for Galtung understanding, the conflict transformation suffers similar transformations that human beings suffer during life and after death according to a Buddhist perspective of eternal re-birth. Therefore, the author main

its implications rather than the consideration of transformative aspects in the field of conflict resolution.

⁵ Purposely I refer to ‘state’ as condition or mode of being and not as a stage which may denote a level, degree or periodical step in the process.

concern is how this never-ending rebirth process can turn to be a positive one. Although distanced of 'spiritual interpretations' of Galtung, Zartman and Ramuseen (1997) take conflict transformation as a cycle but one which covers all process of addressing a conflict, from pre-negotiations to reconciliation.

Despite that conflict transformation advocates have expanded the time perspective in addressing the conflict, they have doing that due to their main concern: change. It is the need of bringing about a change that demands the extension of the process analytically, theoretically and – particularly- in the ground. In the words of Vayrynem (1991:6), “[t]he transformation perspective suggests that conflict resolution is not only a form of stepwise rational action in which the actors involved try to adjust their competing interests to each other. It is also associated with everyday and broader historical changes transforming the scope, nature and functions of collective violence.” Wallensteen is of the same understanding and made emphasis on the objective of this change by saying that “...the parties, the issues, and the expectations are changed so that there is no longer a fear of war arising from the relationship.” (Wallensteen 1991:130) In Clements (1997) understanding this fear can only be removed by changing the structural sources of the conflict; a change at multiple dimensions addressing the roots of the conflict as Miall (2004) clearly refers to as concern of his conflict transformation framework. In words of Reinmann (2001:13) is the statu quo on which the conflict arose that needs to be change in a sort of demand for social justice. In other words, conflict transformation as process and as a successfully achieve state of the conflict, refers to conditions that change to guarantee that peace can be sustained. Notice I am not saying even 'sustainable', as there is not peace able to survive by itself if all factors and actors are not in the line with this purpose. Therefore, conflict transformation encourages the necessary changes at macro and micro levels aiming at make them work for the sustainability of the peace. It is a sort of overall systemic change, there is not proper transformation if all pieces are not affected, like if real peace would not take place until the conflict, the actors, the structure, the entire population would be affect be compelled to a life in peace. In words of Nordstrom, conflict transformation works to 'break the habits of war' (1995:107), and -we can then say- to establish habits of peace.

However, there is one more element needed to make this transformation possible, ‘a walk through history’ that Montville (1993:115) sensitively defines. Without the consideration of historical grievances, of the emotional-laden society, the accumulated traumas, hatreds, the search for truth and mercy, and the existing open wounds, there is no conflict transformation possible. In words of Wallensteen, “[t]ransformation, in short, is a generalized learning from historical experience.” (1991:129). Wallensteen does make a connection between conflict resolution and transformation, the latter implies a change that the former does not. That change is one very peculiar that has aroused from a process of acknowledging, recognizing and considering the roots and trajectory of the conflict. In the author understanding, conflict resolution misses this element, as the conflict may end or be resolved but the incompatibilities may also remain despite any agreement or any process oriented to solving the problem.

Considering what hitherto was expounded, the question that follows is *why incompatibilities remain despite conflict resolution efforts?* To this question advocates of conflict transformation answer that it is both the peculiarity of the nowadays conflicts⁶- their intractability-, and the challenges⁶ of 21st century – such as the new actors and changes that the post Cold War period brought about- , what carries the need for a new perspective to the way that conflicts are handled. Miall, Ramsbothan, and Woodhouse (1999) refer to the salience of the asymmetric conflicts and their multiple causalities; Miall (2004) emphasizes the impact of globalization on internal conflicts, Vayrynem (1991) and Rupensinghe (1995) observe the complexities of protracted conflicts, however the general agreement is that only a transformative perspective can properly deal with this peculiarities if the expected outcome is a sustainable peace. It is the multidimensional approach implicit in the conflict transformation term what can – in a way- guarantee that key aspects would not be forgotten. The aftermath of nowadays conflicts, Mitchell states, leaves residues such as traumas, fears, hurts and hatreds that continuously poison the conflict dynamics even after of being ‘resolved’, so necessarily conflict transformation take into account the task of incorporating them (Mitchell

⁶ Specially referring to conflicts with certain impact on the international system

2002:19-20). Furthermore, as Lederach (1997) wisely points out, conflict transformation does also encompass the consideration of the vast variety of actors and time-periods of the conflict. Therefore, the proposal of a holistic, all encompassing and multidimensional approach to handling conflict can be considered as another key feature the conflict transformation perspective.

Among the *conciliators*, the perspective is sometimes of a continuum (Diamond 1994) between conflict resolution and conflict transformation practices, being a typical resolution activity to identify and resolve the root causes of the conflict while a typical transformation activity lies in changing the conditions that create that specific root causes of the conflict. In Diamond perspective approach, transformation is not possible without resolution and vice versa. Conflict transformation is not the entire approach to conflict as Lederach, Galtung and other advocates have claimed, but a piece of an overall process that is also no called resolution in its entirety, but rather peacebuilding effort. Of this understanding are scholars such as Kriesberg (1997), Miall, Ramsbothm and Woodhouse (1999), and even Mitchell (2002) who mostly regards the emergency of conflict transformation as a new theoretical construct as a failure of conflict resolution field of protecting its main original aims.

Having described the understanding of conflict transformation, it remains only one question left: *when conflict has finally been transformed?* It has been difficult among scholars working on conflict transformation to reach a consensus over how to answer this question. Among attempts to build a methodology with this purpose, the first author to come up with some operationalization for the concept of Conflict Transformation is Vayrynem in 1991. Concerned with the need of a dynamic analysis of the conflict, the Vayrynem (1991:4-7) suggests to identify the multiple ways in which the conflict may be transformed. The author points out four different dimensions in which transformation may occur and that necessarily should be aimed at in any intervention to the conflict: Actor transformations (AT) – are internal transformations that refer to internal changes in the conflicting parties, or the appearance and recognition of new. Issue transformations (IT) – refer to a reduction in the importance and salience of issues around which the conflict develops and to increase that of the issues with a common approach. In short IT means to change the agenda of the conflict.

Rule transformations (RT) – changes in the norms that actors follow in their relationship. Structural transformations (ST) – changes in the external structure of the conflict, particularly that one that organizes relationships and distributes power in the conflict.

By 1995 Rupensinghe came up with a suggestive framework for conflict transformation, one which includes the following:

Since 1997, Lederach has been working on developing a holistic and all encompassing peacebuilding⁷ approach able to take into account all needed –and possible- transformation of a conflict. The author emphasis on a multitrack and multilevel perspective has been followed to this date by many academicians and practitioners. Recently the author has emerged with what he calls “a nested paradigm” for peacebuilding efforts. This nested paradigm combines

In 2005, Norbert Ropers together with the Berghof Foundation for Peace Support (BFPS) published “*The Systemic Approach to Conflict Transformation*” in an attempt to combine systemic thinking and to enrich the approaches to transforming conflict. This enterprise has been followed since then by both the Berghof Research Center and the BFPS and the effort was published in 2008 under the title “*A Systemic Approach to Conflict Transformation Exploring Strengths and Weaknesses*” edited by Daniela Körppen, Beatrix Schmelzle and Oliver Wils.

For the conflict transformation advocates working on systemic perspective, the systemic change is the key factor for a transformation to properly happening However, as Wils et. al (2006: iv) clearly point out, “...systemic approaches are relevant not because they reflect complexity of systems, but because they make a meaningful contribution to reducing this complexity”. Lederach (1997) has also been in the search for a framework that can provide a sustainable answer to a conflictive situation. It should not be any

⁷ It is needed to clarify here that Lederach understanding of conflict transformation is equal to a peacebuilding process, for the author there is not conceptual or practical different among the two. Therefore, only when referring to Lederach, peacebuilding and conflict transformation concepts can be taken as synonym.

answer but one destined to continuously transform the relationships at personal, relational, structural and cultural level. Lederach's *integrated framework for peacebuilding* comes to accomplish this purpose. The sustainability of this systemic change is given, then, by the regenerative process of the system itself, an open end system in continuous development towards peace rather than violence.

Loiuse Diamond (ND) has also proposed a system approach to conflict transformation however – we can argue- she equates conflict transformation with peacebuilding. Her article, *System approach to peacebuilding*⁸, smartly identifies three main criteria without which there is no chance for the sustainability of such a system. One criteria is *renew-ability*, the system needs to be able to self-renewing, so in order to endure for the future the "...structures and patterns need to be generative, not destructive." (Diamond ND: 6) the second criteria is *responsibility*, someone has to take the role of creating news patterns and ensuring its continuity. Last but not least, the third criterion is *fulfillment*, meaning basically that the system has to satisfy the needs of all parties. The different aspect that the author brings to the systemic debate is the call for 'responsibility'. Most of the peacebuilding and conflict transformation endeavors do not have a clear reference to hold someone 'responsible' for the process.

As I have previously mentioned, the *multi-track diplomacy* developed by John McDonald and Louise Diamond (1996) came to offered a new style of interventions. However, this conceptualization's main asset is its capacity of adverting the relevance of addressing the transformation process in different tracks. The tracks are supposed to be complementary and foresee its own difficulties that are correctable by the other track. If combined, both recommendations of Diamond may lead to the question of who is responsible of the failures in one track and the reparation of the failures in the other one. Maybe, if we would group this tracks in some different type of changes, as the one proposed by Vayrynem, we could eventually consider one main responsible for each

⁸ The author thanks to Louise Diamond for provinding her with this unpublished manuscript. Similar ideas of the manuscript were part of another article that neither the author of this thesis nor Diamond could find. Therefore, Louise Diamond decided to send this unpublished article which was meant to be part first chapter of a book entitled "*Beyond Win-Win*".

type of changes aimed. I found the conflict transformation process conceptualized by Miall can eventually meet this goal.

Miall (2004) follows Vayrynem's (1991) approach and identifies five types of transformation: 1) *Contextual transformations*: changes that occur at society level (i.e. culture, governance arrangements, institutions, social roles, norms, rules and codes) as at international and regional ones 2) *Structural transformations*: changes related to the set of actors, issues and incompatible goals, conflicting belief or relationships, or to the society or state which the conflict is embedded. 3) *Issues transformations*: changes at "the position that parties take on key issues at the heart of the conflict and the way that parties redefine or reframe their positions, or reach compromises or resolutions". 4) *Actor transformations*: "include decisions by actors to change their goals or alter their approach to conflict, such as decisions to seek peace or initiate peace process. 5) *Personal transformations*: "changes of heart or mind in individual leaders or in small groups with decision-making power at critical moments..."

If compared both approaches Vayrynem and Miall, we can state that the latter embraces more dynamics in his objective of capturing the whole process of transformation. However and regardless the invaluable contribution of Miall to the study of conflict transformation, this multilevel perspective requires further development and more conceptual refinement if our aim is to evaluate – for instance- certain interventions and their level of conflict transformation achieved. Nevertheless, this study will draw upon four of the dimensions defined by Miall (structure, issues, actor and personal level) and will make an attempt to operationalize the concept of ‘conflict transformation’ and its multilevel perspective in a sense that can serve clear purposes of analysis.

Having said this, I proceed to operationalize Successful Conflict Transformation as a process by which the following changes take place: 1) Changes at Structure level: *changes related to the set of actors, conflicting belief or relationships, or to the society or state which the conflict is embedded* 2) Changes at Issue level: *changes related to overcoming of former issues and incompatible goals issues among parties, changes in the position of the parties over main issues under dispute, and the way that parties*

*redefine or reframe their positions, or reach compromises or resolutions.*3) Changes at Actor level: *decision makers take decisions to change their goals or alter their approach to conflict, such as decisions to include other ethnic groups as equal partners or decisions of developing joint work at governmental/official level* 4) Changes at Personal level: *changes among individual adults towards the acceptance of the new reality in which different ethnic groups live together, and the increase of interaction among individuals of different ethnic groups.*

This framework shall be use for the analysis of conflict transformation that my research will develop.

2.3.1. Nation Building and Conflict Transformation

Hippler (2005) has been the first in considering nation building as *a tool for conflict transformation*. Unfortunately, the author's perspective remains underdeveloped without providing any clear theoretical conceptualization. Moreover, Hippler simply enunciates the relationship without any reference to conflict resolution field or any of its categories. The author's initial attempt fails to include any specific element of conflict transformation debate and to contribute reducing the ambiguity around 'nation building' concept. One specific attempt to relate nation building and conflict resolution (CR) was done by Kourteff (2005); however, he suffers from the same lack of acknowledgement of CR field as Hippler (2005). The thesis of this author mainly focuses on military intervention and democratization process.

As we can observe, the complexity of nation building debate is wide and no clear definition or consensus has been reached. However, this study considers that nation building should be brought into the debate of conflict resolution field, therefore, as a tool of conflict transformation in post conflict and especially in multiethnic societies.

Chapter 3

HISTORICAL, SOCIAL AND POLITICAL BACKGROUND TO THE CIVIC NATION BUILDING PROCESS IN KOSOVO.

The ‘civic nation building process’, that the implementation of the Ahtisaari Plan instituted, needs to be understood in the light of its historical, social, and political background that gave birth to two national projects for Kosovo. Aiming at meeting this purpose, this chapter will be divided in four subchapters: the first subchapter will address the arguments to the Serbian and Albanian nationalistic projects for Kosovo; the second subchapter examines the Kosovo question in the light of two different nationalistic projects, the Serb and the Albanian one, previous 1989; the third subchapter looks at Kosovo conflict in recent history 1989-1999 and the ‘limbo’ situation in which Kosovo entered after NATO intervention in 1999; the last subchapter continues describing the contemporary context in which the ‘civic nation building’ takes place in Kosovo.

3.1. Arguments to the Serbian and Albanian nationalistic projects for Kosovo.

Today’s Kosovo is a very small country of a nearly 10887 Km², with a population of about 2 000 000 people, 92% of which are ethnic Albanians, 5% Serbs, and the other 3% is distributed among Bosnians, Turks and RAE community (Roma, Askali, Egyptian). However, its small size has undergone a turbulent history under different emperors starting from Roman, Byzantine, Bulgarian, Serb, and up to the Ottoman Empire.

However, the Kosovo’s most significant feature has been the presence, clearly identified since 1989, of two competing national projects with eventually different ethnic connotations. One project recalls for Kosovo as Serbian territory, ‘Greater Serbia project’, and the other brings upon an Albanian option to Kosovo territory which

at times can be considered as ‘ Greater Albanian project’ and in other periods as a project of Kosovo’s self- determination from Serbia implying, mostly, Albanian population.

Both projects are based in competing arguments over key elements of Kosovo such as: origin of its population, the Kosovo Battle, the religious-cultural legacy, and the legal frameworks that have been implemented in Kosovo, especially since 1974 Yugoslav Constitution onwards.

Albanians claims the origin from the Illyrian civilization, as an indigenous people to the territory, belonging to the tribe of Dardanias. (Malcom 1998). While Serbian perspective evokes the great migrations of Slavs into the territory in 7th century A.C, and its ruling during the 12th and 13th century as Serbian Kingdom. (Bieber&Daskalovski 2003). Therefore, while Kosovo Albanians judge Serbs as occupiers, Serbs accuses them as falsifiers of history. (Pavkovic in Waller et. al.ed. 2001)

The Albanian perspective recalls two dominant theories on Abanian origin: Illyrian and Pellazgian theories. According to the Illyrian theory, Albanians are the indigenous inhabitants of this territory before the Slavs invaded and occupied it. (Waller et.al 2001:8) Piro Misha (in Schwandner-Sievers & Fischer eds. 2002) argues that the Illyrian descendent theory is the evidence of Albanian historical continuity in Kosovo. The Pelasgian theory suggests the pellasgian origin of Albanians, vogue among nationalists as Vasa.⁹ However Illyrian theory gained more support among scholars as Piro Misha notices. Further identification, as who were the Albanians at the end of nineteen century, is offered by Pashko Vasa in “The truth on Albania and Albanians” (1879). Vasa claims that Albania was a name given by Europeans in the 14th or 15th century to a country of the *Schqypetars (Shqyperi)* which included all the inhabitants of

⁹ For more information, please see extracts of “The truth on Albania and Albanian” (1879) of Pashko Vasa in Balazs Trencsenyi & Michal Kopecek Eds (2006) *Discourse of collective identity in central and southeast Europe (1770-1945): Text and Commentaries. Volume I. Late Enlightenment. Emergence of the modern “national idea”*. Budapest, New York: Central European University Press

the territories of Scutari (Shkondra), Ipek (Pec), Pristina, Wrania, Katchanik, Uskup, Perlepe, Monastir, Florina, Kebrena, Calarites, Janina, the Gulf of Preveza. Following the same perspective, these territories were governed by their national chiefs before 1831 when the Albanians were divided by the Ottomans in four vilayets -Shkoder, Janina, Monastir and Kosovo.

Therefore, from an Albanian perspective, Kosovo signifies the main and last fight of Albanians for “the recovery of the ancient land of the Dardania and thus a re-creation of their ancient kingdom.” (Waller et al 2001:9). In this sense, the origin of Kosovo Question goes back to the London Conference of 1913 when Albania was recognized as national state. However, Serbia, Montenegro and Greece were granted half of its territories as Serbia, was allowed to keep possession of Kosovo which she had occupied during the Balkan Wars. Kosovo, then, started to represent the victimization of Albanian people by his neighbors, especially Serbia/Yugoslavia. As Piro Misha (in Schwandner-Sievers & Fischer eds.2002) asserts, the Ottoman Empire was collapsing and Albania’s neighbors were legitimizing their expansionist claims by denying the mere existence of Albanian nation. Kosovo Question, for Albanians, embraces these feelings of protecting part of their ‘stolen’ territories.

From Serbian perspective however, the history is quite different. By origin Serbs belong to Slav ethnicity. Slavs came to the Balkan Peninsula around 600 CE and, as Pavlowitch (2002) asserts, the Southern Slavs “came from an area beyond the Carpatians”. After about a century they settled the area and became named as Croats and Serbs. The author also argues that it was Christianity which brought them together. The Serbian political history, points out Cox (2002:20) begins with the reign of Stefan Nemanja who ruled Raska and Zeta (today southern Serbia and Montenegro) from 1169 to 1196 and who gave birth to the Nemanjic Dynasty. This reign marked the “...turning point in the development of the Serbian state...”, according to Cirkovic (2004) who further claims that out of Nemanja’s death, the “dynasty of the sacred roots” started in Serbia, while producing different other saints. Therefore, “[t]he aura of sanctity that surrounded some members as well as the entire dynasty enable the gradual creation of a special Serbian tradition as an extension of general Christian traditions, and placed the history of the Serbian people within the common history of salvation” (Cirkovic

2004:35-36). Rastko –*known as Saint Sava*–, Nemanja’s younger son, became the head of Serbia’s self-governing Orthodox Church of 1219 (Cox 2002:21). It should be mentioned that the seat of the autocephalous Serb Church was in the monastery of Zica, far away from today’s Kosovo.

Serbia continued to expand until it gained a medieval reputation by the hand of King Stephen Dusan who came to power in 1331 in rivalry with the Byzantine Empire and took the name of Emperor in 1346 until 1355 when he died in a campaign against Byzantium (Pavlovitch 2002). The area of his empire included Macedonia, Northern Greece, Montenegro, almost all Albania (Cox 2002:21). Serbia dominions were not integrated however, she kept the existing order in the territories conquered in order to legitimize her role, while in fact, these Byzantine territories were never part of Serbia (Pavlovitch 2002) as Dusan and the successive historical consciousness of Serbia claimed they were.

Branimir (1999:79) affirms that “[t]here was no Serbian state at all, and the principal mark of Serbian national identity was membership in the Serbian Orthodox Church.” Banac also points out the relevance of the church in the organization and ruling of Serbian people. It was then, “[w]ith the fall of medieval Serbian state to the Ottoman Turks – the processes that commenced in 1389 with the Serbian defeat at the Battle of Kosovo and ended in 1459 with the abolition of the vassal Serbs despotate- the Serbs lost not only their independence, but also their native landed elites. National leadership passed into the hands of the autocephalous Serbian Orthodox patriarche (1557- 1766) whose prelates substituted not only for the gentry, but for its tasks in national culture and historical memory.” (Banac 1995:133)

Since 1557, Serbian Orthodox Church was the only Serbian institution authorized by the Porte. It was then when the Serbian patriarchate of Pec (nowadays Kosovo) was established embracing all territories from Slovakia to the Adriatic in same millet (Ottoman-held Serbia, Montenegro, Hungary, Croatia, Slavonia, Dalmatia, Bosnia Hercegovina and some part of western Bulgaria) (Banac in Ozdogan & Saybasili 1995:134). Nonetheless, this institution did not mean territorial and political control, the millet “...had no territorial exclusivity; various millets could coexist on the same

territory. Nevertheless, in the absence of Serbia as a political entity, the Serbs interpreted their millet as an indicator of their national territory” (Branimir 1999: 79).

Moreover, this millet implied that The Porte gave the civil authority of the former Serbian state to the patriarchs of Pec, which not only included Serbs but also non-Serbs (Banac in Ozdogan & Saybasili 1995:134). Banac argues that the church contributed to spread and to keep alive the consciousness of Serbian state and national traditions. However, in 1690 when the church proved not any more loyal to the Ottomans, the patriarchy of Pec led migrations to Hungary, by the time the Patriarch of Pec was abolished in 1766, the Serb spiritual life was already in development in Sava and the Danube. It was during this transition that Serb culture shifted from Bizantine-Slavic features to the Central European (Banac in Ozdogan & Saybasili 1995:134). Despite the shift, Kosovo remained in the historical consciousness as part of those territories coffered by the millet system granted by The Porte.

As Vickers (1998) states “[t]he Serbs are convinced that Kosovo was almost uninhabited, and that Albanians only arrived in the area in the fifteenth century with the conquering Turks, and again in the seventeenth century after the exodus of a great number of Serbs”. It is then, based on this understanding that Serbia recalls their historical legacy over Kosovo referring exclusively to the times of her short-lived reign and the millet system granted to her during Ottoman times.

Another line of argumentation in the national consciousness, which each project aimed at building upon, rests on the interpretation of the Kosovo Battle.

Tsar Lazar “was the most powerful of the Serbian lords who were not yet subject of the Ottoman Empire” (Pavlowitch 2002: 9). He worked for the reconciliation with Constantinople from which he got the recognition of the Serbian Patriarchate of Pec. On the 15th of June of 1389, he died together with Sultan Murad I who attached the strategic area of Kosovo and conquered it for the Ottomans. (Pavlowitch 2002: 9-10). This battle is known as the Battle of Kosovo Polje. The nationalist Serbian discourse made up of this battle a strong component of the Serbian national identity. However, this battle included not only Serbs but also Albanians, Vlacks, and Bulgars in a common cause as a ‘Christian coalition’ against the Ottomans.

As Carmichael (2002) points out, the remembrance of the death of Lazar became an act of faith for nationalists. Lazar's death was seen as a sacrifice for the Christian faith (Pavlowitch 2002:10) and as such will last up to now in the memories of Serbian people. Slobodan Milošević exploited this myth in his political statement to the Serbs in Kosovo in 1989, 500 years after the Battle (Malcom 1998). Even in 1996 he remarked, 'every nation has its one love that warms its heart. For Serbia it is Kosovo.' (Carmichael 2002: 63)

Kosovo Battle is thus, a myth that has defined both national identities of Serbian and Albanian populations in Kosovo. As Schopflin (1997:19) points out, the "[m]yth is one of the ways in which collectivities ...nations...establish and determine the foundations of their own being, their own systems of morality and values"; "Myth creates an intellectual and cognitive monopoly in that it seeks to establish the sole way of ordering the world and defining world-views. For the community to exist as a community, this monopoly is vital, and the individual members of that community must broadly accept the myth. ...It is the content of the myth that is important, not its accuracy as a historical account."

Both population sensitivities towards the Kosovo Question are embedded in this sort of constructs. They might be called myths, historical consciousness or legacies but they are part of the defining characteristics of the Kosovo Conflict that turn it on a protracted conflict with no apparent solution.

The legal argumentation of both national projects will be addressed in the third subchapter (3.3).

3.2. Serbian and Albanian Nationalistic Projects previous 1989

3.2.1. Serb Nationalistic Project

Once the Obrenovic Dynasty was overthrown by the Constitutionalist party in 1842, the plans for Serbian expansionism started to proliferate among Serbian leaders. Ilija Garasanin, Serbia's minister of interior was the leading figure in this sense. He believed in a greater Serbia which could embrace all areas where the Serbs lived while having in mind a linguistic nationhood. *Nacertanije* (1844) was the secret plan created

by Garasanin which considered this idea of creating a Serbia which could be a continuation of Stefan Dusan's medieval state¹⁰, or the establishment of what it will be known in the historical consciousness of the people as the "Serbian Empire".

Despite this plan, Serbia never again managed to reestablish the dream of an Empire which in fact only lasted a bit more than 30 years and, as it was mentioned before, there were never really Serbian territories. Nevertheless, the attempts continued, as we have seen in the history of Serbia under Milosevic, who led this myth to its last consequences. Or as Jankovic (1969:9) points out, "all bourgeois political parties of Serbia [that is, all parties except the minuscule Social Democrats] had a Pan-Serbian or a Great Serbia program after 1903..." In this sense, it is possible to conclude that the national definition of Serbia has been always related to its expansionism.

Among the known and shocking expansionists plans there is the one of Vasa Cubrilovic. He presented to the royal government of Stojadinovic his first memorandum called "The Expulsion of the Arnauts", on the 17th of March of 1937. In such a document Cubrilovic exacerbated Garasanin's philosophy by expressly declaring the need for the expulsion of the Albanian community, of colonizing Albanians by expelling them out of their territories without legalizing the usurpations. Even worse, in "The Mode of Removal" he literally recalls the arson that "Serbia employed with great practical effect after 1878, that is, by secretly burning down Albanian villages and city quarter" (see Cubrilovic, Vasa 1937). This arson took place *particularly* in the areas between nowadays borders of Kosovo up to the Nish (Islami 1997: 67-69). Cubrilovic presented a second project in which he addressed "The solution of the minority problem of post-war Yugoslavia" in which he dealt with the expulsion of non-slavs¹¹.

¹⁰ According to Banac (in Ozdogan & Saybasili 1995) this plan was suggested to Garasanin by Zach, an enthusiast of Slavic reciprocity who was part of the service of Prince Adam Czartoryski's Polish émigré organization. However, Zach's idea was oriented toward the unification of South Slavs against Habsburg and Russian influence.

¹¹ For references see *Serbia Colonization and Ethnic Cleansing: Documents and Evidence*, published in Pristina in 1993 by Kosovo Information Center.p74

In the same tradition of Cubrilovic, it can be found: Ivo Andric's (Nobel Prize of Literature of 1961) project presented to the Minister of Foreign Affairs of Yugoslavia in 1939 in which he proposes the occupation of Albanian territories, with special reference to the assimilation of the ethnic Albanians in Kosovo. The Yugoslav-Turkish Convention on the deportation of the Albanians in 1938 revisits same understanding to the former projects as it does the "Program for the realization of peace, freedom, equality, democracy and prosperity in SAP Kosovo" published in the Official Gazette of the Socialist Republic of Serbia the 15th of March of 1990.¹²

3.2.2. Albanian Nationalistic Project

The Treaty of San Stefano, as a result of the Russo-Turkish war of 1877-1878, conferred Albania territories to Bulgaria, Montenegro and Serbia, and particularly the Kosovo territory to Serbia. Montenegro and Serbia became since then contiguous territories (Gawrych 2006:38-46).

The treaty was about to be reviewed in Congress of Berlin in 1878, as Austria-Hungary and Britain could not tolerate the gains of Russia due to this treaty. The League of Prizren was born in this context as a reaction. However, and despite of failing in addressing objectives of unification, it succeeded in sowing the bases and the forces of the Albanianism. Undoubtedly then, it can be considered the League of Prizren as the first articulation of a Great Albania idea.

Jelavich and Jelavich (1977) categorically affirm that the Albanian leaders did not want the Ottoman Empire to dismember. In this sense, they did not seek for an independent state but rather to prevent the splitting of their lands among their neighbors, like Serbia or Greece. However, Gawrych (2006) clearly mentions the existence of a group - led by Abdul Fasher- whose goals were the unification and autonomy of Albanian territories with cultural and national rights. Nevertheless, these demands were not supported by most of the Albanians, especially among the more conservative

¹² For further information of this projects, an English translation can be found in *Serbia Colonization and Ethnic Cleansing: Documents and Evidence*, published in Prishtina in 1993 by Kosovo Information Center.

Muslim Gëgs from the north (Jelavich & Jelavich 1997, Gawrich 2006). By the end of 1880, Abdul Frasherri manages to gather control of the League and adopt the program for the unification of the four vilayets under the criteria of ethnicity however; it was always opposed by the landowners (Jelavich & Jelavich 1977). The divergence among the leaders was in two lines: those seeking full independence for Albanian territories; those for autonomy under Ottoman Empire. By 1881, the movement of the League of Prizren met the Ottoman army and ceased activities since then on.

However, among its achievement was the elaboration of a common policy for unification of Albanian territories of the four vilayets. Also the recovery of most of the territories granted by the Treaty of San Stefano which in fact was reduced by the Berlin Congress of 1878 to smaller size in favor of Greece and Montenegro (Jelavich & Jelavich 1977).

In general, Albania nationalistic discourse was more than a secularized perspective of nationalism, as we may know from the western European experience. The discourse rather equated the role of nationalism to the one enjoyed by religion in the Ottoman Empire in which religion was a unifying factor. In this sense, Albanian nationalism had the objective of mobilizing their people in the same mystic imprint that religion was able to offer. As Jelavich & Jelavich (1977) argue, Albanian nationalists needed to replace religion as a grouping category. Albania contained three different religions – Muslims, Catholics and Orthodox – therefore, it was needed another element able to unify these differences created since the conquest of Albanian land by the Ottomans. That element was found in the establishment of a common language and alphabet.

In this view of a Great Albania project, Kosovo was considered therefore, a key element, not only for hosting the League of Prizren but also for expressing the defense of what Albanians considered their own and unfairly divided territory.

3.3. The Kosovo Question in the Context of Disintegration of Former Yugoslavia and the 'Limbo' Situation after NATO Intervention

3.3.1. Kosovo Question and Disintegration of Former Yugoslavia

Despite nationalistic argumentations, the de facto existence of two ongoing nationalistic projects in Kosovo is difficult to track back historically. The present research focuses now the period of 1989-1999 in which Kosovo drastically changed its political status due to a unilateral decision by Serbian/SRFY government. This period represents the strongest political expression of two divergent options offered for Kosovo: one as a province under full mandate of Serbia, another as a self-determination entity in which the Albanians population has a saying in the destiny of Kosovo.

The use of divergent legal justifications

Kosovo and Serbia have been both federal units of former Yugoslavia together with other six units. According to the CN of 1974, each federal unit had autonomous status and none could interfere in the constitutional order of the other. However, because Kosovo and Vojvodina had been linked to Serbia as autonomous provinces, Serbia attempted to use this mandate to overturn the federal status of Kosovo 1989, following the disintegration of Former Yugoslavia, aiming to prevent Kosovo from exercising the right to self-determination after the collapse of the former federal state. The public claims for such a move had historical bases, though the hidden claims rested on the colonial motives of having control over Kosovo territory as a rich land in mineral resources.

Serbia annulled the right to self determination of Kosovo in 1989 and derogated the 1974 Constitution of Socialist Autonomous Province of Kosovo (SAP Kosovo CN of 1974). By this procedure, Serbia instituted her own rule, thus, committing an unconstitutional act before the Constitution of Socialist Federal Republic of Yugoslavia of 1974 (SRFY CN of 1974) .The SFRY granted almost equal rights to republics (Serbia) and Autonomous Provinces (Vojvodina and Kosovo) . According to the SFRY CN of 1974, both provinces were part of Serbia however, they both enjoyed special

considerations which granted them with a high level range of autonomy over their territory and the veto power at the federal decision making level

In response to Serbian unconstitutional intervention, Albanians reacted by declaring independence. The demands for independence of Kosovo by its people were based in the rights they enjoyed since their self determination was recognized by SRFY CN of 1974 and therefore expressed in SAP Kosovo CN of 1974. The legitimacy of their self-determination is based on three major arguments: 1) equality with the other Republics of SRFY, therefore with Serbia 2) Independence in decision making processes 3) Territorial Integrity

1. Equality among republics and provinces

One of the debates around the legitimacy of Kosovo's independence while referring to the SRFY CN of 1974 is the equality between republics and autonomous provinces of Former Yugoslavia. The Republics and autonomous provinces are equal at federal level as they all have a status of the federal units of former Yugoslavia with equal powers. In this sense, if republics and autonomous provinces are equal under SRFY CN1974 both have same right of independence, as it was experienced by Croatia, Slovenia, Macedonia and Bosnia & Herzegovina.

There is some contradiction in this claim, given that nations had right to secession and nationalities had not. Accordingly to SRFY CN of 1974 Albanians have been considered a nationality and not a nation in the former Yugoslavia in spite of the fact that they were the third largest nation after Serbs and Croats. However, the 1974 CN also stipulated that nations and nationalities are fully equal. This contradiction allowed Serbia and Kosovo to claim their constitutional rights in the way it suited them most. Based on this contradiction, Serbia moved on to revoke the federal status of Kosovo (cancelled the paragraphs 300 and 301 of the CN of Kosovo, which guaranteed Kosovo's independent decision making).

Different articles of SRFY CN of 1974 not only refer to cooperative relationships between Republics and provinces rather than hierarchical ones (like art 244, 371 among others), but also specify equal participation in the decision making process of the Federation. We can quote in this sense the art. 244, 295, 321 and 402, as example, all of which mention that decisions at the Federal level were done by the consensus between republics and provinces. If any of republics or provinces would oppose any decision then this one did not get into existence. To summarize, Kosovo had similar legal status than other federal units, such is the case of Kosovo's veto power at federal level, and the fact that no decision could be enacted without Kosovo's consent.

In this regard, the art 321 goes even further in providing provinces with equal right to republics in the election member of the presidency of the Federation and conferring to the provinces the right to occupy the presidency as any of the other six republics. In fact, Kosovo was occupying the presidency of SRFY when Milosevic annulled art.300 and 301 of Kosovo CN which granted Kosovo with this equal level to the republics. Then it was so clear as today that this act was an unconstitutional act of one republic over one province, despite the fact that the province was part of Serbia Republic. Changes in the constitutions of any republic or autonomous provinces could not occur without their consent.

Moreover, the art 244 states that the provinces were represented on a par with the republics throughout the federal organization, in all federal organs and participated equally in the exercise of federal functions.

2. Independence in decision making processes

One of other features that should be highlighted is the high level of independence of Kosovo in decision-making process. His autonomy and "self management" were granted in art 4 of SRFY CN 1974. The same case occurs with respect to judicial autonomy (art 371 and 373) and the right to enjoy constitutional courts (art 375 and 389) in nature and powers identical to the one of the republics.

Other rights and freedoms were conferred on Kosovo but expressed in its own CN of 1974 however, there were also framed in the CN of SRFY of 1974. Kosovo has his

constitutional right to organize his authority. Therefore, as in the republics, Kosovo enjoyed parliament, presidency, constitutional and supreme courts, a national bank with freedom of utilization of monetary resources and even the right to the use of its flag (art 292, 300, 339, 372, 390 and 6, CN SAP Kosovo 1974) It should be said that these rights are yet enforced by the constitution of the Serbia Republic of 1974 (art 293, 294)

In sum, Kosovo was free to decide its daily life and destiny while the republican agencies of Serbia confined their actions within the territory of Serbia, but not in the province. This autonomy was destroyed in 1989 when Serbia unconstitutionally transferred these rights to its domain disregarding and violating the SFRY CN of 1974.

3. Territorial Integrity

There is one essential aspect we should take into consideration before profoundly analyzing the territorial integrity of Kosovo prior to 1989. When Kosovo was forced to join SFRY in 1945, it did so compromising in a half way. This compromise implied the acceptance of SFRY of a fairly independent status for Kosovo and the recognition of his Albanian identity, while at the same time the submission of Kosovo to the domain of Serbia over Kosovo territory. The solution was finally granted by the SFRY Constitution of 1974 in which Kosovo found the recognition of its right to self-determination but linked to Serbia. Therefore, it was clearly stated in the SFRY CN of 1974 and expressly confirmed in the SAP Kosovo CN of 1974 that Kosovo “associated itself with the Socialist Republic of Serbia within the framework of the Socialist Federal Republic of Yugoslavia¹³. Among the logical implications of this statement is the fact that Kosovo only joined itself to Serbia because the SFRY legal structure, therefore before the disintegration of this entity in 1992 Kosovo destiny is one different to the destiny of Serbia. There is also one more implication, the territorial integrity of Kosovo was deliberately emphasized in the art 5 of SRFY CN of 1974 as it stated that each province had the sovereign right to decide on their boundaries which could not be altered without province consent conferred by its assembly. This right was also

¹³ For further details see Paragraph 2 Introductory Part of SAP Kosovo CN 1974

recognized in Serbia CN of 1974 (art 292) and SAP Kosovo CN of 1974 (art 3). All nationalities among Kosovo territory have peacefully lived under SRFY CN 1974 until the day that Milosevic annulled art 300 and 301 of SAP Kosovo CN of 1974 which conferred to Kosovo Assembly the maximum authority and autonomy over Kosovo territory. This right was strengthened by the right of Kosovo to territorial defense – referring to military and police-, clearly stated in the art 239 of SRFY CN of 1974 and further confirmed in SAP Kosovo CN of 1974 art 265.

However, the disputes in battlefield for ten years in a row have had the tragic records. In order to maintain its rule over the territory of Kosovo, Serbia exerted policies of harsh oppression with the goal of ethnic cleansing of Albanians from the territory. On the other side, Albanians pursued a peaceful resistance for almost 8 years to then turn to armed resistance in past two years. At the time of the armed conflict the Serbian forces, advantageous in army potential, increased the level of oppression to the scale of genocide. The tragic toll the 1998-1999 Serbian oppression includes in the expulsion of nearly 1,000,000 Albanians (or over half of the local population), the killing of over 10,000 Albanians, the rape of countless women, the disappearance of thousands and the destruction of nearly 150,000 homes. The international peaceful efforts to take conflict from battlefield into a diplomatic table, in the Rambouillet Conference in spring 1999 did not give results, given Serbia failed to sign the peaceful agreement. The humanitarian intervention of the US and NATO in 1999 put an end and since then, Kosovo has effectively been a protectorate of the international community. However in the political settlement sense, Kosovo in fact remained in a limbo situation to be addressed at later stage when the conditions get ripe.

3.3.2. From NATO Intervention to Ahtisaari Plan: 6/1999- 2/2006

The NATO intervention brought the war in Kosovo to an end, and Kosovo entered the period of international administration in 1999 under UNSCR 1244. However, the final status of Kosovo remained undefined, chiefly due to a lack of consensus in the UNSC. During the international administration of UNMIK and KFOR, Kosovo has moved on in establishing the institutions of self governance, while the process of power transfer from the internationals to the locals was gradually taking place. The goal was to

build a multiethnic, democratic and stable society in which all citizens and communities would enjoy equal rights and opportunities before the law. However, as in other cases, the post-conflict society was rather divided. One of the big challenges was how to reconcile the differences, particularly those between Kosovo Albanians and Kosovo Serbs. Kosovo Albanians opted for independence, while Kosovo Serbs wanted to see the province reverted back to Serbia. Consequently, only a minority of the Serbs agreed to accept Kosovo as their home, whereas the majority refused to participate in the process of integration.

Different attempts have been undertaken with a view to resolving the conflict between the Kosovo Serbs and Kosovo Albanians: the Airlie House Conference in July 2000, the Constitutional Framework of Kosovo in 2001 –referring to ‘Consociational democracy’ –, and the Standards before Status in April 2002, the Seven Points plan for Mitrovica in October 2002, the Decentralization policy. None of these attempts touched upon the issue of the final status. In October 2005, Ahtisaari was sent as Special Envoy of UN Secretary General in order to address the final status issue for the first time since NATO intervention in 1999.

3.4. The Contemporary Context: The Independence and ‘Civic Nation Building’ as Provided by Ahtisaari Plan: February 2006- June 2009

In February 2006, the process of definition of final status started under Ahtisaari’s mediation. There were no more chances to postpone the definition of the destiny of Kosovo. The events of March 2004 have shown that Albanians were no ready to continuing living in a limbo situation.

Representatives of Kosovo and Serbia negotiated in an attempt to find common ground. After 14 months of unsuccessful negotiations the process was exhausted. With this array of facts, in March of 2007, Ahtisaari proposes to the UNSC the “*Comprehensive proposal for the Kosovo Status Settlement*” known as ‘Ahtisaari Plan’, referring to the creation of an independent Kosovo under international supervision. At the same time, the Serbs were to be granted enhanced minority rights, including five more municipalities as well as protective zones for religious sites. However, Serbia declined to concur. Supported by an influential section of the international community,

Kosovo moved on to declare its independence on February 17, 2008, and after three months to adopt a Constitution, designed on the basis of Ahtisaari's plan. The Constitution follows the concept of civic state and provides for the recognition of rights of the individual, together with strong guarantees for the rights of communities and particularly Serb community. In short, the Ahtisaari proposal aims at reconciling the differences between Kosovo Albanians and Kosovo Serbs by providing an internationally supervised independence for Kosovo, an independence that would satisfy the Albanian majority, while promising the Kosovo Serbs a safe and prosperous future within the new state.

The core elements of this proposal include measures to ensure the promotion and protection of the rights of communities and their members, with particular focus on Kosovo Serbs, through effective decentralization of the administration, as well as the preservation and protection of cultural and religious heritage. In addition, the plan provides for constitutional, economic and security arrangements, which aim at contributing to the development of a multi-ethnic, democratic and prosperous Kosovo. An important element of the proposal is the role given to future international civilian and military presence in Kosovo, which shall supervise the implementation of the Plan and assist the authorities of Kosovo in ensuring peace and stability throughout the territory. Concretely, the mandate of KFOR remains unchanged, while the new elements of international presence include two components, the international civil representative (ICR) and the European Union Rule of Law Mission in Kosovo (EULEX) with the specific aim to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs fields.

Dozens of new laws, enacted according to Ahtisaari's Plan, have been adopted by the Assembly of Kosovo. This package of 41 laws sets out the civic framework in which the different communities in Kosovo will have to live together on a basis of equality and strive to build a common Kosovar identity. The Laws on Decentralization and the Law on Special Protective Zones will be under consideration in the following analysis.

The 17th of February of 2008, the Kosovo Government declared the Independence of Kosovo at 15.14hs at a special Parliamentarian Session designed for this objective. 109 out of 120 parliamentarians were present at the session that unanimously declared the independence; no Serb parliamentarian participated of the declaration. By the implementation of the so called ‘Ahtisaari Plan’ the civic nation building process started to take place in Kosovo. This process is the one which will be analyzed in my research.

Chapter 4:

METHODOLOGY

4.1. Scope of the Research

This study is basically a qualitative and exploratory research which attempts to answer the following questions: *considering the civic nation building process as a structural third part intervention: does this kind of intervention contribute to transform the conflict it aimed to address? Does the civic framework of this nation building process have an impact on transformations of the conflict at the structural level, issues level, actor and personal levels? How much of this new civic identity project has been accepted by the population? Is there any difference in this sense between decision makers and population in general? Which are the scope and limits of this sort of intervention?*

By considering civic nation building as a structural third party intervention, I seek to denote the kind of intervention which "...carries out activities which are designed to change the incentive structure of the disputing parties with an expectation that they would lead the parties to change their conflict behavior." (Beriker 2009) I would like to observe, therefore, civic nation building contribution to the transformation of the relationships, interests, discourse, and even society which supports the continuation of violence. If we understand sustainable peace as a successful conflict transformation process (Galtung 1991), by identifying the aspects of the civic nation building which impact on conflict transformation, we may be able to infer how civic nation building processes impact on a sustainable peace.

Therefore this research aims at exploring:

- The impact of civic nation building processes on successful conflict transformation.

- The instances in which third party structural interventions aiming at establishing a civic nation building process can accomplish more fruitful outcomes.

- The impact of this kind of third party intervention in the process of transforming the structure where the conflict is embedded, the issues which carry conflicting goals among parties, the actor decisions toward the conflict, and the people position on the conflict.

- The scope and limitations of civic nation building as a tool for conflict transformation

My research has as independent variable, a “*civic nation building process*” which, as treated here, *refers to this third party intervention that aims at changing the incentive structure of the disputing parties. It does so by issuing a civic framework with the intention of overcoming ethnic divisions by embracing all possible cultural backgrounds and ethnic roots under civic laws which guarantee to all their equal expression. Therefore, it builds a common civic identity under which all subjects of a state – built or in process of being built - are gathered.*

My dependent variable is *Successful Conflict Transformation*, which I operationalize as follows¹⁴:

1) Changes at Structure level: *changes related to the set of actors, conflicting belief or relationships, or to the society or state which the conflict is embedded.*

2) Changes at Issue level: *changes related to overcoming of former issues and incompatible goals issues among parties, changes in the position of the parties over main issues under dispute, and the way that parties redefine or reframe their positions, or reach compromises or resolutions.*

¹⁴ As it has been mentioned in Chapter 2, this conceptualization is an adaptation of Miall (2004) definition of Conflict Transformation.

3) Changes at Actor level: *change decision makers take decisions to change their goals or alter their approach to conflict, such as decisions to include other ethnic groups as equal partners or decisions of developing joint work at governmental/official level.*

4) Changes at Personal level: *changes among individual adults towards the acceptance of the new reality in which different ethnic groups live together in equal conditions.*

This research therefore implements a macro and micro levels of analysis. Thus, the complexity of the research requires observing the following unit of analysis: at the macro level, legal, and governmental structures and at micro level: individual decision makers and individual adults.

The variables and indicators of this research are presented in Figure 1.

Figure 1 Variables and Indicators in different level of analysis

VARIABLES	INDICATORS
Independent Variable	
Civic Nation Building	Identification with civic state identity Perception of State symbolic identity Perception of New State Structures Political participation in state structures & Institutions Identification of other ethnic groups as possessors of common set of rules and norms beyond the ethnic division
Dependent Variable	
	Structure Level 1.Changes at the conflicting parties 2.Changes at conflicting relationship 3. Changes in the state and society in which the conflict is embedded. <hr/> Issues Level

Successful Conflict Transformation	1. Former issues are overcome 2. Position of parties over the issues has changed
	Actor Level 1. Change in political goals towards those of CNB 2. Acceptance of CNB Perception regarding the Contribution of Kosovo Constitution to the improvement of interethnic relations Perception regarding Feasibility of the construction of a civic nation Perception Obstacles to the construction of a civic nation View regarding the process of civic nation building View regarding the impact of the existence of ethnonational parties
	Personal Level 1. Change in political goals towards those of CNB 2. Acceptance of CNB - Familiarity with National Constitution - Sense of Belonging delivered towards the National Constitution - Regard as beneficial the changes inserted by the CNB process - Sense of belonging to the state - Sense of belonging oriented to a nation identified with state rather than ethnic lines - Sense of being represented by the state symbols - Regard over the independence Declaration - Incremental sense of belonging and commonalities regarding other ethnic communities

4.2. Research Design

4.2.1. Type of Research & Criteria

The present research implements a case study methodology. More concretely this study will be a Type 2 multiple-case (embedded) design, following Robert Yin's (1992) terminology. Therefore the Kosovo's case is observed in multiple units of analysis, as different aspects of nation building are analyzed. Different data collection techniques are used according to different levels of analysis; thus there is a triangulation of quantitative and qualitative methods at this stage.

The main reasons for the selection of a single case were related to the constraint of time and resources of my MA thesis. Hence, an analysis of these characteristics, with two level of analysis and four different unit of analysis cannot –unfortunately this time– be carried out on comparative bases due to the abovementioned limitations.

The criteria for the selection of my empirical case study are as follows:

1. A post conflict society with a past of a conflict over territorial and identity-based issues.
2. Third party intervenes with structural reforms that aim at building a national identity under which ethnic differences can be overcome. Therefore, the third party assumes a role aiming at transforming the conflictive relationship among the conflicting parties.
3. The bridging solution presented by the third party intervening in the conflict provides a civic framework under which different ethnic identities take expression, resulting in a new civic identity which embraces them all.

As the Kosovo's case the most recent and clearer expression of a third party intervention aiming at constructing a new civic identity, I have selected this case hoping to develop conclusions that can expound the relationship between Civic Nation Building enterprises and a Successful Conflict Transformation on multiethnic and divided societies.

4.2.2. Methodology of Data Collection

The data are collected through the use of the following: 1) open- ended interviews 2) Stratified Survey. My data collection of secondary data relies on the systematization of information provided by: the early warning reports of UNDP in Kosovo and further material of UN, OSCE, EU and related organizations and newspapers (mostly online).

4.2.2.1. Data Collection for Macro Level Units of Analysis

The data collection at the macro level reflects three time periods:

a) 1989- 1999. The Revocation of Federal Status of Kosovo in 1989 to NATO intervention and establishment of UNMIK the 24th of June of 1999.

b) 1999-2008 .NATO intervention and the establishment of UNMIK in 24th June 1999 until the 17th of February of 2008 day of the Independence Declaration of Kosovo and the implementation phase of the Ahtisaari Plan

c) 2008- 24th June 2009: Independence Declaration of Kosovo and the implementation phase of Ahtisaari Plan up to 24th June 2009 (10 years after the UNMIK establishment in Kosovo).

The data for macro level analysis are collected from the following sources:

a) Primary Sources

Original documents: *The text of the Laws on Decentralization*: (1) the Law on Self-Local Government, (2) the Law on Municipal Boundaries, (3) the Law on Local Government Finance, (4) the Law on Education in the municipalities of the Republic of Kosovo. The first two laws on decentralization and the Law on Special Protective Zones were considered by the proposal of Ahtisaari (S/2007/168/Add.1., XII,1) as the required law for starting the implementation process; the so-called ‘Ahtisaari proposal’ and related documents. *The text of the Law on Special Protective Zones*

In the light of the Civic Nation Building process, the Laws on Decentralization aim at: 1) shaping a sense of common belonging under civic lines 2) guaranteeing equal political participation in Kosovo civic life for both communities, 3) protecting and guarantee the cultural identity of the ethnic communities .The Law on Special Protective Zones on the other hand, functions as a means of protection of cultural identity, security and property of different ethnicities- building civic grounds on which all groups would feel respected and protected.

b) Secondary Sources

As support to the above referred source: Internet sources, Newspapers, the Early warning reports of UNDP in Kosovo and further material of UN, OSCE, EU and related organizations.

Criteria for collecting data on Structural Changes:

A conflict mapping technique (Werh 1979) in time-series is implemented to acknowledge: set of actors, conflicting relationships, the society or state in which the conflict is embedded (political, economic, societal mechanisms and institutions history that influence the distribution and satisfaction of basic needs and interests of people (Galtung 1996)). For purposes of rationalizing the information according to time and resources available there will be considered only those structures that clearly address negatively or positively one or more ethnic group.

For all three historical time slots the collected data followed these two specific indicators:

- 1) Conflicting parties: actors and conflicting relationships
- 2) Provisions for the participation of conflicting parties in governing structures and electoral process.

The decision of exploring these structural features amongst others follows these assumptions:

- A conflict which is based on competing nationalistic projects implies that there will be some periods of time in which either ethnic group might be excluded of political participation; or will not be willing to do so for times in which the other ethnic group is succeeding in controlling the governing structures.

Having this assumption in mind I was eager to observe the participation of the conflicting parties at the governing structures and electoral process.

Due to the limited time and resources available further dimensions of structural level transformations can not be explored, despite of being equally relevant. For instance, an analysis of the socio-economic strata might be very enlightening of the general situation in which different ethnic groups interplay.

The variables and indicators considered for the structure level are presented in Figure 2.

Figure 2 Variables & Indicators: Structure Level

VARIABLES	INDICATORS Structure Level
Independent Variable	
<p>Civic Nation Building</p>	<p>A. Laws on Decentralization:</p> <p>(1) the Law on Self-Local Government,</p> <p>(2) the Law on Municipal Boundaries,</p> <p>(3) the Law on Local Government Finance</p> <p>(4) The Law on Education in the municipalities of the Republic of Kosovo.</p> <p>They express:</p> <p>1) a sense of common belonging under civic lines</p> <p>2) the guarantee of equal political participation of all ethnic groups</p> <p>3) the protection and guarantee of the cultural identity of all ethnic communities</p> <p>B. Law on Special Protective Zones:</p> <p>Functions as a means of protection of cultural identity, security and property of different ethnicities-</p>
Dependent Variable	
<p>Successful Conflict Transformation</p>	<p>1.Changes at the conflicting parties</p> <p>2.Changes at conflicting relationship</p> <p>3. Changes regarding the participation of the conflicting parties at the governing structures and electoral processes.</p>

Criteria for collecting data on Changes at Issue Level:

With the objective of collecting data on changes occurring at *Issue Level* I have mapped the issues in the three different periods of times aforementioned.¹⁵

The position of each conflicting party regarding the issues is also explored.

4.2.2.2. Data Collection for Micro Level Unit of Analysis

The data collection for the micro level unit of analysis has been done by two different instruments (open-ended interview and stratified survey) aiming at gathering specific information on the attitudes and behaviors of the Kosovo decision-makers and the Kosovo population in general towards the ongoing civic nation building process.

Criteria for collecting data on Changes at Actor Level:

With the purpose of measuring the attitude and behavior of decision-makers towards the civic nation building process that began implementation in Kosovo since the Independence declaration, I conducted in Kosovo, Prishtina, 14 interviews with decision-makers of a wide ethnic spectrum (10 Albanians, 2 Serbs, 1 Bosnian, 1 Turk), during the months September-October 2008. The process was facilitated by a gate-keeper, following a snow-ball sampling for the selection of the interviewee, of twenty actors contacted; only 14 were fully committed to the conduction of the interview.

The criteria for selection of the interviewees have been:

1. A decision-maker role at any of the governing structures of Kosovo (parliament, government, municipalities) or among leading NGOs with certain impact among decision-makers or population
2. The involvement in past political activities at government level, civil society or as citizens of Kosovo.
3. The identification with one of the possible ethnic identities in Kosovo (Albanian, Serbian, Bosnian, Turk, Roma, Askali)

¹⁵ Issues are defined here as "...points of disagreement that must be resolved."(Wehr 1979 :)

Each interview has been conducted in the interviewee's work place. Each interview was recorded and typed with the consent of the respondent. However, no protocol has been signed therefore, the names of the interviewees have been omitted. Some interviews were held in English, some in Albanian or Serbian with the assistance of official or unofficial translators. The questions of the interview have been generated in English and translated to both languages.

The objective of these interviews has been to collect the standing of decision-makers to the conflict in Kosovo since the implementation of Ahtisaari Plan and the Declaration of Independence. These questions address particularly whether there is a support towards the independence process or not. As the interview was meant to address main decision-makers, it has been designed for a short period of time. The interview can be answered in 15 minutes; however, there is a variety of style of respondents. Interview time varies from 15-45 minutes with two in approximating 1 hour 30 minutes.

The open-ended interviews (Neuman 2006:286) ask the same sorts of questions to each actor; except for one question which addresses a particular reference to the ethnic group that the interviewee represents. There are two groups of questions referring to: A) primary identification B) the attitude/behavior/perception towards the civic nation building process.

The interview started accounting on the primary identification of the interviewee. (Group A):

1. *Is the concept of civic nation in Kosovo part of your initial political goals? Or has your perspective changed since 1999?*

(Group B)

2. *The CN has defined Kosovo as civic nation. After 6 months do you think that it has contributed to improve the quality of interethnic relations?*

3. *Given the demography of Kosovo with nearly 90% of Albanian inhabitants and 10% minorities, is it possible to construct a civic nation in Kosovo?*

4. *Which are the main obstacles to the construction of a civic nation in Kosovo?*

5. *Are you optimistic about integration of Serbs community in Kosovo's institution? Which one has been your contribution in this respect?*

6. *Is it possible a civic nation in a Kosovo in which all parties are still ethnically based? How do you consider that this situation is going to change?(see Appendix A)*

Criteria for collecting data on Changes at Personal Level:

Aiming at measuring the changes occurred at personal level, a stratified survey (by ethnic strata) has been conducted among 247 individual adults in the following areas of Kosovo: Prishtina, Gracanica, Mitrovica, Prizren, and Peja. The criteria for choosing these geographical areas have been their ethnic variety and complexity of their dynamics.

The participants of the survey were reached by the help of key actors at the following institutions: Prishtina University, FAMA University, and The Institute of History of Kosovo, the Gender Training and Research Center.

The participants were selected by quota sampling (Neuman 2006:221); the individual adults of each quota sampling were selected by a snowball (Neuman 2006:222) technique provided by key contacts in Kosovo in the abovementioned institutions. The ethnic correspondence between Kosovo territory and the survey in percentage (%) terms has been protected. Therefore, this research respects the correspondence of 92% of Albanians, 5% of Serbs, 3% of other minorities.

The survey was administered under anonymous and free will bases aiming at obtaining a sincere answer from the participants. The instrument has been offered to the participants in 3 different languages (Albanian, Serbian, and English). Each participant has decided the language in which he wanted to complete the questionnaire.

The survey aimed at gathering the perception, attitude and behavior of individual adults towards the civic nation building process in Kosovo. Consequently, there are 6

questions which measure the identification of population with the new Kosovo state identity and their appreciation of other ethnic groups; and 11 questions which measure their acceptance of the CNB process implemented by the Ahtisaari Plan and their appreciation towards other ethnic groups since independence declaration. The comparison of the percentage on both set of questions will lead us to establish relationships between CNB and SCT.

The data collection realized with the use of surveys involved 4 stages:

(1) Data collection in the Republic of Kosovo of aggregate data of the whole region from the statistical offices (OSCE, UNDP, Ministry of Communities, Statistical Office of Kosovo) with the purpose of estimating ethnic composition and distribution of the whole population

(2) Random selection of sub-areas as survey sites among a pool of Albanian, Serbian and Turk dominated areas – in this case Serb dominated municipalities (Mitrovica North, Gracanica) , Albanian dominated municipalities (Pristina, Peja,) mixed municipalities (Prizren).¹⁶

(3) The contact's development with key actors, institutions, and community leaders with the purpose of gathering information and support for implementing the survey.

(4) The survey of populations using a quota sampling procedure for their ethnic identification and a snow-ball procedure has been followed in Serb dominated areas.

¹⁶ However, the systematic geographical stratification has been dismissed from consideration in this research, mostly due to resources factor; this sort stratification though, is extremely necessary in a large scale survey. A geographical stratification could allow the analysis of another relevant variable for this study such as 'level of proximity to Serbian border'. This factor is of primary relevance for the construction of 'the other' in a nation building process implemented by a third party and therefore, could contribute to analyze dimensions such as the relationship between parties and mediators, 'otherness' definition process, hindrance of Serbia into the process. However, the limited scope of this research does not allow this enterprise.

With the purpose of measuring how much the Ahtisaari plan has affected the people's identification as Kosovar, two sets of questions, one general and another one particular, have been addressed by the survey:

1st Set of Questions: refer to the identification of primary affiliations.

2nd Set of Questions: aim at reveal the acceptance of the new institutions created by the Ahtisaari Plan. (Please See the Appendix B)

4.2.3. Methodology of Case Analysis

In order to answer my research question, the relationship between civic nation building and successful conflict transformation, the following systematic steps has been undertaken:

Firstly, I departed having in mind my own conceptualization of “civic nation building process” which melds different conceptual elements from a wide spectrum of authors of different disciplines. I brought together the elements of civic nation described by Smith (1991), Kymlicka (1995), Yack (1996) Kuzio (2002) and Polese (2008); the understanding of nation building from Simonsen (2004) and the conceptualization of Beriker (2009) on structural intervention. As a result of this conceptual blend, the following operational definition emerges:

*Civic Nation Building refers to this third party intervention that aims at changing the incentive structure of the disputing parties. It does so by issuing a civic framework with the intention of overcoming ethnic divisions by embracing all possible cultural backgrounds and ethnic roots under civic laws which guarantee equal expression to all them. Therefore, it becomes a process of building a common civic identity under which all subjects of a state – built or in process of being built - are being gathered.*¹⁷

As an empirical manifestation of this concept, I analyzed at macro level the Laws on Decentralization and the Law on Cultural Heritage implemented by Ahtisaari Plan and at micro level different aspects of Ahtisaari Plan in general.

¹⁷ See Chapter 2 for the origin of this definition

Secondly, I continued analyzing the impact of this nation building process on a successful conflict transformation by observing the changes it brings about at the structure, issues, actor and personal level according to the definition provided by Miall (2004) with some modification I have introduced to further operationalize the concept. (See Figure 1:34)

Consequently, the Kosovo's case will be analyzed by the following steps:

1. Analyze the changes occurred at structure, issues, actor, personal levels.
2. Observe of the relationship between civic nation building and conflict transformation
3. Expound on the connection between CNB process and Successful Conflict Transformation.
4. Conclude about the scope and limitations of use of CNB as a tool for Successful Conflict Transformation.

4.2.3.1. Procedure for the Analysis of the Data on Structure Level

The analysis of the structural changes follows compares the third period of time with the other two previous periods to answer these questions:

- a) What are the new realities that these laws brought about if compared with previous historical periods?
- b) Which conflicting parties have been addressed by these laws?
- c) Do these laws offer a context for balance and equal basis relationship among conflicting parties?
- d) Have these new legal arrangements been well received by all conflicting parties?

4.2.3.2. Procedure for the Data Analysis of Changes at Issue Level:

The analysis of the changes at issue level follows a comparison of the third period of time in relation with the other two previous periods.

The conclusions regarding the impact of civic nation building on successful conflict transformation are drawn by trying to answer these questions:

a) Which issues that were of the concern of the parties have been addressed by the laws explored?

b) Have the parties changed their position regarding the key issues of the conflict that were addressed by these laws? c) Have the parties showed the will to compromise on the issues at stake?

4.2.3.3. Procedure for the data analysis of Changes at Actor and Personal Level

In order to make comparison possible among the different measures obtained per each ethnic group, I develop a *norming* process (Neuman 2006:205) regarding the value of all variables in my questionnaire (survey and interview). Therefore, I establish certain operational rules to analyze my interviews and survey. Similar procedure was applied in both cases. (See Figure 4 and Figure 5, see also Appendix B):

Operational Rules:

1. Each answer is interpreted and assigned a value (+1 or -1) according to : 1st set of questions: identification with Kosovo state identity assumes +1, its opposite -1, neutral (no Kosovar, No Serbian, no Albanian) 0.

2. I added all the values/answers obtained in all questionnaires per ethnic stratification and set of questions. (T: total answers)

3. I divided the final number of the total value of all questionnaires (per ethnic line) per total amount of surveys available or respondents (R: number of respondents). I divided then this sum per total amount of questions asked in each set of questions (6 or 11 respectively).(Q: total of questions)

4. I established the percentage that this final number represents regarding the amount of question asked, in order to determine the tendency of the value acquired. Formula $\frac{T}{R \times Q} \times 100$

Figure 4. Variables & Indicators Actor Level

<i>Variable</i>	<i>Indicators</i>
<i>Independent Variable</i>	
<i>View of actor regarding civic nation as a political goal (Q1)</i>	<i>-Positive view of CN as a political goal (+1) -Negative view of CN as a political goal (-1) -No clear position regarding CN as a political goal. (0)</i>
<i>Dependent Variable</i>	
<i>Perception regarding the Contribution of Kosovo Constitution to the improvement of interethnic relations (Q2)</i>	<i>Positive Perception (+1) Negative Perception (-1) Neutral /Uncertain</i>
<i>Perception regarding Feasibility of the construction of a civic nation in Kosovo (Q3)</i>	<i>Positive Perception (+1) Negative Perception (-1) Neutral /Uncertain (0)</i>
<i>Perception Obstacles to the construction of a civic nation in Kosovo (Q4)</i>	<i>Positive Perception (to be overcome) (+1) Negative Perception (no to be overcome) (-1) Neutral /Uncertain (0)</i>
<i>View regarding the process of civic nation building in Kosovo (Q5)</i>	<i>Optimistic (+1) Pessimistic (-1) Neutral</i>
<i>View regarding the impact of the existence of ethnonational parties on the civic nation building process (Q6)</i>	<i>Positive (-1) (a positive vision over parties under ethnic lines undermine the mere definition of the multiethnic state of Kosovo, therefore assumes negative value) Negative (1) Neutral (0)</i>

Figure 5: Variables & Indicators Personal Level

VARIABLES	INDICATORS
Independent Variable	
Civic Nation Building	Identification with state Identity (Q2) (Nation) Identification with state structures (Q3) (State) Perception of State Structures & Institutions (Q4) Political participation in state structures & Institutions (Q5) Identification of other ethnic groups as possessors of common set of rules and norms beyond the ethnic division (Q6)
Dependent Variable	
	<p>Personal Level</p> <p>1. Acceptance of CNB</p> <ul style="list-style-type: none"> - Familiarity with National Consitution (Q7) - Sense of Belonging delivered towards the National Consitution (Q8) - Regard as beneficial the changes inserted by the CNB process (Q9) (Q11) (Q12) - Sense of belonging to state (Q10) -Sense of being represented by the state symbols (Q13) (Q14) (Q15) - Regard over the independence Declaration (Q16) - changes regarding perception of other minorities (Q17) <p>2. Change in political goals towards those of CNB</p> <p>Sense of belonging oriented to a nation identified with state rather than ethnic lines (General Tendency)</p>

4.3. Limitations to the Methodology

As final aspects to be addressed by this Chapter I would like to make some remarks on the limitations, hoping that further research on the subject proposes lines for overcoming them.

4.3.1. Limitations to the Methodology for Data Collection

There are three main points that need clarification. Firstly, I acknowledge the conceptual tools implemented here, such as civic nation building and successful conflict transformation, have not been tested as such previously by any other research. Despite my definition of *successful conflict transformation* providing some improvement of the concept designed by Miall (2004) in terms of operationalization, further refinement is needed. A similar dilemma is regards *civic nation building* as a conceptual tool. The resources and time available for this research made impossible to deepen the focus on this regard. Instead, I have tried to come up with a workable definition. Future works should open up the definition by its constituent parties and work on more precise operationalization of each part with a clear reference to the aspects that do not fall into such definition. This, especially for the case of *successful conflict transformation*, would contribute to apply the concept to only a precise process that cannot be taken or confuse as a process of same sort. Like, the needed differentiation between peace-building and conflict transformation processes.

Secondly, the instruments implemented in this research present a specific shortcoming regarding to the a) amount of questions asked in the interviews b) the language and wording of the questions in the survey and interview questionnaire. The process of finding a multicultural balance for the understanding of difficult concepts as state, nation, identity, concentrated most of the energies of the questionnaires as they have to be similarly understood by at least three different languages.

4.3.2. Limitations to the Methodology for the Data Analysis

As the instruments implemented for the data collection needed further standardization in terms of the scales used in the survey and of the questions asked in the interview, the analysis had to carry on a very unique norming system via the assignment of +1 and -1 values. Further developments in the implementation of these tools should consider the design of a more standardized criterion for the use of scale system in the surveys and for the improvement of the questioner asked to the interviewees.

Chapter 5

ANALYSIS

In this chapter I analyze the impact of civic nation building process on the successful conflict transformation. For this purpose, I organize the chapter in two main sections. The first one refers to the macro level data and interpretation and the second one addresses a micro level data and interpretation.

The macro level analysis is carried on a periodization of three different historical moments of the Kosovo's conflict: 1) 23th March 1989- 24th March 1999; 2) 24th June 1999 - 17th February 2008 3) 18th February 2008- 17th May 2009. Each of these periods mark what Druckman (1997) called 'turning points' in the conflict¹⁸. During these periods, structural and issue level changes are explored. The findings regarding the structural level will expound on the conflicting parties and relationships and on the participation of the conflicting parties at the governmental structure and elections hold in Kosovo. I will conclude with an analysis of the findings and a conclusion about the impact of civic nation building process on changes at structural level of the conflict transformation process. The findings regarding the issue level changes will refer to the issues arose among the conflicting parties in the different three time periods aforementioned, and they will conclude over changes occurred at issue level dimension of the conflict transformation process.

The second section is a micro level data analysis and interpretation which consists of two sub-parts: the first sub-part is a data presentation of the findings regarding changes at the actor level dimension of the conflict transformation process, and the second sub-part regarding changes at personal level. The data will be gathered by ethnic stratification criterion. This part will conclude with an analysis of the data presented.

¹⁸ For the author, the turning points are the events or processes that mark the passage from one stage or another , indicating a progress from the earlier to a later phase.

5.1. Macro Level Data Analysis & Interpretation

5.1.1. Data Analysis & Interpretation of Changes at Structure Level

This section analyzes the conflicting parties or ‘primary parties’ as Wehr (1979) calls those parties with a direct stake in the outcome of the conflict. It will describe their conflicting relationship and dynamics and their participation in the governing structures and electoral process.

5.1.1.1. First Period: 23th of March 1989- 24th of March 1999

This period goes from the Kosovo’s status revocation by Serbia the 23rd of March of 1999 to the NATO’s Humanitarian Intervention in the conflict the 24th of March of 1999.

Conflicting Parties: Actors and Conflicting Relationships

The main conflicting parties of this time period are the Socialist Federal Republic of Yugoslavia and Serbia (FRY/Serbia), the Democratic League of Kosovo (LDK) and the Kosovo Liberation Army (UCK). These main parties are noticeably differentiated by their ethnic identities which are the result of the two competing nationalistic projects in Kosovo during the periods considered in this research. During this period the role of Kosovo Serbs is very limited; their relevance is only related to the support they offered to the actions of Serbia. Even at the Rambouillet talks their role was irrelevant as the power was at the hands of Milloshevic, moreover those who were in delegation lacked legitimacy of Kosovo Serbs. (TFF Pressinfo 1999)Nevertheless, they are still considered as primary party as they have a direct stake in the outcome of the Kosovo’s conflict.

The Socialist Federal Republic of Yugoslavia and Serbia (SFRY/Serbia) were both parties in conflict, although Serbia and Milosevic were *de facto* the key players for this, because although Kosovo was federal part of ex Yugoslavia and autonomous province Serbia, it was Serbia which revoked unconstitutionally the status of Kosovo. And for this and other reasons that I will proceed to explain, I will refer only as Serbia.

The interesting aspect of SRFY lies in the transformations –external to the Kosovo’s conflict- that suffered particularly during this period. By 1989, SRFY was a ‘socialist federation’ led virtually by Serbia, and the situation remained unchanged in this regard. By 1995, following the independence of the other federal units, it will be known as rump-FRY (R-FRY) as it will remain only with Montenegro and Serbia as its constituent units. It will be later on, in 2006 when Montenegro declares its independence will remain Serbia. Nevertheless, for the purpose of this study, these changes remain only as a change of name. The overall conflict in Kosovo was always a conflict between Serbia and the KA, mainly. The two main competing nationalistic projects will refer to the Serbian option for Kosovo and to the Albanian one. Therefore, other connotations of the changes suffered for SRFY will be omitted.

During this period Serbia enjoyed the diplomatic and military advantage conferred for being the leader of SRFY and illegitimately used the Yugoslavian state potentials. As absurd as may sound, SFRY/FRY weaponry used by Serbia came from contribution of all nations it fought against, included Kosovo.

Among the Albanians actors the two main actors of this period were: the Democratic League of Kosovo (LDK) and the Kosovo Liberation Army (KLA) which emerged nearly the end of this period, in 1997.

LDK is a peaceful movement formed in 1989 by a group of prominent intellectuals. Under the Rugova’s leadership, LDK aims freedom, independence and democracy. LDK will become extremely popular and have the chances to play a double role in Kosovo, as the movement for independence of Kosovo and as the legitimate representative of an underground Kosovo state, as we shall see.

The Kosovo Liberation Army (KLA) was an armed group that emerged publically in the Kosovo’s conflict in a press conference in Switzerland in the summer of 1997 when they took responsibility for attacks to Serb policemen (Malcom 1998:355). It was formed by Albanians in Kosovo and Diaspora. The LPK (Popular Movement of Kosovo), an underground party, seem to have played a key role for the formation of KLA. (Judah, 2000: 104). The KLA came as reaction to the lack of results of peaceful movement of LDK, especially after the Dayton Summit did not recognize Kosovo

among the affected states. Some analysts say that KLA was just a product of wartime improvisations, seizing the opportunity of weapons flow into Kosovo after the economic collapse in Albania. (Waller, Drezov&Gökay 2001) Regarding the truth of such conclusion, the fact is that KLA did manage to be seen internationally as expressing and representing the will of an ample spectrum of KA. In this sense, the KLA became a double-face actor being both a key negotiator at the Rambouillet talks under the Hashim Thaqi's leadership, removing practically the relevance of Rugova and the LDK peaceful movement, and a key factor for the escalation of the Kosovo's conflict.

Conflicting relationships

The disintegration of former Yugoslavia was supposed to allow its eight federal units to decide their future by its own. However, Serbia impeded to Kosovo to take such an option and by violating the Constitution of former Yugoslavia (1974) which reads that one federal unit could not revoke the federal status of federal unit (Blaustein & Flanz 1990)¹⁹. In 1987, "...the League of Communists of Serbia under the leadership of Slobodan Milosevic, appealing to Serbian national sentiment, committed itself to reasserting Serbian control over Kosovo by means of constitutional changes designed to limit the province 's autonomy..."(Amnesty International 1992: 3) This goal was followed by forceful and unilateral changes in the constitution of Kosovo in March 1989 despite the opposition from Albanians of Kosovo through the public debate (in 1988) and general strike throughout Kosovo (in February 1989).(Amnesty International 1992: 3). On 26 February, as the strike continued, the SFRY/Serbia authorities introduced state of emergency. "On 23 March 1989 the provincial assembly of Kosovo met under unusual circumstances, with tanks and armored cars parked in front of it. Large number of 'guests', both members of security police and Communist Party functionaries from Serbia, mingled with delegates inside the building, and according to several accounts some of the officials from Serbia took part in voting. Under these

¹⁹ For more information regarding the status of Kosovo according to Yugoslavia Constitution of 1974 see Kosovo: Law and Politics. Kosovo in Normative Acts before and After 1974. Belgrade: Helsinki Committee for Human Rights, 1998/

conditions the constitutional amendments were passed, although without the two-thirds majority normally required for such changes.”(Malcom 1998: 346) Serbia took control over of Kosovo's police, judiciary, civil defense, foreign relations and policy on official appointments as well as the right to make future constitutional changes without the consent of the provinces. As Kohl and Libel (1992) say “Kosovo’s autonomy was reduced to a mere token.”

The two contradictory Albanian responses: building the statehood of Kosovo and escalating the conflict.

In response to the Serbian occupation and with a goal of achieving freedom and the right to self-determination, KA mobilized by the Kosovo’s intellectuals organized a peaceful resistance. On a later stage an armed resistance emerged in the scenario of Kosovo imprinting a new stage of the conflict and a new dimension to the political struggles between Serbian and Albanian population of Kosovo. The peaceful resistance of people of Kosovo was led by Democratic League of Kosovo (LDK), as an active peaceful movement for freedom, independence and democracy operating in Kosovo and Diasporas during 1989-1999. The political project of LDK was to fulfill the will of people for self-determination and an independent state of Kosovo. LDK followed the political realities being created in the process of disintegration of former Yugoslavia and the reactions of other federal units. In the years 1989-1991, LDK opted for Kosovo as federal or nonfederal state of Yugoslavia. (LDK Political Declaration 1991:12) However, after the Slovene and Croatian declarations of independence in June 1991, the demand for a republic was changed to a demand for independence. In September 1991, a self-organized referendum on independence took place. It is said that 87% of voters took part, including some minorities, and the vote was 99% in favor. In May 1992 Kosovo-wide elections were held, using private homes as polling stations, for a new republican government and assembly. (Independence Referendum 1991:19-20)

Further, in October 11, 1991 it adopted the joint political declaration with all Albanian political parties in Yugoslavia to define the question of Albanians of Yugoslavia in case of disintegration of the state. This declaration established three options: (1) If external and internal borders of Yugoslavia remain unchanged, then

Kosovo must have status of independent state; (2) If internal borders between republics are to be changed, the demand of Albanians in Yugoslavia is an Albanian Republic in Yugoslavia on the basis of ethnic and other principles that apply for the Serbs, the Croats, the Slovenes and other peoples of Yugoslavia; (3) If the external borders of Yugoslavia are to be changed, the Albanians in Yugoslavia request that decisions about the re-unification of Kosovo and other Albanian territories with Albania are made through a plebiscite under international monitoring. (LDK Political Declaration 1991)

To accomplish the goal for independence, LDK established two strategic goals: 1. Internationalization of the question of Kosovo and the Albanians and, 2. Building of the statehood of Kosovo. (Tahiti 2001:276-279)

While LDK peaceful strategy was providing an option to KA life, the violence became a clear component of Kosovo's life by 1997. KLA had emerged as a reaction of frustration about the failure of LDK to bring about the Kosovo's Question into Dayton. The Serbian police forces increased their actions but in a terrorist manner challenging LDK non-violence strategy, to be absolutely broken by 1998 (Bieber&Daskalovski 2003:44). During February-March of 1998 Serbia entered the KLA dominated city of Drenica in the search of KLA leaders. However, the Serbian actions were mostly directed to destroy the whole village and civilians living in there, three villages were destroyed, 80 people killed, including 24 women and children (Amnesty International 2000). According to Bieber&Daskalovski (2003:44) these terrorist-like actions of Serbia transformed the KLA in a sort of 'national liberation army'.

Observing from outside, this period seem to bring about a Kosovar option of state supported by its own army; however this combination of LDK and KLA never came into being. Rugova never accepted such an option despite the several trial made by his closest fellows. (Confidential Source, 10th November 2007).

By October of 1998, KLA will be recognized by the international community as a political factor and since then on will start to be considered as the real representative of the KA. (Bieber&Daskalovski 2003:44)

In early 1998 the US undertook steps for diplomatic solution, through shuttle diplomacy, the pre- Rambouillet talks. In the first part of the year, the US envoy Christopher Hill talked to Serbian government and LDK representatives and at the second part he included KLA interlocutors as well, they will remain unsuccessful. Out of these talks the blue print of interim solution was designed which will which eventually led to the convening of the Rambouillet Conference on Kosovo. (Tahiri 2001: 302-314).

By 15th January 1999, the escalation of the conflict reached its peaked when the Observatory Mission of OSCE finds the body of 45 civilians massacred in Racak. (Ignatieff 2001: 35)

Rambouillet Conference finally takes place in Rambouillet and Paris in the period between 6-23 February and 15-18 March 1999. It was the time when the crisis escalated in dramatic dimensions in Kosovo with a bloody war threatening to spillover beyond Kosovo. The Conference aimed at stopping the war and Serb genocide against the Albanians and eventually placing Kosovo under NATO protectorate.

However, as known, this Conference failed due to the lack of readiness of Miloshevic to sign the agreement, which opened the door to international humanitarian intervention of NATO the 24th March of 1999. In three months of war of NATO against Serbia, finally Serbia agreed to peace expressed by signing the Kumanova agreement for full withdrawal of Serb/Yugoslva forces from Kosovo and gave support to the UN Security Council resolution 1244. Since this Resolution turned into power Kosovo was placed under NATO and UN protectorate and was administered by UNMIK for another 9 years, until 17th February 2008 when Kosovo assembly declared independence with support of United States and other western allies.

Participation of Conflicting Parties in Governmental Structures & Elections

The period 1989-1999 is a period in which Kosovo seems to live in two parallel realities which overlap and re-enforce; one shaped by Serbia and another one by the KA. However, the KA option was not that monolithic. LDK offered the very first alternative to Serbian rule however since 1998 KLA will compete with LDK for the

funds and support of KA. Both movements will have the methodology of working in Kosovo and in Diaspora. Mainly the KA governments of this period will be hold in the Diaspora; this is valid for the one laddered by LDK and Rugova, and the one commanded by KLA and Thaci.

Serbia started to have full control over Kosovo administrative and social life since the day of the revocation of Kosovo's autonomous status. As a first step towards the unification of Kosovo with Serbia was the so called 'Program for the Realization of Peace and Prosperity in Kosovo', acting in compliance with the 'Yugoslav Programme of Measures to be taken in Kosovo'. (Malcom 1998:346) By this legal framework Serbia decree a walloping amount of measures to bolster the position of Serbs in Kosovo and to dismiss the ones enjoyed by Albanians (Malcom 1998: 346).²⁰

This legal framework explicit justified the annulment of Kosovo laws that would remain functioning against the program's principles, by declaring a threat of Albanian separatism. ((Bieber&Daskalovski 2003:38).). As a result, an apartheid-like system was installed, where Serbs as minority took a power whereas Albanians as majority (90 percent of population) were dismissed from institutions of Kosovo. Furthermore, Serbia moved on dismissing almost 80 percent of Albanian population from their jobs and this campaign involved dismissing doctors, engineers, professors and all other professionals from the public sector and letting only Serbs to run the country. (Mertus 1993, Malcom 1998: 349)

Aiming at keeping people quite of reaction against this system, there has been implemented oppression, tortures, imprisonment of all dissidents' killings, wounding, and arrests of Albanians became the rule. (Mertus 1993, Malcom 1998: 344-345, Philips 1996: 823)

²⁰ Among these measures (and others which came later) were the creation of new municipalities for Serbs, privileges for Serbs and exclusion and family planning for Albanians, restrictions to the possession of private property ; "...encouraging... to work in other parts of Yugoslavia...", closing the Albanian newspapers and the Kosovo Academy of Arts and Sciences. (Malcom 1998:346)

The situation became worse by 1991/1992, as the Serbia parliament has already abolished in 1990 the Kosovo's education system, the schools were closed and the students and teachers banned of using school if they were not compelling with Serbian curricula. (Bieber&Daskalovski 2003:39). The Serbian Parliament later implement the 'Declaration of Human Rights of Members of National Minorities' in which basically states all citizens as 'equal' and prohibits discrimination for national affiliation (39). The appalling aspect is its description of Albanians as above the international standard and that, in words of Bieber and Daskalovski (2003:39), it "...anathematizes Kosovar Albanians as uncivilized people."

The discrimination against KA expanded to all sectors of life in society, guaranteed by the Serbian police arm and the silent "...Kosovo Serbs who supported the Serbianization of Kosovo based on ideas of Serbian 'sacred land' and ethnic superiority." (Bieber&Daskalovski 2003:40)

In building statehood of Kosovo, the political movement (LDK) in cooperation with existing institutions of Kosovo (of communist period) exercised the legitimate right to self-determination adopting the Declaration on Independence adopted by the Parliament of Kosovo. "On July 2, 1990, three days before the Kosovo Assembly was dissolved, 114 of the 123 Albanian delegates in the Kosovo Assembly met on the steps of the Assembly building, which had been locked. There were enough of them to constitute a quorum and they issued a declaration giving the Albanians the status of a nation entitled to their own republic." (Independent International Commission on Kosovo 2000: 43-44). On September 7 they met again at Kacanik/Kacanik and agreed on the proclamation of a constitutional law for a 'Republic of Kosovo', including provisions for a new assembly and elected presidency; the Constitution of the Republic of Kosovo was then passed by the Parliament of Kosovo.

The Constitution of Kosovo of 1990 was mainly declaring Kosovo as an Albanian dominated entity but with ample guarantees for minorities. The article 1 of this constitution says "Republic of Kosovo is the democratic state of Albanian nation and members of their nations and of the minorities, Serbs, Muslims, Montenegrins, Croats, Turks, Roms and their who live in Kosovo." Kosovo Constitution (Article 1

Based on the Constitution, Kosovo worked for democratization of political system by encouraging political pluralism and supporting the creation of other political parties along with LDK which gave birth to the Farmers Party of Kosovo (FPK), Parliamentary Party of Kosovo (PPK), Albanian Christian-democratic Party of Kosovo (ACDPK), Social-Democratic Party of Kosovo (SDPK) and minority parties such as the Party of Democratic Action (PDA) of Muslim minority and the Turkish People's Party (TPP). (Malcolm 1998: 348)

In the first multiparty parliamentary and presidential elections in Kosovo in May 1992, independent governing institutions were established deriving from Constitution of Independence the so called "Kaçanik Constitution", of 1990. The electoral system provided for mix majority – proportional system with full guarantees for minority representation. Hence, the parliament had 120 seats, of which 100 seats through direct voting and 20 seats were reserved for minorities. Out of 20 seats, 14 were reserved for Serbs and Montenegrins and 6 seats for other minorities. (Kosovo Information Center 1993: 25-28,) In this elections except Albanian majority, the minorities also participated such as Muslims, Turks, Croats and Roma, whereas Serbs and Montenegrins refused to participate. Given that there was not a census in Kosovo since 1989, the demographic picture vary according to sources: Albanian sources say Albanian 90 %, Serbs 7%, and the rest 3%, (Islami 1993: 26) whereas Serbian sources say Albanians 82,2 %, Serbs 9.9% and rest 7%. (Mertus 1999: 315)

The result of this internationally monitored elections, gave the following outcome: the Democratic League of Kosovo won the majority of votes and the President of the Democratic League of Kosovo, Dr. Ibrahim Rugova was elected President of the Republic of Kosovo through direct vote. The Parliament of Kosovo was composed of LDK (96 seats), PPK (13), FPK (7), ACDPK (7), SDPK (1), independents (2), Muslims (4) and Turks (3). Muslims had 3 reserved seats and one seat they won by direct voting. (Kosovo Information Center 1993: 25-28, Independent International Commission On Kosovo 2000: 45)

The legitimate governing institutions established by these elections involved the President, Parliament and Government. In the government of Kosovo one of the

ministers was from Muslim community, the minister of health.²¹ The institutions operated with big difficulties given the Serb occupation. The President acted in Kosovo, the Government acted partially in exile (Germany) and partially in Kosovo, while the Parliament could not meet in plenary sessions but rather acted through parliamentary groups and committees. (Malcolm 1998: 348-349, Tahiri 2001: 278)

Kosovo's independent institutions covered all spheres of life, in particular the domain of finance, foreign relations, education, health care, culture, social issues, economy and defense and security. Thus, a state institution of finance of Kosovo was built with a key role played by the Albanian Diaspora. The schools and University in Albanian were opened in private homes. A network of health clinics and other services for citizens were established. Economy succeeded to function at trade and small business level. As of 1992, structures of defense and security were built in Kosovo. (Tahiri 2001: 278)

Serbia's ruling was enabled by force, establishing large number of military and police forces and running public organization, under the instructions of government in Belgrade.

“The [KA] boycotted the December 1992 Yugoslav elections on the pretext that the ‘Republic of Kosovo’ was no longer part of Yugoslavia, defying substantial international pressure to support reformed-minded [political contestant to Milosevic].” (Bieber 2003:42)

This boycott was the chance for KA to empower their decision of being independent and to not let this goal to be overlapped by the human right abuses they were exposed to. In the years to come, The Kosovo Albanian peaceful resistance for independence continued in parallel to Serbian violence which attempted to suppress this resistance and make Albanians accept Serbian rule.

²¹ Numan Baliq, the leader Party of Democratic Action (PDA) was the Minister of Health

The years 1998-1999 will mark the period of war in Kosovo between Serbian forces and KLA with bloody developments. At this is time NATO decides to address the security situation in Kosovo that was threatening international peace and security. In its first statement of 5 March 1998, NATO Council called “on Belgrade authorities and Kosovar Albanian leaders to enter serious dialogue without preconditions to find a political mutually accepted solution for Kosovo and also warned that it and the international community were legitimately concerned about the situation in Kosovo, among others, also because of its impact on the stability of the entire region.” (NATO 1998) In addition, the Contact Group and UN Security Council addressed the increasingly volatile situation in Kosovo. In three resolutions of the UN Security Council, ¹ Resolution No. 1160/31 March 1998, Res. No. 1199/23 September 1998 and Res. No. 1203/24 October 1998, the situation was characterized as humanitarian catastrophe and a threat to international peace.

5.1.1.2. Second Period: 24th of June 1999- 17th February 2008

This period covers from the deployment of United Nations Mission in Kosovo (UNMIK) on the 24th of June of 1999 to the Kosovo Independence declaration the 17th of February of 2008.

Conflicting Parties: Actors and Conflicting Relationships

The conflicting parties during this period will suffer transformations that are proper of a contextual change to which they necessary have to adapt. This is the period in which Serbia will have to accept the limitations established by the UNSCR 1244, a period in which one part of KLA will be transformed into the Kosovo Protection Force (KPC) ((Independent International Commission on Kosovo 2000:107) and in what is now known as Democratic Party of Kosovo (PDK); LDK will adapt to political party structure and start to take role in the Kosovo’s official political life. New parties will emerge to take place in this new reality, and Kosovo Serbs will be more characterized as a conflicting party with clear demands and positions - some of which distanced from Serbia.

FRY/Serbia was politically discredited for its aggression policy. The Kumanovo Agreement first and the UNSCR 1244/99 later will represent a boundary that Serbia was supposed not to cross without paying consequences at international level.

Kosovo Serbs (KS) were a sort of silent primary party –always voiced up by Serbia- in the conflict before the UNMIK deployment in Kosovo. However, their situation changed during this period, the UNMIK took different measures aiming at bringing KS in the political scenario. The KS will be rather divided between moderates and radicals. The radicals led by Marko Jakshic, oppose any links with Kosovo, while moderates organized in Serb National Council (SNC) led by Rada Trajknovic and Oliver Ivanovic (who initially was radical and leader of paramilitars -Bridge watchers), try occasionally to act independently from Belgrade by looking for opportunities of integration into the Kosovo institutions. They took part in elections of 2001 as Coalition Povratak and were part of institutions of Kosovo. Meanwhile new parties under more liberal ideologies takes part in institutions (in 2004 and 2007) such as the Democratic Serbian Party of Kosovo and Metohija (SDSKIM) of Slaviša Petković, the New Democracy of Branislav Grbić, Independent Liberal Party (SLS) of Slobodan Petrovic. (Kosovo Assembly Fact Sheet, ND)

Among KA, this period will bring the proliferation of political parties of the inheritors of the political power gained during the abovementioned time-period. None of the KA political parties will differentiate much on their political programs but they will have strong differences regarding the past as main parties originated from peaceful and armed resistance not going well with each other in the past. However, they will all have something in common, the claim for a final status for Kosovo which brings its independence.

Two new parties will arise out of the two main warlord of Kosovo. The PDK led by Hashim Taçi (former UCK commander) and the AAK led by Ramush Haradinaj (former UCK commander)

LDK remained as largest political party and in grand ruling coalition with AAK and PDK. After the war LDK is considered to be the main successor of the peaceful movement for independence with the same name.

Other three parties came into Kosovo political life: ORA entered in the scenario in 2004 led by Veton Surroi who has been part of almost all negotiation process regarding Kosovo since Rambouillet Conference. The ADK party led by Edita Tahiri, who has been one of the key leaders of the peaceful movement for independence and a negotiator of all pre-war phases including Rambouillet Conference. The AKR party, led by a recognized businessman Behxhet Pacoli, is one of the last parties in being created.

Despite the new KA parties, still the main negotiator for KA side will be the Provisional Institutions of Self-Government (PISG) which was always led by KA, despite of involving some KS in its structure. Before 2001, Kosovo has been under the joint transitional government structures of UNMIK and nationals. Since then on there have been three governments coming out of three cycles of elections, in 2001, 2004, and 2007. Government powers were limited as UNMIK hold substantial part of powers including reserved powers. Kosovo government will be in a sort of stalemate with FRY/Serbia for the status question of Kosovo, and also due to hidrance of Serbia by her parallel structures. As reported by OSCE in 2002 and 2003, FRY/Serbia's parallel structures operated in the northern municipalities of Mitrovica, Leposavic, Zubin Potok and Zvecan and the Serb enclaves since the end of war including areas of security, the courts, property issues, schools and healthcare. (OSCE 2003: 5)

The PISG faces also the refusal of main section of Kosovo Serbs and comes to collision with UNMIK over the more transfer of powers.

UNMIK is mandated by UNSCR1244/99 to lead the protectorate over Kosovo and to lead it until the final status resolution comes into being. However, Its mandate is hindered by Serbian parallel structures which operate illegally in Kosovo since 1999 and it is opposed by most KS who f refuse to recognize UNMIK and PISG legitimacy , remaining loyal to Serbia. UNMIK time to time is in collision with Kosovo government for the issue of governance competencies.

KFOR is the Kosovo Force implemented by NATO in Kosovo whose mandate is to provide global safety and control of borders; however it faces interference from Serbia and refusal from some KS.

The NATO intervention the 24th of March of 1999 and the subsequent UNSCR 1244/99 installed in Kosovo a stalemate which many have called 'limbo' situation. The UNSCR 1244/199 settled a sort of game between Serbia and KA regarding the final status of Kosovo. The resolution pleased KA stating that Kosovo would enjoy substantial autonomy and self-government and promising to determine the Kosovo Final status (UNSCR1244/99 art 11). However, at the same time, it reaffirmed the sovereignty and territorial integrity of FRY/Serbia over Kosovo. It should be noticed that the resolution does not refer to Serbia but to FRY which was absolutely disintegrated by 2006 with the independence declaration of Montenegro. The UNSCR 1244/1999 gave arguments to both sides to pretend that options, a Kosovo Albanian project and a Serbian national project for Kosovo would be able to happen. This period will be periods in which both, KA and Serbia would do their best to succeed in either option and therefore the stalemate installed by the NATO intervention will come to reign until the KA declare its independence in 2008.

Regardless of the relations between KA and Serbia, there is the internal situation in Kosovo between KA and KS, mostly underestimated by those who treat KS as mere instrument of Serbia, or those who simple focus on the capacity of this relationship to generate tensions and violence. Albeit, this features, KS are a real actor in the conflict despite of being misunderstood, underestimated or forgotten behind the shade of Serbia. The 2th of July of 1999, right after the events of harassment and attacks against minority groups, SRG made KA and KS to agree on measures to ensure security (S/1999/779)

Until 2004, the situation in Kosovo remains controlled by KFOR and UNMIK, despite the several acts of revenge of KA towards KS at the very early days of the post-war period. However, the relationship was never that easy. The conflicting relationship between KA and KS could be best observed in the divided city of Mitrovica, which remained a tension zone in all years of UNMIK administration. The clashes between the conflicting parties time to time were expressed through violence. Reported events of violence took place since the end of war. Hence, in early February 2000 in Mitrovica three Serbs were killed and some wounded while in revenge attacks ten Albanians were killed. In February 2001, an Albanian youth was killed. The violence did not exclude

internationals. In one of the attacks in April 2002, twenty-two UNMIK police officers were wounded by Serbian paramilitary known as 'Bridge Watchers'. (ICG 2002: 3-6). Due to this event, the international staff withdrew from the northern municipalities while UNMIK police remained though unable to carry patrolling until May 1, 2002. However, the highest point of escalation of violence occurred in March 2004 when from both sides there were killed and wounded and where Serbian religious sites suffered a large damage. As a consequence of these riots, 19 died, about 900 were injured, around 700 Serbs, Askali, and Roma homes were destroyed together with Serbian churches and monasteries, and 4500 people were displaced (ICG 2004: i)

March events were initially observed as ethnically motivated but after the thorough analyses on root causes the list of other reasons come to be identified such as uncertainty over the final status, lack of economic progress and dissatisfaction with governance both UNMIK and national one. (Human Rights Watch 2004: 2, Congressional Research Service 2005: 7-8)

Both pretensions over Kosovo, the KA and the Serbian one remained frozen or lost in what it became a tedious 'limbo situation' or an eternal stalemate between the parties. To move on after the riots of March 2004, and fearing more KA reactions of similar sort, UNMIK launched the 'Standard Before Status' policy. This policy demanded certain standards – as we shall see- that needed to be accomplished in order to advance further any possible talk about final status of Kosovo. UNMIK needed to frozen one more time the new uprising of nationalistic pretensions. It is difficult to imagine what would have happened if the Status talks would have come at that time or before the period they in fact came – 2006. Nevertheless, the scenario in Kosovo was one in which the conflicting parties could not leave with either side definition of the final status, nor with the lack of it.

By February 2006, the negotiations over the Kosovo final status came into being with the mediation efforts of Marti Ahtisaari as Special envoy of the UNSG. The negotiations last for almost 2 years, in 6 different rounds of negotiations mediated by the UN envoy Marti Ahtisary and under the auspices of Contact Group The negotiations however, have excluded KS from the discussion table and instead, their

voice was arose by Serbia who had the absolute command of the Serbia side position .
(Weller 2008a)

Participation of conflicting parties in state & government structures

The UNSCR1244/99 and the Consitutional Framework of Kosovo approved by SRSG on 15 May 2001 will place all aspects regarding ethnic communities under the exclusive competence of the SRSG who will act as a mechanism for the protection of their rights. The Provisional Self-Government Institutions of Kosovo will be the other mechanism set with similar purpose. (Reka 2003:162). UNMIK needed to govern the territory with the goal of promoting peace, stability and multiethnic cooperation, and therefore different instruments were developed with the purpose of ensuring the full protection of minorities, special protection to Serb Cultural heritage will also be managed by KFOR. In fact, UNMIK was able to control together with KFOR the transformation of KLA in both a political party and the new Kosovo Police Corps. There was a pending more complicated objective, bringing KS into the Kosovo governance structures and electoral process. The task remained unsuccessful, unlike the experience with KLA. Among the major steps taken for the integration of the conflicting parties into a joint structure of government are: 1) Establishing Joint Interim Administrative Structures (1999-2000); 2) Constitutional Guarantees for Minorities; 3) Standards before Status Policy (2002-2004); 4) the Steiner's Seven Points plan for Mitrovica (October 2002), 5) Decentralization Plan

1. Joint Interim Administrative Structures (1999-2000)

UNMIK moved on in establishing joint interim administrative structures by setting the formula of inclusive multiethnic environment. In planning the joint governance structures UNMIK consulted key leadership of Albanians, Serbs and also other minorities such as Muslims, Turks, Roma and Gorani. As a result, UNMIK established the joint governance structures of UNMIK and nationals kown as **The Joint Interim Administrative Structure (JIAS)** in May 2000. The JIAS was made up of **(1) Interim Administrative Council (IAC)** which served as substitute to government however in advisory role to the SRSG. It was composed of 8 members, 4 nominated by the United Nations, 3 representatives of Kosovo Albanians and 1 representative of

Kosovo Serbs. The Kosovo Albanian representatives were Ibrahim Rugova (LDK), Hashim Thaçi (PDK) and Rexhep Qosja (LBD). The Serb member, Rada Trajkovic, represented the Serbian National Council for Kosovo and Metohija (SNC) although not supported by Serbs Gracanica and Sevce who chose to boycott and oppose the efforts of Trajkovic. (UN Coverage 1999)The SRSG served as the non-voting chairman. The Serbs withdraw from this body time to time according to the political developments and instructions from Belgrade. Thus, in May 2000 the SNC suspended its participation and only after far-reaching concessions -including the rapid implementation of up to 20 Local Community Offices for the public administration in Serb enclaves- laid down in a “Joint UNMIK-SNC Understanding” between SRSG Kouchner and Bishop Artemije, the Serbs decided to rejoin on 25 June 2000 until the end of its mandate in April 2002 when democratically elected government took place. (UNMIK-SNC Understanding 2000)

(2) **Kosovo Transitional Council (KTC)** served as substitute to parliament and included 35 members representing different stakeholders such as political parties, religious organizations, national minorities and groups representing civil society. Being in the role of parliament-like body its mandate was to oversee the IAC. The KTC included four Kosovo Serbs, and one representative per each other minorities. (UNMIK-JIAS Fact Sheet, ND) (3) **Administrative departments (AP)** served the role of ministries for all sectors of life. The 19 administrative departments (later 20) were established during 2000, and each one was co-headed by an UNMIK co-head and a national co-head. The positions of co-heads were assigned to political parties and minorities according to the following formula: PDK (5), LDK (5) LBD (5), Kosovo Serbs (2), Kosovo Turks (1), Kosovo Bosnians (1) and one independent. (UNMIK-JIAS Fact Sheet, ND) (4) **Municipal boards** served the role of municipal assemblies led by UNMIK Municipal Administrators, and their composition reflected ethnic groups.

2. Constitutional Guarantees for Minorities

By 2001, the Constitutional Framework of Kosovo was adopted (Constitutional Framework 2001: Chapter 4) institutionalized the rights and interests of minorities, and

in particular the Serb minority (Article 4.1)²². Based on the concept of ‘consociational democracy’ it set out the principles for protection of minorities including their ‘guaranteed representation’ in the Assembly and Government of Kosovo. This Constitution guarantees twenty parliamentary seats for minorities, 10 seats Serbs (plus the seats they may win in elections) and 10 seats for non-Serb minorities. Articles 4.1. and 9.1.3.b of the Constitution read:

Article 9.1.3. B) Twenty (20) of the 120 seats shall be reserved for the additional representation of non-Albanian Kosovo Communities as follows:

(i) Ten (10) seats shall be allocated to parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community.

(ii) Ten (10) seats shall be allocated to other Communities as follows: the Roma, Ashkali and Egyptian Communities four (4), the Bosniak Community three (3), the Turkish Community two (2) and the Gorani Community one (1).

The constitution also guarantees two ministerial positions for non-majority communities, of which at least one will be from the Serb Community (Article 9.3.5)²³ Both conflicting groups participated in national elections of 2001 and the Provisional Institutions of Self-Government (PISG) and the Assembly of Kosovo. (S/2002/436)

3. Standards before Status policy

²² Article 4.1. says “ Communities of inhabitants belonging to the same ethnic or religious or linguistic group (Communities) shall have the rights set forth in this Chapter in order to preserve, protect and express their ethnic, cultural, religious, and linguistic identities.”

²³ Article 9.3.5) At all times, at least two Ministers shall be from Communities other than the Community having a majority representation in the Assembly. (a) At least one of these Ministers shall be from the Kosovo Serb Community and one from another Community.

With a goal of building confidence UNMIK adopted the policy of ‘Standards before Status’ (UNMIK press release 2002), with special focus on multi-ethnicity and integration. These eight areas are: 1) Functioning democratic institutions, 2) Rule of law (police/judiciary), 3) Freedom of movement, 4) Returns and Reintegration, 5) Economy, 6) Property Rights, 7) Dialogue with Belgrade, and 8) the Kosovo Protection Corps.” The idea was to postpone the status question until some level of standards is reached and the conflict mitigates further among sides. The implementation process took part in 2003 and 2004, through “the Standards Implementation Plan.”

4. Seven Points Plan for Mitrovica

Despite the efforts to integrate the Serb minority, the situation on the ground showed that division lines prevailed through Serb parallel structures and partitioning the city of Mitrovica. Serbs represented in the Kosovo institutions used to often boycott these institutions. King and Mason (2006:115) assert that Serbs “...accepted places in the new institutions, but frequently not attend, in protest at one or other recent event.”

In October 2002, SRSG Steiner made efforts to secure Serbian integration while offering decentralization and promised to make Mitrovica a normal European town. (Steiner 2002) However, no significant result was achieved, instead Serb parallel structures and tendencies of partitioning strengthened further. These divisions and fears of both sides for the uncertain final status as some argue (Congressional Research Service 2005: 7-8.) led to the massive revolts of early 2004 which impacted negatively on the progress made in interethnic relations, but also brought the conflicting relationship to the point of critical fragility.

5. Decentralization policy

The very first decentralization policy was adopted in 2000 aiming at transferring some of the powers to a local level for accommodating the minority interests. UNMIK encouraged the PISG to embrace decentralization as a priority and asked the Council of Europe to provide guidance for decentralization and reform of local governance. The legal framework of local governance provided by Regulation 2000/45 of 11 August 2000 gave ample powers and responsibilities to municipal level trying to accommodate

interethnic relations. It also prohibited discrimination, including ethnic discrimination, and required dual language (Albanian and Serbian) in municipal government as well as other minority languages which were relevant. The Regulation stipulates that borders of municipalities cannot change without the consent of its citizens and without a decision by UNMIK, while it encourages cooperation between municipalities. Further, the PISG presented the plan for decentralization (Framework for the Reform of Local Self-Government in Kosovo 2004) based on a civic concept and the concept of subsidiary, conducive to the principles of the Council of Europe Charter for Local Governance. The PISG succeeded to devise this plan despite controversies and political opposition to the idea of decentralization from the Albanian side which insisted that there should be central powers established prior to decentralization. In this regard, an advisor of Prime Minister of Kosovo, Besnik Tahiri says “Difficult to decentralize and devolve central power in Kosovo, prior to the consolidation of power.” (UNDP 2008) They feared that decentralization can have negative implications to territorial integrity of Kosovo and its final status. This plan provided for pilot projects for new municipalities, some with a full range of municipal powers, while others had more limited powers, like Sub-municipal Units (SMU). It allowed association of different municipalities with similar interests within Kosovo, and even outside of Kosovo, in coordination with the SRSB and PISG, allowing the cooperation of Serb-dominated municipalities with Belgrade. Further, it called for respect of the European standards when the change of boundaries are at stake, meaning that consultations with the local communities concerned must take place prior to any decision. However, it ruled out any veto power to minorities.

At the same time, Belgrade provided its decentralization plan based on ethnic concept seeking an autonomous region of KS in the northern part of Kosovo (the area includes municipalities of Leposavic, Zubin Potok, Zvecan, and northern Mitrovica). However,

UNMIK approved the Prishtina Plan, in August 2004, and asked the PISG to work on implementation. In the years 2004 and 2005 the process of decentralization moved forward with five pilot municipal units in existing municipalities: Gračanica in Prishtina Municipality, Partesh in Gjilan Municipality, Hani i Elezit/General Jankovic in Kacanik Municipality, Junik in Decani/Decane Municipality, and Mamusha/Mamusa in Prizren

Municipality. Serbs got two pilot municipalities, Gracanica and Partesh, added to five existing such as Leposavic, Zubin Potok, Zvecan, Shtrepce, and Novo Brdo.

However, the decentralization process could never reach its objective of encouraging KS integration. At later stage the issue of decentralization is defined by AP and its implementation is responsibility of KG under the supervision of International Civilian Office. (ICO Fact Sheet ND) KS remained as "...virtual prisoners in their own enclaves scattered throughout the region and 'protected' by KFOR." (Franks & Richmond 2008:88)

5.1.1.3 Third Period: 17th February of 2008 – 24th June of 2009

This period covers all aspects related to the implementation of Ahtisaari Plan that follow the self-declared independence by the KA, up to 24th of June of 2009 day of commemoration of 10 years deployment of UNMIK in Kosovo.

Conflicting Parties and their relationship

The declaration of Kosovo Independence on the 17th of February of 2008 will bring a new reality for Kosovo and, of course, for the conflicting parties. The Kosovo scenario remains dominated by the already existent parties of former period: Serbia, KA, KS, and UNMIK. However, there is four new actors that worth being noticed.

The **Kosovo Government** will be the inheritor of the former PISG, the declaration of Kosovo Independence, set the KG as an autonomous actor into the Kosovo political scenario, despite of the 'supervised' independence that according to Ahtisaari Plan should be responsibility of International Civilian Representative (ICR).

The International Civilian Representative (ICR) -and other international actors gathered under the International Steering Group for Kosovo - has the responsibility of being the final supervisory authority of the Independent Kosovo, as stated by the Ahtisaari Plan (2007: 7) and re-enforced by the Kosovo Constitution (2008: art.146-147)

As part of same supervision also **EULEX** emerges out of the new provisions of the Ahtisaari Plan (AP). EULEX is destined to be the European Union Rule of Law Mission in Kosovo and to replace the UNMIK and UN mission by a mission now operated by EU. Its mandate is conferred by the Council of the European Union on the 4th of February of .2008, being its deployment process completed between the 9th of December of 2008 and the 9th of April of 2009.

A multiethnic parliamentarian group called ‘**Group +7**’ was created gathering Turks, Bosnians and Roma, namely the Kosovo Democratic Party of Turks (KDTP), Coalition VAKAT, and Roma party (PREBK). Although this actor has not a direct stake over the conflict, this group will be the first to express an adaptation to the context brought about by the implementation of Ahtisaari Plan (AP). The group opened up the spectrum of the political scenario to something more than a political competition between KA and KS or eventually Serbia. Maybe for first time, Kosovo is assuming itself outside the Albanian-Serbian fault line.

UNMIK will remain as a key actor during this process despite of the fact that it was meant to slowly downsize its personnel and function towards it’s fully replacement by EULEX.

The first tensions among the parties arose right after the Ahtisaari Plan was presented by Ban-Ki Moon on the 26th of March of 2007. The negotiations among conflicting parties continued until a last round on the 10th of December of 2007. However, it was absolutely clear what Ahtisaari declared in his letter to Ban-Ki Moon, “the negotiations’ potential to produce any mutually agreeable agreement on Kosovo’s status has been exhausted”, therefore the only viable option for Kosovo is independence, to be supervised for an initial period by the international community”.

Since the Ahtisaari Plan came into shape, **Serbia** rejected it yet welcomed the benefits that Kosovo Serbs were to gain thereby (Southeast European Times, 2007). Moreover, while the negotiations over the Ahtisaari proposal were still ongoing, Serbia made another categorical statement in assertion of its sovereignty over Kosovo: a new Serbian constitution in which the sovereignty over Kosovo was stated as a fact (New York Times 2006). The situation was no different after the Independence declaration.

Since the very first day of independence Serbia started a campaign to hinder the Independence: it withdrew ambassadors from countries which were recognizing Kosovo, it brought the case before the International Court of Justice, requesting to declare Kosovo independence as illegal (see A/C.5/63/15), it boycotted international meetings in which Kosovo representatives were invited (New Kosovo Report 2009) and persuaded the Secretary General of the UN to issue a program of six points by which Kosovo should abide (S/2008/354). One of the last demonstrations of Serbia against the KG was seen during the first birthday of the Kosovo Independence, the 17th February 2009, when Parliamentarians of Serbia arrived to Mitrovica in a special session of the parallel Assembly of Serb Municipalities in Kosovo “adopted a declaration confirming Kosovo's constitutional status within Serbia and rejecting all acts regarding independence.” (SETIMES 2009) The event passed on without much impact among Kosovo population, included those KS far from that region. No violence was present at that time. No further steps have been taken.

Serbia never got a direct incentive (neither by the Ahtisaari Plan nor by UN in general) by which she could have an optional scenario to the one she has been managing over Kosovo. Moreover, Russia’s refusal to approve the Ahtisaari Plan at the UNSC has lessened the chances of involving Serbia in such alternative scenario. Despite, 60 countries have recognized Kosovo²⁴, including most of the EU members, Serbia remains counting on Russia to block further steps towards Kosovo independence recognition by the Security Council.

New tensions will arise between UNMIK and KG regarding the new role that UNMIK is going to play since the declaration of independence and mostly since the adoption of the Constitution of Kosovo on the 15th of June of 2008 - which all KA regards as the maximum authority of the newly created Kosovo State. UNMIK, as recently stated by Ban Ki-Moon in a report on Kosovo, is still considered by UN as the legal responsible for Kosovo under the UNSCR1244 (S/2009/300). However, the

²⁴ For updated information in this regard, please consult <http://www.kosovothanksyou.com/>

situation is even more complicated. Before the deployment of EULEX the 9th of December of 2008, Ban Ki-Moon started new negotiations with Serbia over the final status of Kosovo that Serbia still regards as unsettled. These negotiations were held over some correspondence sent by Ban-ki Moon to both KG and Serbia in which he states a sort of new plan for Kosovo that started to be known as 'Six Point Plan'. (S/2008/354) This plan in fact overrides the Ahtisaari Plan and touches six key areas over which KG and Serbia should agree upon previously to any discussion over the annulment of the UNSCR1244/99, which still rules Kosovo. Without such annulment Kosovo cannot yet be considered as an independent state by the UNSC and, therefore, in the international system. KG has openly rejected the 'six point plan' which demands that police, customs and courts in the northern areas of Kosovo remain under control of UNMIK and not of EULEX –as it should be according to AP-, triggering fears and reactions among KA against a possible partitioning scenario if such a thing would happen. As of this writing, EULEX has already started to establish border control in northern areas of Kosovo (The Kosovo Times 2009) and have anyway succeeded in taking slowly its role in the Police, Customs and Justice (S/2009/300 Annex I)

EULEX situation is a bit paradoxical, while implementing its mission as meant by the AP; it has compelled under a position of 'status neutral', in a sort of mid-point between the position of KG and the one of UNMIK and Serbia, for Serbia to agree on its deployment (BBC News 2008)

KS and KG relationship, during this period, presents diverse moments in a sort of up and downs that intermingle. **KS** who participated in the institutions of Kosovo both before and after the Independence Declaration (ID) seem to be convinced that the Ahtisaari Proposal was a suitable means to ensure a peaceful life in Kosovo (Kosovo Serb leader and parliamentarian, 2008a and 2008b; Kosovo Serb parliamentarian 2008). Still, no KS was present when Kosovo's independence was declared (S/2008/354, I.3., 1) and all of them have been absent from the Kosovo Parliament for the entire month following the ID (ECMI 2008). Furthermore, on the same day of ID, different act of violence has been performed by KS rejecting the new situation in Kosovo. However, these events did not last more than few days and have not been repeated again. Nevertheless, the rejections are taken a different shape than violent one. On May 2008,

Kosovo Serbs participated in the Serbian municipal elections, being the first time that Serbia could organize such elections since 1996. As a consequence of this election, it was created the “Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija” which will operate as a parallel structure to those crafted by Ahtisaari. (OSCE report, 2008). By the 28th of June of 2008, KS convened in their own parliament in Mitrovica gathering 45 delegates of 26 municipalities establishing the first session of the hitherto mentioned Assembly. They drew a declaration by which they clearly reject the Kosovo State, its Constitution and reaffirmed that Kosovo is still an integral part of Serbia (B92 2008). Even before this declaration, the northern part of Kosovo and particularly Mitrovica north have been operating besides the rest of Kosovo by a large amount of Serbian help (S/2009/300). But despite many KS still reject KG authority, an increasing number of them are continuously applying for Kosovo identity cards, driver’s licenses and further Kosovo documents and contracts with Kosovo companies (S/2009/300:3) and some others have opted for a more pragmatic stand abiding to KG institutions in search of solutions to their daily life problems (New Kosovo Report 2009a). Furthermore, as it is shown in the last Early Warning Report of UNDP, KS have referred to unemployment and poverty as the main factors that threaten them, contrary to mentioning any aggravation of interethnic relations as it did happen in the previous report of July and October of 2008 (EWR 2009 /24:5)

The ID not only brought about new situations in the relationships amongst the main conflicting parties in the Kosovo conflict, it also did so regarding the KFOR protecting until then the entire territory of Kosovo. KFOR has served as the security guarantee in the territory for the past 10 years, however it has been announced that its presence is going to be reduced by 2012, as it reads the NATO announcement of a cut down of the force from 15000 to 2200 troops (Balkan Insight 2009)

Participation of conflicting parties in government structures and electoral processes

There are some key new elements introduced in the decentralization process with the objective of addressing and guaranteeing the equal and secure participation of Serb communities into Kosovo state life and in coherence with the ‘multiethnic’ national

identity that Ahtisaari was eager to promote. We can summarize these elements as follows: the creation of ‘New Municipalities’, the ‘Enhanced Municipal Competences’ and the “rights to receive certain assistance from Serbia, within certain clear parameters set by the Plan (see S/2007/168/Add.1). The law of Special Protective Zones has addressed the same objective. In fact, this law has been a sort of incentive for the participation of KS in government structures and electoral processes with a full guarantee that this participation will not compromise their identity or their security.

New municipalities

Recognizing the concerns of the Kosovo Serb community as legitimate, the Ahtisaari Plan called for the creation of six new Kosovo Serbs administered municipalities: Mitrovicë/Mitrovica North, Graçanicë/Gracanica; Ranillug/Ranilug; Partesh/Parteš; Kllokot/Vërboc – Klokott/Vrbovac, and Novobërdë/Novo Brdo. At same time, it establishes one for Turkish dominated area (Mamusha) and another three for Albanian dominated area (Mitrovica South, Junik and Hani i Elezit (S/2007/168/Add.1, III, 30 and LAW NR.03/L-041, CH1, 5). Additionally, new municipalities for non-majority communities can be established in consultation with the Government, provided that, with a minimum 5000 citizens, they make up at least 75% of the total population. (LAW NR.03/L-041, CH2, 12)

Enhanced Municipal Competences

Ahtisaari’s Plan granted to Kosovo Serbs a high degree of control over their own affairs in the territorial areas in which they form the majority. The Law of Self-Government provides the ‘enhanced municipal competences’ in the area of health, education, cultural affairs and police (LAW NR.03/L-040, CH3, 19-23) as well as the possibility of inter-municipal cooperation (LAW NR.03/L-040, CH5, 28). The law establishes the right to select the commander of the local police station and recognizes the right of the municipalities of Mitrovicë/Mitrovica North, Graçanicë/Gracanica, and Shtërpçë/Štrpce to organize a secondary health care, including the registration and management of the health care institutions. Similarly, Kosovo Serbs municipalities are empowered to regulate themselves their cultural affairs, including the protection and promotion of their religious and cultural heritage. This last provision is even valid for

those municipalities in which Kosovo Albanian and other communities also have claims to the same cultural heritage; as it is the case in the municipalities of Novo Bordo and Partesh.

The education in Serbian language is guaranteed by the Law on Education. Indeed, this law grants to ALL MUNICIPALITIES OF KOSOVO the right of education in Serbian language, including the right to use textbooks and curricula developed by Ministry of Education of Serbia (LAW NR.03/L-068, CH5, 12). Kosovo Serbs are also given the right of higher education in Serbian language. In this line, Art. 14 furnish the Municipality of North Mitrovica with competences as regards higher education, and declare the University of the North Mitrovica as an autonomous public institution of higher education, allowing it to be funded from Serbian sources.

With regard to financing, the Law on municipal finance provides five different resources: three different kinds of grants, own revenues, transfers from the state and financial assistance from the Republic of Serbia, as well as, municipal borrowings. (LAW NR.03/L-049, CH1, 7)

Legal rights to receive assistance from Serbia

According to Ahtisaari's Plan and the Law of self government, the municipalities in Kosovo will be entitled to cooperate with municipalities and institutions in Serbia, including the right to receive financial and technical assistance (LAW NR.03/L-040, CH5, 30.2).

Law on Special Protective Zones

Treating this law on Special Protective Zones as part of Civic Nation Building process, is equal to saying that it is expected of them to work for making possible the gathering of two ethnic nations under the same civic umbrella. In this sense, in the Ahtisaari Proposal, it was hoped that this law would offer sound guarantees for the preservation of the cultural Identity of all ethnic groups in Kosovo. A similar impact is expected to be generated by the Law on the Education of Municipalities of the Republic of Kosovo (part of the laws on decentralization).

The cultural identity of Kosovo Serbs has been also protected and guaranteed equally by certain mechanisms of 1) the law on decentralization – Law on education of Municipalities (as addressed in previous part), and 2) the Law on Special Protective Zones

Most specific concern towards the cultural and religious development of Serb Community in Kosovo is shown by the Law on Special Protective Zones. The purpose of the law is clearly stated in the its first article, which explicitly reads “[t]his law shall ensure protection of Serbian Orthodox Monasteries, Churches, other religious sites, as well as historical and cultural sites of special significance for the Kosovo Serb community, as well as other communities in Republic of Kosovo, through the establishment of Special Protective Zones.” (LAW NR.03/L-039, 1)

Special Protective Zones are described as “...an area defined by a map, or by a defined area surrounding a monument, building, group of buildings, ensemble, village, or historic town center that is safeguarded from any development” that might damage its manifold relevance. (LAW NR.03/L-039, 2)

The objectives of this law are, first of all, to provide protection for peaceful existence and functioning of the sites; to preserve the monastic way of life of the clergy; as well as to preserve the character and appearance of these sites in historical, cultural, architectural, archeological, environmental and aesthetic context. The special emphasis is given to prevent any adverse development around the sites and to ensure the best possible conditions for harmonious and sustainable development of the communities around these sites (LAW NR.03/L-039, 3). In case the municipality seeks to develop any activity around these zones it must ask for the consent of Serbian Orthodox Church. These activities include commercial constructions; edifices taller than the monastery/ church/cultural monument to be protected; road/street construction; construction of buildings for different purposes; public gatherings, recreation and entertainment; and urbanization of agricultural land LAW NR.03/L-039, 6) The article 7 of same law classifies 44 areas as Special Protective Zones, with different kind of protection and with an extended area which goes between 50 and 100 meter area around their

perimeter. By art.8 a special provision with a multireligious view is considered for the Historic Center of Prizren.

During the negotiation process by which this Ahtisaari Plan was shaped, Kosovo Albanians displayed a spirit of compromise, especially as regards the links the Kosovo Serbian community may develop and keep with Serbia. The process of implementation of the laws on decentralization has been rather slow. However, once the Kosovo Serbian municipalities had been established, the door was wide open for more initiatives in that direction (Kosovo Albanian Minister 2008). Despite such far-reaching concessions, Kosovo Serbs remained unsatisfied – especially in the northern part of Kosovo (CNN ONLINE 2008). But there are also Serbs in Kosovo who accept the new reality as reasonably fair (Kosovo Serb leader and parliamentarian, 2008a). Moreover, in May of this year the KG initiated the process to start organizing the launching of the new municipalities and opened job vacancies for the required posts, some KS have showed interest in applying for such offers. (S/2009/300:9). Despite some positive steps towards the integration of KS, some small scale of violent events by KS opposing Albanian homes reconstruction in Mitrovica occurred during April-March. (S/2009/300:11). It might be still too early to draw conclusions regarding the integration of KS in the governing structures and the electoral process; however the scenario in Kosovo seems to start to change towards the incorporation of other dimensions than the mere ethnic cliché debate. For instance, a principle of a school in Lipjan who belong to KS community is more concerned with asking help for job from the KA led municipality than for the fact it is a KA one. (New Kosovo Report 2009a)

The law on Special protective zones is still on its way to being fully implemented. (ICO Matrix 2008) Similar is the case of the laws on decentralization. By the time this paper is in process of being written, the Statistic Office of Kosovo (SOK) has not yet made available a new official map of Kosovo in which all this modifications can be addressed. However, this law on protection of religious and cultural heritage has meant a step further on the compromising attitude of Kosovo Albanian as an exchange of setting their final status. Notwithstanding, Kosovo Albanians in general hardly regard this concessions to Serbian Orthodox Church as positive (Kurti, Interview, 24th September 2008) and most of them have disagreed about the establishment of this

protected zones (EWR17, 2007:20) However, at official level, these concessions are seen as the price paid for being granted with Independence (Kosovo Albanian Minister 2008); or in words of a Kosovo Albanian Parliamentarian (2008b) “as the exchange coin for removing Serbia out of the territory”. Of similar opinion is a Kosovo Minority Parliamentarian (2008). However, of a different understanding is a Kosovo Albanian Parliamentarian (2008) who regards this process as one distinctive element of “faking multiethnicity”. Same parliamentarian insists mentioning that Kosovo Albanian and Kosovo Serbs have enjoyed these cultural sites without further problems in the past - previous Milosevic area-

5.1.1.4 Period Comparison: in search of structural transformations

Conflicting Parties

While analyzing the conflicting parties, we observe a transformation on the nature, characteristics and number of the parties since 1989 to 2009. During the first period the parties were mostly two placed in opposite extremes: KA (LDK peaceful movement and resistance) and Serbia (in its toughest shape of an apartheid-like system), until later years when KLA appear on the scene of the Kosovo conflict to further escalate it. Since NATO intervention and the UNSCR1244/99 there will be a change in the nature, the characteristic and the number of the conflicting parties. Parties will become more moderate, will be transformed from their nature that will turn to be one of political party and they will expand the number of parties inside the divide. There is not only going to be Serbia but also KS (represented in government and parliament of Kosovo) and political parties (Coalition Povratak, the Democratic Serbian Party of Kosovo and Metohija (SDSKIM), the New Democracy, Independent Liberal Party (SLS) of Slobodan Petrovic) in one side of the divide. In the other side KA will express their demands mostly through PISG and the different political parties that have emerged from the heritage of the power distribution of the former period: LDK, PDK (ex KLA) AAK (ex KLA). Fewer changes however have been observed during the first 16 months of the civic nation building which is developing in Kosovo. The nature of the parties does not present much difference than the previous period. Despite some KS seems

more cooperative than before, there is no any particular event by which we could have associated this change with the CNB under implementation. Similarly regarding the Parliamentarian Group +7, even when this group is a novelty for the Kosovo political system, there is not any particular event that could support the conclusion that this new development have been triggered by the CNB process that Kosovo is undergoing. However, this group represents a signal of hope for different positions to come out of differences in a democratic process rather than by being part of one or other side in the conflict.

The CNB did change – as expected- structural characteristics of the parties. For instance KA will be mostly regarded and associated with KG. However, this change is in coherence with the top-down approach that the CNB process followed in Kosovo. Despite the variety of political parties will open up internal differences inside the main conflicting party, this difference does not reflect in the conflict, as all KA do regard Independence as their main interest. However, some KA groups do oppose not only the government but also the AP, and the CNB under implementation, like Vetvendosje.

Conflicting Relationships

Unfortunately, history has taught Kosovo that change in system comes only through violence. Such were there cases during 1989-1999 periods when Serbia took power and the case during NATO and UNMIK intervention 1999-2008. Judging for the past 16 months of Kosovo Independence, history seems not to repeat itself this time. The tensions have hardly came into the surface as acts of violence, and the very few moments it happened it did so without further developments or escalations. The scenario is anyway tense and there is no guarantee for more violence not to come. However, the conflict seems to show its first transformation. From a conflict mostly guided by acts of violence to one in which violence has not taken a protagonist role anymore. Whether the civic nation building process worked as a palliative of this violence or not is a conclusion difficult to be constructed. Notwithstanding, it did not incarnate new violent developments in Kosovo.

As we shall observe, neither all conflicting relationships have been addressed by the CNB under implementation, nor will all relationships present changes regarding the previous period under analysis. For instance, the Serbia /KA relationship has suffered tremendous transformation along the three period considered, such as: from a violent relationship to a stalemate to end up in a sort of diplomatic disagreement with KG expressed both internally (towards each party's constituencies) and before internationals²⁵ but not in any sort of direct confrontation against the other party. Despite these transformations, the dyad was never directly addressed by the CNB in plan of being implemented. The intervention of AP and, logically, the unilateral declaration of independence did not offer any incentive to Serbia, who ended up being the loser side of the win-lose result. In cases that the AP and its rounds of negotiations did offer something to Serbia, they did so only via conferring some privileges and concessions to KS.

As for the relationship between KG and KS no further changes have been present in this period if compared with the previous one, which had had already facilitated a sort of big transformations for the relationship PISG-KS. It is in fact the changes in the nature of the other party (PISG consolidation as KG) what brings a different value to the relationship, as by now KS are dealing with an established government and not with a provisional one, and particularly with a government which is strongly seen as representing the interests of KA. The relationship still did not turn into a positive and fully cooperative one; however some steps among some KS are done in this regard. CNB process opened new opportunities to KS some of which has already been used. However, these opportunities are more related to the insertion of KS in the socio-economic structure than to the political one, being the formers of the most interest for KS than the latter as seen in the pragmatic stand of KS regarding unemployment and poverty, and their need of solving basic problems of daily life.

²⁵ Such is the case of Serbia seeking legal resorts in UN, ICJ to defend her position regarding Kosovo final status and the case of KG searching for further countries recognition to defend his own.

During the period in which the CNB has been implemented, the relationship between KA-KG did not show any sign of open violence as in the previous period. Despite there have been some cases of tension and even some separated violent reaction, there have not been any violent reaction at big scale. In this sense, it cannot be said that the CNB process have impacted positively in the relationship but it can be said that at least, it did not impact negatively.

Furthermore, the new process meant the materialization of two new relationships, between KG and UNMIK and between KG- EULEX regarding the procedural aspects of the status of Kosovo. However, these relationships came into being more due to the unilateral declaration of Independence than for the implementation process of AP and consequently the CNB process. Therefore, I will disregard these relationships from my analysis.

Participation in government structures and electoral process

Another lesson learned in the Kosovo history of the past 20 years, is that the development of parallel structures is always an option available to cope with a reality that do not favor one of the main conflicting parties. Hence, that was the case in the period 1989-1999 when LDK developed an underground and parallel system besides the one of Serbia, and so was the case during 1999-2008 which found an extensive hindrance of Serbia in the UNMIK governed structures of Kosovo.

The CNB designed by AP will come in this 3rd Period under analysis to institutionalize and legalize what before was an unofficial and parallel system. By distributing areas of exclusive ethnic dominance, the CNB institutionalize the already existent ethnic divisions rather than developing a system for de-politicizing ethnicity and reducing its salience.

Further mechanisms to enhance competences of the newly created ethnic municipalities, the division of Mitrovica or the protective zones increase spaces of segregation rather than of integration of both ethnic communities. The civic concept that these laws aimed at creating does not reach the objective of overcoming the ethnic salience of the conflict but rather reinforces it.

Nevertheless, the relationship between Kosovo Albanians and Kosovo Serbs has been provided with a common legal ground by which Kosovo Serbs insecurities can be addressed. Moreover, the mechanisms are not fully implemented and therefore it might be too soon to evaluate them. Similarly, there has not been any electoral process since the CNB has started its period of implementation so conclusions in this regard cannot be made. Maybe the coming elections of November 2009 are a good scenario to evaluate this last point.

5.1.2. Data Analysis & Interpretation of Changes at Issue Level

By comparing hitherto explained time-periods, my study draws conclusions regarding changes at issue level. For a change to happen there should be an absence or reformulation of those issues that have been relevant among the conflicting parties in periods previous to the implementation of the Ahtisaari Plan. One dimension, then, addresses the level in which the CNB process has effectively touched upon those issues; and another dimension assesses whether these issues are still today as part of the Kosovo conflict agenda. There is indeed a third dimension, which refers to those new issues brought about by the CNB under implementation. Nevertheless, this third dimension is logically not being considered for the evaluation of the scope of the impact of the CNB process over the SCT but rather amid its limitations.

5.1.2.1. First Period: 23th of March 1989- 24th of March 1999

After an analysis of the historical background to the CNB process, and the above developed structural analysis, the following issues can be extracted:

1. Territorial Control

The Kosovo's Conflict turned into manifest by the revocation of the Kosovo's federal status on the 23th of March of 1989 by Serbia. Since then on, the issues of territorial control and political status of Kosovo have dominated the conflict. At that historical time, territorial control was associated with national belonging; the issue therefore will take by same imprint.

Serbia's argument for the occupation of the territory and for revoking its long life autonomy can be represented by the Slobodan Milosevic words "Every nation has a love which eternally warm its heart'...'For Serbia, it is Kosovo' " (Malcom 1998:343) Different political reasons have led Milosevic to make an issue out of Kosovo since 1987, as it has been mentioned already in the Chapter four, each of this political reasons were related the need of inspiring nationalistic sentiments in each republic of Yugoslavia that would give him support to achieve majority in the federal presidency (see Malcom 1998:344). Kosovo was never an exception but the last remaining piece to gather absolute control.

KA position (LDK) was also nationalistic inspired. They did wanted their autonomy back, however their arguments were covered by nationalistic air. As we have seen, Albanians of Kosovo always have recognized themselves as the inheritors of the Dardanians and Illyrian tribes. "The Albanians claim that they are consequently descended from the Illyrians and are the indigenous inhabitants of Kosovo. The Albanian language, which belongs to the Indo-European group, has distinctive vocabulary, morphology and phonetic rules which have engaged the attention of many philologists, of whom several have confidently asserted its descent from ancient Illyrian." (Wilkes In Vickers 1998: 1) Therefore, they consider that if someone would be controlling the territory it should be Albanians, no Slavs who came to the territory in a posterior time. LDK resisted peacefully the controlled launched by Serbia and they did so for eventually one day to get back their national (ethnic) self-determination in those territories. Thus, any move of Serbia towards Kosovo, has been regarded from the viewpoint of KA as the actions that were in line with a project of building a 'Greater Serbia'

When later on KLA entered into the scenario of the Kosovo conflict, the position of KA over territorial control will be also defended by violent means.

2. Political Status of Kosovo

Absolutely linked with the previous issue, is the issue of the Political Status of Kosovo. Most of authors fall in considering both issues indistinctively as if they were of

same problem. However, they are not. Before the revocation of the autonomous status of Kosovo by Serbia, the territorial control of Kosovo did rely on Serbia, but the status of Kosovo was one of an autonomous territory virtually equal to any of the other 6 republics of Yugoslavia. The developments in Kosovo since 1989 will show that for peace to reign in Kosovo both issues, territorial control and political status, must be clearly addressed. However, such an option was not offered to Kosovo before the Ahtisaari Plan and the consequent CNB process.

Therefore, there was a disagreement over the control of Kosovo territory but there was other one even deeper regarding the understanding on Kosovo political status.

Serbia has never considered Kosovo as an equal partner in the Yugoslavian framework, despite as Malcom (1998:346) mentions; she needed the votes of Kosovo as much as she needed the ones of the other republics. The system designed by the Constitution of 1974 made the paradox possible, as it has been mentioned already in Chapter 4 of this research. Serbia's argument regarding the status of Kosovo rested on only some articles of that Constitution but not in the whole. KA, however, based their position on the overall Constitution which granted them with an autonomous status as province of Serbia with similar privileges in Yugoslavia as enjoyed by the other republics. Therefore, their demand was oriented to "... declaring Kosovo 'an equal and independent entity within the framework of the Yugoslavia federation'."(Malcom 1998:346) However, their position will change due to the changes that happened within Yugoslavia. Seeing that other republics demanded full independence, since 1991, KA (LDK) will demand independence for Kosovo. This perspective would express even tougher conducive with the worsening of the situation on the territory as the segregation and violence against Albanians increases. Furthermore, by 1992, the option of a Kosovo as part of Albanian territory will be politically voiced up, in a joint declaration of all Albanian parties of Yugoslavia, conditioned to changes in the external borders of Yugoslavia based on solutions under ethnic lines, or, in case of the partitioning of Kosovo. Nevertheless, the remaining position will be one which demands full independence for Kosovo. The position of KLA will be rather similar to the one of LDK, despite that its anthem will recall for the unification with Albania (YouTube 2009).

3 .Violation of Human, Political and Civic Rights

The abuse of Serbia towards the human, political and civic rights of KA was articulated under a nationalistic speech which demanded the need of “‘Serbianizing’ the region” (Malcom 1998:352) due to the “...demographic aggression (ie. high birth-rate)...” that KA were implanting in Kosovo; and to a sort of “...’holy war’ against the Orthodox Slavs” (Malcom 1998:351) that was carried on by Bosnians and Kosovar Muslims. Guzina (2003:40) also points out that the serbianization policy are also “...based on ideas of Serbian ‘sacred land’ and ethnic superiority” that specially regard KA as ‘uncivilized people’ (Guzina 2003:39)

Regardless the nationalistic justification of Serbia, her actions towards KA population since 1989,”... were uncannily reminiscent of those carried out, or at least proposed by extremists such as Cubrilovic, in the 1920s and 1930s.” Different measures were taken place increasing on daily basis as it has hitherto been mentioned in this study. Even Serbs from the wars fought in Croatia and Bosnia would be sent to populate Kosovo in order to create an ethnic ‘balance’²⁶ (Malcom 1998: 353). Nevertheless, Milosevic was able to still claim, “[w]e don't have any kind of conflict with the Albanians.”(Philip 1996: 823) The international job of LDK in different international forums and institutions contributed to document the human rights abuse in Kosovo and conquering certain UN resolutions in this regard²⁷. As Philip (1996:823) states, “[d]espite Milosevic's assurances, UN findings describe systematic discrimination of ethnic Albanians for which there is an ample body of evidence.”

In 1997, the Council for the Defense of Human Rights and Fundamental Freedoms (CDHRF) counted 35 cases of violent death (5 for police torture); 5,031 cases of ill-treatment or torture; 596 arbitrary arrests; 803 persons taken to police stations and 480 called for "informative talks"; 425 family homes raided. In addition, the

²⁶ Marks used by Malcom (1998:353)

²⁷ For further information see U.N. GAOR 3d Comm., 50th Sess., Agenda Item 112(c) at 1, U.N. Doc. A/C.3/50/L.43 (1995); U.N. GAOR 49th Sess., Agenda Item 100(c) at 1, U.N. Doc. A/Res/49/204 (1995)

organization registered over 10,000 other incidents of human rights violations by Serbian police or civilians against ethnic Albanians.” (IHRFHR 1999: 13)

In the years 1998-1999 the violence against Albanians escalated further taking dramatic dimensions. In his reporting in 1998, UN Secretary General evaluated the situation of great concern:

“I am outraged by reports of mass killings of civilians in Kosovo, which recall the atrocities committed in Bosnia and Herzegovina. Following reports concerning the killing of 20 Kosovo Albanian internally displaced persons in Gornje Obrinje in the central Drenica area on 28 September, a Kosovo Diplomatic Observer Mission team witnessed at least 14 bodies, some severely mutilated. Most were children and women at ages ranging from 18 months to 95 years. The Serb authorities denied any involvement of the police force in those atrocities. However, further killings of Kosovo civilians were reported, including the alleged summary execution of some 12 to 23 males (accounts vary) in the Golubovac area on 27 September. The Kosovo Diplomatic Observer Mission conducted a preliminary investigation in the area and observed pools of blood in the dirt, tools presumably used to stab the victims and small-caliber shell casings.” (UNSG Report S/1998/912)

The abuse did not come only from Serbian side. There have also been reported different abuses from KLA forces towards KS population. For instance, Tim Judah (2000:155-156) reports on the abuse of KLA to an old nun in one of the Serbian Monasteries. KLA actions were also related with taking civilian hostages and murdering Serbian policemen and even KA that they considered cooperating with Serbia. (Guzina 2003: 44). UN Sec. General reported at that time, 140 to 150 civilians and police abducted, the burning and destruction of houses, mass graves of KS, all committed by KLA. (UNSG Report S/1998/912)

However, KLA regarded these actions as actions taking in the dynamic of a war, while for Serbia this were actions of further aggressions of Albanians towards Serbs.

4. Cultural Heritage

If we have to consider the issue of cultural heritage among all others issues, we perhaps need to say that this issue has nourished with arguments all the other present

issues in the Kosovo's conflict. The cultural heritage of Kosovo was particularly used with the purpose inspiring and feeding up nationalistic claims among Serbs and Albanians. (Herscher and Riedlmayer 2000, Malcom 1998) (Andrew Herscher, András Riedlmayer 2000: 109).

Moreover, there is also another dimension of this issue, the use of architectural heritage to damage the legacy of the other ethnonational group. In this sense, “[t]he primary buildings singled out by Serb forces for destruction in 1998 and 1999 were mosques; at least 207 of the approximately 609 mosques in Kosovo sustained damage or were destroyed in that period. Other architectural targets of Serb forces were Islamic religious schools and libraries, more than 500 kullas (traditional stone mansions, often associated with prominent Albanian families), and historic bazaars.” (Herscher and Riedlmayer 2000:112). Furthermore, each of the damages that the historic architecture of Kosovo suffered presented signs of being deliberately destroyed. (Herscher and Riedlmayer 2000:112). Abuses of Serb cultural heritage have been done by KA too. KFOR later reported that KLA rebels damaged centuries-old murals and paintings in the Devic monastery stealing two cars and the entire monastery's food (Judah 2000:155-156)

The destruction of the cultural heritage then has been used to delete and deny the roots of the other ethnic group in the same territory and as such has been regarded by each party. Both parties understood that the violation of their cultural heritage was an attack of the other side willing to push him back from the territory or to threaten his existence.

5.1.2.2. Second Period: 12th June of 1999- 17th February of 2008

1. Territorial Control

After NATO intervention in the Kosovo's conflict, the issue of territorial control remained frozen by the UNSCR 1244 that came as a corollary and result. By this resolution Serbia continued holding the *de jure* sovereignty, while Kosovo was confined to have ‘substantial autonomy’ and the pool of NATO forces for Kosovo (KFOR) and UNMIK were destined to have the *de facto* sovereignty over Kosovo as much as the last word in the decision-making structure.

KA leaders divided among themselves a sort of weak (in terms of national ownership) and internationalized government structures. KS were recognized for first time as an actor by the act of kindly inviting them to take part of these new political structures. Of course, it was an attempt of the so called ‘international community’ to hold some sort of legitimacy for the UN mission and the fate of Kosovo. Few Serbs, though, accept to participate.

Whereas Serbia kept his structures on the terrain, under the argument-and the hope- of eventually one day re-take what he considered his natural domain, Kosovo. Since then on, this structures will started to be known as “Parallel Structures of Serbia”. This situation will add one more dimension to the issue of territorial control, becoming since now on a new issue by itself for UNMIK, KFOR and the KA. Likewise, it was a new issue for the KS too, who remained trapped by the pressures and privileges offered to them via these structures and the new scenario of UNMIK and KFOR as the last resort of authority.

On 2003, Kosovo Prime Minister Bajram Rexhepi asked for the transfer of authorities reserved for the international administration and called for the establishment of a joint body representing both UNMIK and the Kosovo government, which will serve this purpose (UNMINK 30, August 2003). UNMIK DPI (2003) However, Rexhepi’s demand succeeded only partially mainly because of two reasons, first because UNMIK considered that PISG lacked capacities for certain issues and second because avoid to be accused by Serbia as a promoter of independence. (ICG 2003: 19)

The *de facto* territorial control of KFOR and UNMIK over Kosovo became twice threatened during this period. One in the aftermath of the war, and early days of UNMIK reality in Kosovo, when KA launched revenge attacks against KS for first time in the Kosovo history; and another one, during KA riots in 2004.

After the riots of 2004, the KS enclaves became more visible as KS opted to keep their little piece of what they considered still Serbian territory with all Serbian structures included. In terms of territorial control, the enclaves became another aspect to call upon protection and another challenge for the UNMIK and Kosovo government structures.

2. Political Status of Kosovo

As the issue of territorial control was left frozen, so did the Kosovo's political status that started to be known as 'limbo' situation among academicians and political international and national elites.

KA kept the claim for independence, while Serbia rejected any idea, project or measure of UNMIK which could lead to such understanding on the future political status of Kosovo. Therefore, UNMIK and the Contact Group decided to postpone for good any decision in this regard. A clear sign of this decision was the 'Standard before Status' Plan that Steiner launched in 2005 when he understood the results of an unaddressed issue, the riots of 2004.

By 2007, AP formulate an option for solving the issue of political status of Kosovo, however Serbia immediately "...rejected the plans considering it as a prelude to independence while Kosovo Albanians ... welcomed them." (New York Times 2007)

3. Violation of Human, Political and Civic Rights Abuse

The NATO intervention stalled the abuses delivered by Serbia towards Albanian population. There were some revenge attacks from KA towards KS in the early aftermath of the war between NATO and Serbia; however it was successfully controlled by the newly arrived KFOR. Nevertheless, violence came back to Kosovo on the 'March events'. These riots resulted in human loss and material damages. The official report of UNSG blamed Albanian extremists for these events (UNSG Report S/2004/ 348: para.2). so did the KS community and Serbia. However, the triggering factor was the death of two ethnic Albanian boys drawn to the river near the divided city of Mitrovica, and of which local Serbs were blamed. (CRS 2005: 7)

According to the UNSG Report S/2004/ 348, the tragic balance of this violence left 19 persons dead, of whom 11 were KA and eight were KS, with 954 persons

injured. Among those injured were 65 international police officers, 58 Kosovo Police Service (KPS) officers, and 61 members of the Kosovo Force (KFOR). Among the material damage was the cultural and religious heritage of Kosovo including orthodox churches and monasteries, houses, and many public buildings.

Despite the issue of human right abuses affected KA and KS equally and it also could be associated with the ethnic roots of the conflict, different sources have mostly agreed that they were associated rather with a political reaction to the lack of debate over the status. Human Rights Watch (2004: 5) reads, “[w]hile the March violence in Kosovo took almost everyone—local and international—by surprise, it did not suddenly appear out of nowhere. Deep dissatisfaction within Kosovo society about the lack of progress in resolving the final status of the province, continuing economic stagnation, and deepening concerns about Belgrade’s attempts to consolidate political control in some parts of Kosovo left the province ripe for unrest.” (HRW 2004: 3, ICG 2004: 2)

4. Cultural Heritage Protection (KFOR)

After the war between NATO and Serbia, KFOR remained patrolling all cultural and historical sites of Kosovo. However, by 2004 the March riots managed to continue some burning in churches and historical places. Since then on, the issue of protection of cultural heritage has become part of the top priority agenda of each initiative entitled to bring KA and KS together. That would also be the case, during the designing of the Ahtisaari Plan. The riots will give an excuse to Serbia who since then on will strengthen further her parallel structure in Kosovo as a mean to protect the life and the cultural heritage of KS despite the fact that UNMIK and KFOR had a legal mandate for that.

As Herscher and Riedlmayer (2000:109) state, “... Kosovo's Serbian Orthodox buildings-both surviving medieval monuments and the products of twentieth century church construction programs- have served as proxy for a Serb population to substantiate Serbian state sovereignty over Kosovo.” This conclusion represents KA understanding of the issue of cultural heritage, while for Serbs (Serbia and KS) the

position can be summarized in the words of Father German Vucicevic, in an interview to South East Europe TV documentary:

“There are very few historical monuments witnessing Albanian nationhood. On the other hand, there are many Serbian monasteries, sanctuaries and monuments that speak against their theories and aspirations. So it’s easy to understand why we are their target.” (South East Europe TV 2005)

For Serbs, therefore cultural heritage is also directly link to the pretensions of the other side regarding the political status of Kosovo. The burning and the destruction of cultural heritage remain then, considered in this period as tool for political aspirations and as prove of territorial legacy.

5.1.2.3 Third Period 17th February 2008 – June 2009 (16 months of CNB process)

1. Territorial Control

The issue of territorial control remained frozen despite the ID and the nascent implementation of the Ahtisaari Plan. UNSC1244/99 still guarantees the *de jure* territorial sovereignty to Serbia and *de facto* territorial control to UNMIK and KFOR.

Serbia, remained pro this frozen option, while KA enlisted behind the ID and the claim that Kosovo is right now a sovereign state. In this line, KG has demanded UNMIK to cease functions in the territory. (Euroactiv 2009)

At same time, KS are divided in those enlisted in Kosovo government structures do support the new reality opened to Kosovo, while most of KS do side with Serbia’s position. The expressions of standing against the construction of Albanian houses in the northern part of Kosovo or the re-establishment of the check points in northern border, and the reference still to parallel structure of Serbia, are showing this position regarding this issue.

2. Political Status of Kosovo

The issue of the political status of Kosovo is discussed during this period under absolutely different premises than the previous periods. It will not be any longer an issue regarding the status of Kosovo in the structure of Yugoslavia, or one that remain frozen. The CNB process initiated by the ID and further implementation of the Ahtisaari Plan generated a different discussion regarding the status of Kosovo.

From Serbian side the position will be based on keeping UNMIK role in Kosovo and therefore keeping frozen the debate regarding this issue until further negotiations bring possibilities for different scenario, one which Serbia regard should respect Serbia sovereignty over Kosovo. For KA, represented now under KG, the issue of political status is closed to further debate since the very same day of the ID.

UNMIK will propose to keep the status quo brought about by the UNSC1244, despite its cooperation with KG structures. The ‘Six points plan’ launched by Ban-ki Moon will materialize this position. Therefore, the debate related to Kosovo political status will be discussed now over the role of UNMIK and EULEX in the territory. Those supporting the Six Point Plan, (Serbia, KS, and UNMIK) will regard UNMIK as the ultimate authority and those against it (KA, KG); will refer to rely on the cooperation and role of KG and EULEX in the territory.

Moreover for Prime Minister Thaci expressed that the “[t]he logic of this plan produces division [and] opens the perspective for continuing destabilization” (Euroactiv 2008:2). While the State Secretary for Kosovo in Belgrade, Oliver Ivanovic remarked that the plan is “...crucial for the survival of Serbs in Kosovo...” (Euroactiv 2008:2). Both parties, supporting different positions regard stability factors as being under stake.

3. Violation of Human, Political and Civic Rights

During this period there has not been any relevant act of abuse against human, political and civic rights of any ethnic group in Kosovo. There have been however,

some violent reactions in the north against the implementation of Ahtisaari Plan. Nevertheless, they still are isolated cases.

4. Cultural Heritage Protection

No abuse has been present during this period against any cultural heritage. However, there are different expressions in favor and against of its protection as it has been set by the Ahtisaari Plan (AP). Moreover, Serbia has demanded its inclusion in the six point plan, disregarding the mechanisms that years ago demanded in the negotiations round of the AP design, while KG started the implementation of the mechanisms as planned in the AP. Among KA, Vetvendosje have openly criticized the AP mechanisms of Cultural Heritage Protection regarding to it as spots of extraterritoriality of Serbia in Kosovo. (KosovoKosovo.com 2006)

5.1.2.4 Period Comparison: in search of Changes at Issue level

While establishing the comparison between periods, and particularly between second and third one, the third period explored presents the following changes:

1. The territorial control issue has remained frozen and main parties have kept same position despite the new reality. However, and despite of being a small tendency, among KS there has been a change towards the acceptance of KG structures despite previous boycotting. Nevertheless, while this may not necessarily represent the acceptance of KG territorial control over Kosovo, it does show that KS participating in government and parliamentary structures are more ready to accept it than in second period and of course than in first one. The ID and the implementation of Ahtisaari plan did not provoke the total retirement of KS from Government and Parliamentary structures.

2. The changes regarding Political Status issues have been of different nature. The issue has been de-frozen - despite of the fact that this impact is a consequence of ID

rather than of the implementation of AP per se - being now a subject closed for KA and an open issue for Serbia. The issue of political status, thus, has been channelized in diplomatic and legal disagreements between the KG and Serbia. The political status is now is being discussed in reference to something else rather than being finally addressed, such is the case of the new discussions regarding six point plan, the sue before the ICJ or the role of UNMIK and EULEX in the new scenario of Kosovo. In spite this channelization has occurred as a direct consequence of the CNB under implementation, it has not been its direct product, as the unilateralist ID may have also provoke the change in the position of the actors, who now disagree how far the AP can be implemented, as the question is open to the acceptance of full replacement of UNMIK by EULEX as stated in AP.

3. The issue of Human, civic and political rights seem to be disappeared. At least no further manifestations have occurred. There have not been mutual accusations of systematic abuses as in period 1 or period 2 during riots of 2004. This is probably the most relevant change, as the scenario has change from a systematic abuse orchestrated by state structures, to mutual acts of violence, to end up now in a relative calm situation. The lack of violent reactions in the society can be considered another indicator of change, as there has not been any party which resorts violence as a way to express its position.

4. Regarding the issue of cultural heritage protection, no further changes have been observed. The parties still regard their cultural and religious heritage as political tool. Nevertheless, no further accusations of violation to cultural heritage have been present during this period, as it was in previous periods.

5. No further issues have arisen between parties since the ID and the nascent implementation of CNB process.

5.1.3. Data Analysis of Changes at Actor Level

This section of my empirical analysis assays the changes occurred at actor level in relation with the CNB process introduced in Kosovo and its acceptance. As it has

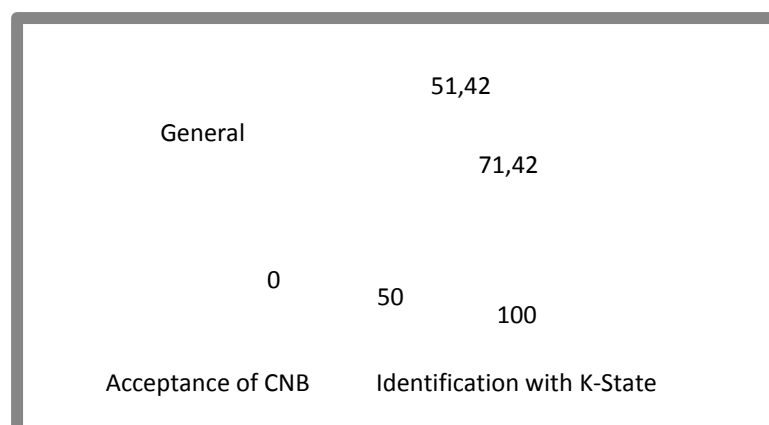
been already mentioned, this CNB mechanism involves actions such as: the creation of state identity; the conceptualization of a nation by civic elements as national constitution, rules and norms implemented on a sense of equality under the law; mechanisms by which different ethnonationalities find common expression. If a relationship is to be found between the implementation of a CNB and the successful transformation of the conflict at actor level, we may observe a positive tendency towards the acceptance of the process and towards the state identity of Kosovo rather than to ethnonational affiliations.

The findings in this regard are expounded in the following parts of this section.

5.1.3.1. General Analysis of Actor Level Data

As the chart shows (see figure 6), the general analysis at actor level presents a clear and positive tendency towards the actor identification with the Kosovo's state identity (71.42%) and a 51.42% positive tendency towards the acceptance of the CNB implemented by the AP. In general terms, as both variables presents similar positive tendency, we can infer there is a certain relationship between, the civic nation building and the successful transformation of the conflict at actor level.

Figure 6 General Relationship



The identification with the Kosovo's state identity has been measured by indentifying if decision makers in Kosovo regard Kosovo civic nation as their political goal, to which 10 over 14 actors have answered positively. For instance, it is interesting the sort of sincere answers that Kosovo Albanian decision makers have offered:

“My goal initially was not this. I was young and my goal was national state, an ethnic state. But this has evolved and we now work for civic state. We see this as a way that will satisfy all, as a concept of a safe development” (KA Parliamentarian)

“There is evolution. Initially it was freedom for Albanians of ex-Yugoslavia. With changes we agreed for Kosova as a state, as a society with its border as part of Europe as everybody else to be able to go to neighbors, Albania, Serbia, etc.” (KA Party Leader, Prishtina, September 2008)

A Kosovo Serbs decision maker for instance provided an answered that could not have chance to exist in previous years of the conflict when Kosovo society was divided between a national project led by Serbs and one led by Albanians:

“We promote civic nation / civic society as party as well. We are civic option and promote these ideas as well. This is progressive concept, also shared by Europe and world. We will support this concept without doubts. It is also the concept of Albanians. The goal is to live better and that Serbian people feel their perspective.” (KS Party Leader & Parliamentarian, Prishtina, September 2008)

Answers of this sort have been present in the interviews I have held with decision makers since AP became a reality. Unfortunately, the difficulties of contacting KS that are not part of the official institutions in Kosovo deprive me from the voice of those who are most likely to be against of seeing themselves supporting Kosovo state identity. Nevertheless, even the existence of these other voices does not deny the presence of those others who are definitively taken a different position. However, as we can see from the words of this KS leader, it might exist also the tendency among KS to perceive this CNB process as a process which has been generated by Albanians and to which

they have necessarily to abide. In a very similar tone is the perspective of a Party leader from one of the other minorities in Kosovo:

“...the concept of civic nation and the concept of protecting communities have created possibility that ethnic parties continue its work in the transition period. As far as the party I lead, have benefited from this concept, because since 2001 national elections we had our representatives in parliament of Kosova, also in 2004 and in this current legislation.” (O. M Party Leader, Prishtina, September 2008)

Despite the goal of a civic nation might be interpreted diversely as a process to support, to abide, or to agree upon, the general tendency addresses Kosovo civic nation as an option to which most of the decision makers here interviewed have identified with.

Table 1 General Analysis Actor Level showed by question

INDEPENDENT VARIABLE	DEPENDENT VARIABLE						T
	Q1	Q2	Q3	4	Q5	Q6	
(14)	10	6	9		6	9	36
7	42	64		42	64	5	
% 1.42%	.85	.28	0	.85	.28	1.42	

A more detailed reading of the interview results give us a general impression that at level of decision makers there is no any particular rejection of the civic nation building in process of implementation. In general terms the actors have a 42.85% of positive perception of the Constitution of Kosovo as contributing to the improvement of ethnic relationships; the actors also show an optimistic perception regarding the integration of KS in Kosovo structures by a 42.85%, majority also supports the need of political parties that go beyond ethnic divides by a 64.28%. Similarly ethnicity has not been emphasized by the actors while they were asked if It is possible to construct a civic nation in a Kosovo which presents ethnic division being one ethnicity the majority of population; the general tendency is to agree that this project is possible, and they does so by a 64.28%.

5.1.3.2. Analysis of actor level by ethnic stratification

Apart from the general tendency, we encounter differences observing the perspective of actors according to their ethnic stratification.

Table 2 Analysis of Actor Level breakdown by ethnicity

Independent Variable	Dependent Variable						
	Q1	Q2	Q3	Q4	Q5	Q6	Total
Respondent							
KS (2)	2	0	1	1	2	2	6
%	100	0	50	50	100	100	50%
KA (10)	8	4	6	4	5	8	27
%	80	40	60	40	50	80	54%
OM (2)	0	2	2	2	1	-2	5
%	0	100	100	100	50	-100	50%

For instance, one of the most interesting differences of perception among the ethnic group is expressed by both decision-makers of OM group interviewed. While OM, presents a neutral (0%) tendency regarding civic nation as their political goals, they do express an acceptance of Ahtisaari Plan with a positive tendency of 50%. However, they are inclined to hold that political parties under ethnic lines are a positive development for the civic nation state they envision in Kosova (Table 1.Q7: coding -1). That is to say, that decisions makers from other minorities are keen of the changes brought about by Ahtisaari Plan and the CNB that implies but as long as their ethnonational identity remain respected and guaranteed by the intervention.

A leader of one of the other minorities, who also hold a ministerial position in KG structures, expresses this relationship as follow:

“...ethnic parties are needed for making communities be part of the process of civic nation while not undergoing assimilation. Since 1999 and in the Constitutional Framework the reserved representation for communities in parliament is guaranteed; this is also guaranteed by Constitution of state of Kosova adopted in June this year. This allows for ethnic parties to have their reserved place and perspective in politics. In this aspect the concept of civic nation and the concept of protecting communities have created possibility that ethnic parties continue its work in the transition period.” (O. M Party Leader, Prishtina, September 2008)

Similarly, the words of a Parliamentary leader of OM talk about the defense of ethnic parties as a mean to maintain own roots but also speaks of a political structure always divided between Albanians and Serbs:

“Minorities must have ethnic parties. If they go to Albanian parties they will be “Albanized” and if they go to Serb parties they will be “Serbianized”. Bosnians have their Bosnian part and are pro-Kosova. Albanians do not need to have ethnic parties, but democratic parties and professionalized parties with a clear profile.”

Another remarkable finding relates to the position of Serbian decision makers. While there is a very clear positive tendency (100%) to be identified with Kosovo state, precisely, embracing it among their political goals; there is a much lower positive tendency (50%) regarding CNB process under implementation. However, exploring in detail the interview, this difference is more related with the difficulties regarding the implementation of the process than to their rejection to it. In general terms, both leaders interviewed have a high level of commitment towards the CNB process in Kosovo.

The KS Party Leader states for instances:

“I built my optimism based on results. I judge it from 7 months we are in institutions. Given that conditions are grave, and you try to help your community and while community do not trust institutions. As situation may change it may help people change their perceptions for institutions and for integrations.”

(KS Party Leader & Parliamentary, Prishtina, September 2008)

“One of the factors that influence on Serbs is Belgrade. Second factor is economy, as most of the people lack means of life, not only Serbs. ... This is best possible way to go. To be part of institutions of Kosova is a right way to go. It is interest of all of us, Serbs, Albanians and others to live together.”

(KS Party Leader & Parliamentary, Prishtina, September 2008)

Another KS actor states:

“Regardless the fact that here majority of population are Albanians I see the perspective of coexistence among different communities. This is going to be a long process but at the end we will have civic nation, which is a topic of our meeting; a modern civic nation which will not make differences among people and I believe we will all work for that. I see this as an ultimate goal and cannot see better alternatives than this.” (KS Parliamentarian, Prishtina, September 2008)

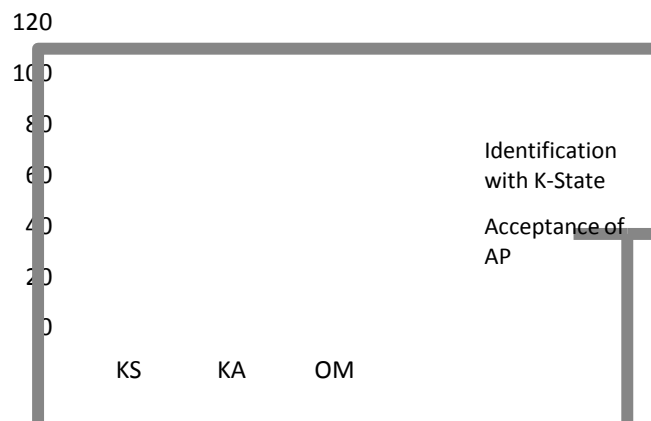
Similar reference to the difficulties faced by the CNB under implementation is reflected in the answered these Serb actors have offered when asked about the impact of Kosovo newly created Constitution on the improvement of interethnic relations (Table 1.Q2: coding 0). The result has remained neutral with a 0%. This means that one of them regard it as positive and another one as negative, and this in fact may be the situation at perception level due to the stage in which this CNB is emplaced. It might be too early for questions of this sort, or even for the understanding of the actors regarding what in fact is going on in the field. Either case, there is a need to also notice that this type of generalizations are also risky. In concrete terms, only two Serbs have been able to be interviewed. It is proper to mentioned here that another KS decision maker contacted did not directly refuse to take part in the interview but postpone the meeting in several different opportunities. At the time this interviewed was held a sort of political crisis was emplaced in KS leadership, due to which the very same actor that was postponing the interview left his position which was taken over by some other KS few days before my field work was finishing. In other words, at this period of time, even the situation of those KS participating in KG structures is delicate, but it seems to me that the delicate of the situation lies in the search for adaptation to the new reality not in its rejection. Both KS interviewed have remarked this point; following is one of the statements:

“There was an ethnic conflict, and there should be a period when process must take a new direction. And there should be level of responsibility from all actors, the Serb community and other citizens, to find the common interests and to build the civil society. For the beginning, we should resolve more painless issues and with time passing we can then address other issues of interethnic relations. So, it is important to find a model or method of interethnic life which will lead towards better and better relations in the future. This does not imply that people

should love each other, but it implies that people must find interest to live in Kosova". (KS Parliamentarian, Prishtina, September 2008)

Among Albanians, the situation is a bit clearer. There is a positive and similar tendency towards the identification with Kosovo civic nation (80%) and towards the acceptance of the process in itself (54%). The positive tendency is therefore, also kept among KA.

Figure 7 Analysis Actor Level stratified by ethnicity



One of the main challenges in Kosovo has been always the integration in government structures of those ethnic groups who were not in power. Such was the case during the period 1989-1999 when Albanians were excluded, while on the other hand the risk for KS to be also segregated by Albanians in the period 1999-2008, despite UNMIK was operating in Kosovo and mostly KS were no willing to participate in the structures of government in Kosovo. The AP was particularly concerned with guaranteeing the integration of KS in the socio-political life of an independent Kosovo. Thus, if we aim at exploring the impact of CNB on conflict transformation at actor level it would be interesting to observe how these actors regard this process of civic nation building in this task of integrating KS in Kosovo government structures and political life. When asked if they were optimistic about the integration of Serbs community in Kosovo's institutions: the answer of KA and OM has been a 50% positive in both cases, while KS are 100% optimistic about this integration process.

In words of a KA leadership:

“Yes. There is already participation of Kosova Serbs. Also Serb politicians take part in the Kosova political life even though they may disagree all the time. They are others who don’t take part in institutions but who may time to time agree with us and others who don’t know what is going here.... Ethnic questions are not anymore so key, it is economy, jobs are our challenge, we can help ourselves at most with good economic plan. All these ethnic questions are not important anymore.” (KA Party Leader, Prishtina, September 2008)

“Yes. I mean we have still Serbs which are still not working with us, but rather with schools and curricula developed in Belgrade.... I believe that implementations of Ahtisaari package will changes things on the ground in education field and we can move better to the civic state-building.” (KA Minister, Prishtina, September 2008)

KS leadership, however, point out more the difficulties for KS to integrate, despite they do support with optimism this new development:

“Yes. They somehow wish to maintain their economic independence, because they are employed, have salaries which are higher than what Kosova institutions can provide; and it seems that they are not ready to lose the jobs. ..on us is to be democratic citizens, to show that it is possible to live with Kosova institutions and be citizens of Kosova. Therefore through our continuous work and through recognition by Albanian majority that we are citizens of Kosova we can proof to people of our community that it is possible to live in Kosova.” (KS Parliamentarian Prishtina, September 2008)

“A key generator of problems is economy. Everybody wants to go there where is economy better. So we need economic stability. If we can achieve this, then problems will be resolved more easily” (KS Party Leader & Parliamentarian Prishtina, September 2008)

The economic concerns are also emphasized by OM Leadership due to the fact that the unemployment rate in Kosovo goes beyond 40%. (World Bank fact sheet 2009)

KA leadership expresses optimism regarding the integration of KS into Kosovo institutions and a new Kosovo reality. In this regard, a KG leader declares:

“I believe that all Serbs will be integrated in the institutions of Kosova. Some of them are already integrated, and others still hesitate. But with more work in improving conditions and infrastructure it will help real integration of Serbs and other communities. “

The fact that one part of KS accepts to participate in Kosovo institution raises the optimism among KA leadership that with more work and more commitment the number of KS willing to be part of Kosovo life will grow with time. However, Serbia continuously interferes in the relationship between KA and KS, trying to hold back as many KS as possible from accepting Kosovo rule.

Not only is common to all actors the positive tendency of their optimism towards the integration of KS in Kosovo state, but also the constant remark that such an integration needs also the consideration of socioeconomic factors. In other words, all actors agree that despite whatever benefit the CNB may bring about there is also a reality that needs to go hand to hand with the process and that is the improvement of socio-economic indicators.

5.1.4. Data Analysis of Changes at Personal Level

In this section I examine the changes that take place at personal level in relation with the CNB process in Kosovo and its acceptance. Concretely, this section gives account of the attitudes of individual adults regarding the new reality created by AP. The AP aimed at establishing a state in which different ethnic groups live together under an equal state structure and state identity definition. This section will therefore explore whether such a changes have taken place among the population of Kosovo.

If the CNB is able to impact on the transformation of the conflict at personal level it is expected the observance of changes among individual adults that reflect the acceptance of the new reality in which different ethnic groups live together beyond the previous experiences of hates, violence and mistrust among the population.

This expectation lies in the assumption that the Kosovo conflict is transformed when the competition between two national projects and the division of the society in ethnic lines with mutual exclusion is finally overcome. The Ahtisaari Plan brought about a proposal for this process of overcoming the conflict. However, it is the support of the micro level strata what counts for the change to occur. Without individuals supporting and accompanying this CNB there is not possibility for real transformation.

The intervention that established the CNB is a top-down approach action that cannot succeed in the transformation of the conflict without a bottom-up support. Therefore, this section will explore to which degree this support has been conquered.

Having in mind the search for the possible relationship between CNB and SCT, this study will introduce the results of a survey which compares two different set of questions, one which measures in which degree the population is identify with the new Kosovo state identity; and another one which measures the acceptance, at personal level, of the CNB process implemented by the Ahtisaari Plan.

The following parts will present the findings and the section will finish with an overall conclusion.

5.1.4.7 General Analysis : Personal Level

The general analysis of the survey shows that in Kosovo, the general tendency is positive regarding the identification with Kosovo state identity by a 36,75%; while the general acceptance and compliance with the Ahtisaari process is a lower (20,46%) despite of keeping a positive trend. Therefore, it seems there is a positive relationship between CNB and SCT at personal level.

Table 3 General Trends: Personal Level

General Values (239 cases)	%	Total
Identification with Kosovo State Identity	36,75 %	87.83
Acceptance Ahtisaari Process	20,46 %	50.72

On the overall assay, the degree of acceptance of this kind of intervention remains in a positive direction. In order to further analyze this trend it is needed to observe how it has reflected in each ethnic groups of Kosovo. With this purpose it follows the analysis per ethnic stratification.

5.1.4.8 Personal Level Analysis stratified by ethnicity

Among Serbs, the tendency goes negatively regarding the identification with the state of Kosovo (-36.90), as opposite to those who defined themselves as Albanians and show a positive tendency of 30.38%. However, Albanians present an interestingly low level compliance (9.48) with the CNB process of Ahtisaari. In spite of the low values of the positive trend, the tendency remain favorable and no negative as the one of Serbs (-91%) who seems categorically not assent with the changes and new definitions brought about by the Ahtisaari Plan.

Table 4 Personal Level stratified by ethnicity

	Serbian (14)	Albanian (115)	Kosovar (103)	Other (7)		
				Turk (5)	Bosnian (2)	Total Others
Identification with Kosovo State Identity	-36.90%	30,38%	51,94%	70%	+58.33%	66,66%
Acceptance Ahtisaari Plan & CNB Process	-91%	9,48%	42,18%	49%	45,45	48,05%

Interesting to notice here is the presence of the category of self-defined ‘Kosovar’, which does not exist as such among decision makers, as hitherto observed. In this particular case, when asked ‘*How do you identify yourself: Kosovar, Albanian, Serbian, Other*’, 43.09% of the individual adults who participated in the survey have answered ‘Kosovar’ while having at hand other possibilities. Nevertheless, the remarkable aspect among those who have taken the survey in their hands identifying themselves as Kosovar is that in the overall score of their primary identification with Kosova state identity, they show a barely 51,94% of positive tendency, while the researcher and the reader would logically expect more. This situation may indicate different aspects that only can be estimated by a variable per variable analysis. Furthermore, while addressing the compliance with the changes brought about by Ahtisaari Plan, ‘Kosovars’ show a positive tendency of 42, 18% being the higher among the three main groups under evaluation here.

Others minorities under analysis, exemplified here by Turks and Bosnians, show higher identification with Kosova state identity (66.66%) than the other groups analyzed²⁸ and higher compliance and acceptance of the CNB in process (48.05 %) . The reasons for such situation may lay in the particular history of those minorities in the Kosovo’s Conflict but further explanation cannot be infer by the data available from the survey.

Definitively Albanians and Kosovar and other minorities than Serbian ones tend to be relatively the ones supporting the developments carry out by Ahtisaari, though Albanians in less measure.

5.1.4.3. Analysis of Primary Identity elements: State vs. Nation?

As we observe, ethnic belonging continues impacting the concept of the understanding of ‘nation’ among communities in Kosovo. For instance, Albanians do not regard Kosovo as their nation but they do consider it as their state with a positive tendency of 83.47%. In the case of Serb community the tendency is negative against of any identification with Kosovo State (-92, 85%) or Nation (-35, 71%) and surprising

²⁸ Having the Turks the strongest identification with Kosova state identity by a 70% positive tendency.

enough the negative trend is even more present regarding the identification with Kosovo State. This tendency of still associating ethnonational affiliations with the concept of Nation is strongly confirmed by those who have identified themselves as Kosovar. Among this group, there is a positive tendency (95, 28%) to identify themselves with Kosovo State structures and a negative tendency (-20, 28%) against their identification with Kosovo state identity (Nation). Turks and Bosnians however, are the only ones who have a direct identification with Kosovo State by 100% and a positive tendency of 28, 57% to regard Kosovo as their national affiliation.

Table 5 State vs. Nation?

	Albanian	Serbian	Kosovar	O.M
Identification with State Identity (Nation)	-83,47	-35,71	-20,75	28,57
I identification with State Structures (State)	83,47	-92,85	95,28	100

5.1.4.4. Analysis of the Acceptance of CNB process (Ahtisaari Plan): main structural changes.

Analyzing the degree of acceptance of the structural measures introduced by the Ahtisaari Plan, the overall tendency among Albanians is oriented negatively in all cases for about a 50-53%. Serbian community for instance shows a positive tendency of about 14,30% favoring the Special Protective Zones, despite they confirmed that this measure does not make them feel safer (-42.85%). Furthermore, neither Albanians and nor the Other minorities have feel secure because the establishment of this ‘special protective zones’. Kosovars instead remain neutral towards this issue. (0%) (Table 6)

Table 6 Analysis acceptance main structural changes

Albanian	Serbian	Kosovar	O.M
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Do you feel benefited by the creation of new municipalities?	-53,04	-21,42	-16,03	14,28
Perspective towards the Special Protective Zones	-53,91	14,28	0,94	14,28
Do you feel more secure since the "special protective zones" were established?	-51,3	-42,85	0	-14,28

All communities, except Turks and Bosnians whose tendency is positively by a 14, 28%), consider they have not benefitted by the creation of the new municipalities (Albanians -53, Serbs -21, Kosovars -16).

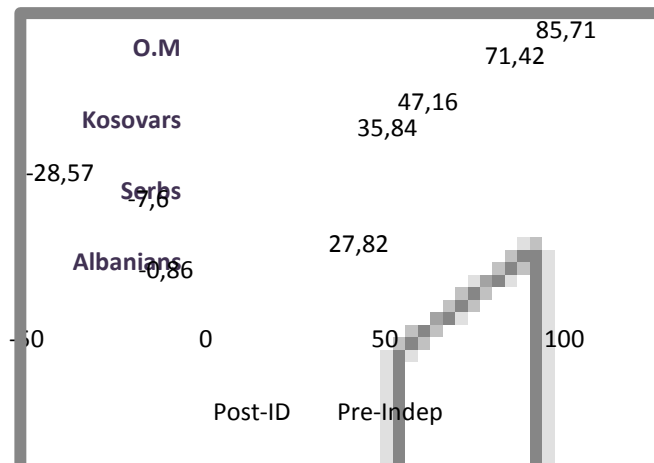
5.1.4.5 Comparative analysis: changes regarding perception of other minorities

Table 7 Comparative analysis: perception of commonalities with other minorities.

	Albanian	Serbian	Kosovar	O. M
Commonality with other ethnic Groups	-0,86	-7,14	35,84	71,42
Commonalities with other ethnic groups since Independence Declaration	27,82	-28,57	47,16	85,71

It has purposely asked twice in the questionnaire whether the individual considers to have commonalities with others ethnic groups; once it was specially addressed in references to the period post ID and in other part of the questionnaire the question was general without addressing any particular set of time. This question produced the following results: while Albanians tendency is negative by almost 1%, the question which addresses the period post ID presents a positive tendency of about 27,82%. Among Kosovars and O.M, the trend is also increasingly positive for the period post-ID. While for Serbian community the already negative tendency (-7.14) has worsen since ID up to a -28.57%.

Figure 8 Commonalities Pre-Post ID



On the whole, the respondents of my survey are generally in a positive tendency to see themselves in other circumstances – regarding the other minorities- after the ID, except for Serbian communities in Kosovo.

5.1.4.6. Comparative Analysis between Independence Declaration and Ahtisaari Plan support:

If compared the support of Independence Declaration (ID) and Ahtisaari Plan (AP) among population, the tendency is kept. Those who support the ID do also support the AP process (Albanians, Kosovars, and O.M). While in the same negative trend population of Serbian origin do support neither the ID nor the AP.

Two things can be said reading the results of the survey regarding these aspects. First, this comparison may challenge the overall findings regarding the relationship between Primary Identity tendencies and Acceptance of AP.

For instance, the positive percentage of acceptance of AP might be related to the percentage of support to the ID rather than to the CNB per se. Particularly, if this data is compared with those of the new structures generated by the AP, this argument makes more sense. The general tendency towards the support to the new structures introduced by AP has been negative. If we take the case of Albanians who in general terms seems to support the CBN process, the discrepancy between the support of ID and the one to AP is notorious. There is a difference of about 64% that brings our attention to

questioning the real support that Albanians conferred to AP. Do they support the AP idea of a civic nation or in fact they consider the AP as they way out of Serbia and the final conquered of the goal the fight so much for? The answer to this question may lie in the achievement of independence. Nevertheless, and despite of being smaller, the tendency towards the acceptance of AP remains.

Table 8 Comparison Acceptance ID and AP

	Albanian	Serbian	Kosovar	O.M
Was the independence declaration a positive development?	73,91	- 57,14	86,79	85,71
Acceptance Ahtisaari Plan & CNB Process	9,48	- 50%	42,18%	48,05%

Chapter 6

CONCLUSIONS

My research had explored the scope and limitations of civic nation building enterprises as a tool for successful conflict transformation. With this purpose, the present study has analyzed four different dimensions of a conflict: structure, issues, decision-makers as well as people affected by the conflict. Thus, this Chapter aims at discussing findings, drawing conclusions, arguing policy implication as well as analyzing the theoretical and empirical contributions that have arisen out of this research. The Chapter assesses the conceptual constructs of civic nation building and successful conflict transformation.

Taking these aims into consideration, this chapter explores answers to the research question stated in this study by discussing the hitherto analyzed data and relating it to the literature.

This chapter is composed of seven different sections: the first section discusses the findings and their relationship to the literature, the second section summarizes and brings up conclusions of the work, the third section expounds on the different implications of my research, the fourth establishes lines for future research, the fifth explains the limitations of this research, the sixth provides some recommendations for practitioners and the last section will provide with some concluding remarks.

6.1. Discussion on Findings

The discussion on findings proceeds in five different elements: civic nation building (CNB) and structural level transformations, CNB and issue level transformations, CNB and actor level transformations, CNB and personal level transformations as well as observance of limitations and scope of civic nation building as a tool for conflict transformation.

6.1.1. Findings and discussion on CNB and Structural Level transformations

Few changes at the structural level can be associated particularly with the period in which the civic nation building (CNB) started to be implemented. For instance, regarding changes in conflicting parties, those KS participating in government structures seem to have a more determined stand towards cooperation than before. This is specially measured in the fact that they boycotted the independence declaration only one month and after that they all decided to come back and try to push forward the new agenda as some of them have declared. There is also a transformation among KA though not that positive for the successful implementation of any CNB. The KA position started to be more associated with KG per se, threatening the mere idea of CNB as it may represent a tendency towards an ethnic dominated state rather than a civic one.

Some other changes among conflicting relationships have also taken place, the most relevant being the decrease of the use of violence as a political tool for expressing demands and parties' position in the conflict. The Serbia-KA conflicting relationship has also been transformed, particularly in the position and tools available, for instance their difference has been channelized by diplomatic means. Moreover, the Serbia-KA relationship was not directly addressed by the AP intervention but through benefits offered to KS. As for KS-KG relationships there is not a large change particularly related to this period, despite some KS are a more cooperative actors, the overall dynamics between KS-KG did not turn into full cooperation, as not all KS accept the new dynamics established by AP between them and the government to which they are expected to take part and accept. AP implementation facilitates that KG opened up socio-economic opportunities to KS, like job offers, as much as political ones. However, it is more likely that KS will accept the former more than the latter. Regarding the formerly violent and tense KA-KS relationship, as seen in 1997-1999 or 2004, it seems to have turned to not open violence dynamics.

Regarding the creation of spaces for participation in political life the changes have also not been that promising. Despite implementing certain structural

interventions, such as the creation of 41 laws, the scheme for the Constitution of Kosovo and the civic framework as a whole to which the parties should adjust, after 16 months of the implementation process of the AP the structure is not fully transformed mostly because the implementation process is rather slow. However there is something even more important in this regard, the implementation of these new structures like: the division of Mitrovica, and municipalities ethnically dominated has institutionalized ethnic difference rather than de-politicizing ethnicity or reducing its salience. Furthermore, this set of laws known as ‘Ahtisaari Package’ has been implemented in a top down approach subject to vote for its acceptance or rejection as a whole in the assembly but never subject to debate and possible reformulation.

According to my theoretical construct, if a CNB is able to impact on the conflict transformation process at the structural level, it has to forge changes in the conflicting parties, the conflicting relationships and the structure in which conflict is embedded. In the words of Reinmann (2001:13) it is the status quo on which the conflict arose that needs to be changed. The status quo has necessarily been shaken by the implementation of AP, as long as it delimited at once the previous role that Serbia had in Kosovo, and made clear the stand that Kosovo is a state for its citizens rather than of any of the ethnic groups. Wallensteen (1991:130) for instance, recalls the absence of the fear to a new war coming out of the conflicting relationship as a change that transforms the previous conflictive scenario. A change of this sort seems to be the one happening in Kosovo. However this statement leads us to another question: how can we be so sure that the impact generating this transformation came from the intervention of a CNB process? If as Galtung (1995:51) states, the conflict transformations is a ‘progressing perspective’, how can we differentiate separate impacts in this process of transformation? How can we argue that the impact was generated by the CNB and not the previous 10 years of steady work of UNMIK in Kosovo? I found this question as one of the main obstacles in the argument for a direct causal relationship between CNB and successful conflict transformation (SCT). Instead, we can infer certain relationship between this type of intervention and change at the structural level as long as it touches deep-rooted conflictive relationships; or contributes towards moving the stalemate to a different stage of the conflict in which the status quo the parties were acquainted with is

broken. Therefore, there might be a chance for the generation of new scenarios, relationships and dynamics. The status quo at the same time might be preserved in different aspects, as is the case of AP provisions for Kosovo. The bulk of laws trying to distribute highly protected power sharing mechanisms such as: the division of Mitrovica, or ample decentralized powers to ethnic districts; ended up institutionalizing the conflicting relationships instead of overcoming them. If KS will be restricted to only certain areas of Kosovo, in which they are ensured the full protection of their rights, then the very basic premises of the transformation of the conflict and of the implementation of civic nation building would be compromised.

As a final remark on this discussion I would like to consider the top-down approach of the CNB process explored in this study. Conflict Transformation advocates such as Lederach (1997), Galtung (1995) Vayrynem (1991) Rupensinghe (1995), Miall (2001) or even Ropers (2005) in his systemic approach to conflict transformation, have extensively remarked on the role of the track III level actors for the transformation of a conflict to take place. This bottom –up approach was missing in the overall negotiation, and implementation of Ahtisaari Plan. The scope of this CNB to become a tool for transforming the conflict in Kosovo, is therefore expected to be very limited if any bottom-up measure do not start to accompany the process that have been implemented top-down. Multitrack approaches such as those proposed by Diamond or Lederach would offer more sustainability to this kind of interventions, as it would open the opportunity, for more actors to take ownership of the process.

6.1.2 Findings and Discussion on CNB and Conflict Transformation at the Issue Level

Since 1989, when Serbia revoked the federal/autonomous status of Kosovo, the Kosovo conflict pivoted around four main issues: Territorial Control of Kosovo, Political Status of Kosovo, Mutual human, civic and political rights abuses, the Protection of Cultural and Religious Heritage. The Ahtisaari Plan (AP) aimed at being a solution for all these issues. In this sense, AP developed provisions for an internationally supervised Independence for Kosovo that could address the debate regarding the long postponed Political status of Kosovo. To balance the pretensions of

territorial control, AP implemented a decentralization process with ample autonomy for ethnically dominated municipalities, which was offered mostly to Kosovo Serbs. To protect the cultural and religious heritage, AP created the law on Special Protective Zones that guarantees ethnic management of the areas and extreme security measures coordinated with the Serbian Orthodox Church. The issue on Human, political and civic rights abuse was not directly addressed but it was expected that the combination of the basic 41 Laws of Ahtisaari, the Constitution of Kosovo, the decentralization process, the special protective zones and the offer of an internationally supervised Independence there would be enough guarantees for these abuses not to happen again.

However, the issue of territorial control remained frozen, despite the independence declaration (ID) and the Decentralization laws, given that parties have not changed their main position regarding this issue. Serbia still regards Kosovo as part of her mainland and therefore her parallel structures remain in the territory providing services to KS. KA remained satisfied considering that justice finally came the day that AP and later the ID granted Kosovo with the opportunity of removing Serbia out of their area of influence. However, some KS remain loyal to the position of Serbia while a small tendency is seen toward the disregard of Serbia and the consideration of the needs of the new state of Kosovo. KS, who were already in Kosovo institutions, boycotted parliament and the government of Kosovo during the month that followed the ID. However, those who left came back again to work for Kosovo became a part of this new reality, indirectly accepting it.

The issue of Political status suffered interesting changes. Kosovo Albanians (KA) do not consider it an issue any longer. Serbia channeled her position via diplomatic means and disagreements. What it used to be demand as ‘a solution for the final status of Kosovo’, is now re-directed in discussion regarding the implementation of AP, the role of UNMIK and EULEX and the legality of Kosovo ID. The main issue remained but re-channeled in disagreements of a different sort but through peaceful means.

However, the issue of the Protection of Cultural and Religious Heritage remained a political tool of the main conflicting parties. Although no further mutual accusations of abuses have occurred, the conflicting parties still regard to this heritage to claim

territorial pretensions of the other party over Kosovo. In this sense, Serbia and KS claim the protection of what they considers Serbs' main legacy and therefore ask for extraterritorial control of this area by the Serbian Orthodox Church. KA disregards the claim, arguing common sense of belonging to the same cultural sites and accusing Serbia of territorial interest in those sites.

As defined in Chapter 2, if the CNB intervention contributes to the transformation of the issues of the conflict, it should be able to impact the change of position of the parties regarding the issue, the reduction of issues' salience, or in the generation of new ones. The 16 months that followed the ID and the implementation of AP in Kosovo, have observed: the issue of Territorial control remained frozen, the issue of political status was reframed in other discussions over different formalities, while the issue of cultural and religious sites remained unchanged. There is an impact of the CNB in these developments however we are not able to estimate to what degree the changes are the exclusive merit of the CNB intervention. The law on Special Protective Zones for instance, has not being implemented yet. However this law has been controversial since the first day that it was discussed in the negotiation rounds of AP design. (Weller 2008a) In fact, the mere debate of these laws increased the sensitivity of the parties toward this issue.

It should be noticed that particularly the Laws on decentralization that aimed at balancing positions regarding territorial issues, and the Laws on Special Protective Zones that aimed at addressing the issues of Cultural Heritage have not transformed the issues as theoretically we may expect. However, it is necessary to remark that these laws were mostly oriented towards KS compensation; therefore we can interpret certain impact originating from them. West (1993:12 cited in Dukes 1999) states that the way that people act and live is shaped by the circumstances in which they are embedded. From this perspective we may be able to explain why after ID and one month of boycott KS have returned to parliamentarian and governmental structures. No doubt that the new situation in which Serbia found herself adapting and reacting, taking a different position than what it would have been 15 years ago. In a similar sense, the available guarantees for KS that these Laws represent may have provided a structure of incentives for considering taking part in the system.

A similar situation is present in analyzing the absence during this period of the former issue of abuses to human, political and civic rights. It is difficult to argue that the civic nation building process has been responsible for such a change, but necessarily and maybe indirectly it impacts the situation. Years ago, a proposal such as this one introduced by AP would probably increase the tensions in the scenario Kosova was leaving. In 2008 when the ID occurred and the international effort was focused on implementing AP, no relevant act of violence took place. The social reaction – despite their happiness or unhappiness with the process- was rather calm. Days before the ID, Kosovo streets were full of rumors and calm waiting for the day of declaration. No violent reaction took place. Some protests occurred in the north but ended up being small spots without any relevant consequences.

The question remains open: how can we be sure that these changes have been related to the CNB under implementation? This answer calls for a deeper evaluation of the processes by which CNB generates this impact and about the system of transfer between this structural intervention and its reflection at issue level. There is at least a relationship regarding the timing between the changes that occurred at the issue level and the implementation of this intervention.

6.1.3 Findings and Discussion on CNB and Conflict Transformation at Actor Level

As it has been already expressed in Chapter 5, if a relationship is to be found between the implementation of a CNB and the successful transformation of the conflict at actor level, we may observe a positive tendency towards the acceptance of the process and towards the state identity of Kosovo rather than to ethnonational affiliations.

In general terms there is a clear and positive tendency towards the actor identification with the Kosovo's state identity (71.42%) and a 51.42% positive tendency towards the acceptance of the CNB implemented by the AP. Although the goal of a civic nation has been interpreted diversely as a process to support, abide, or agree with, the general tendency addresses the Kosovo civic nation as a viable option which most of the decision makers interviewed have identified with.

The salience of ethnicity also seems to be reduced. When actors were asked whether it is possible to construct a civic nation in a Kosovo which presents ethnic division with one ethnicity being the majority of the population; the general tendency is to agree that this project is possible, and they do so by 64.28%.

The understanding widens when the tendencies are broken down by ethnicity. For instance, other minorities (OM) (represented by 1 Turk and 1 Bosnian) are clearly positive regarding Ahtisaari Plan (50%) , however their stand in Primary Identification is neutral regarding Kosovo (0%). Such a situation is possible because they are not willing to transform this CNB in a sacrifice to their cultural roots. Then, they are keen for the changes brought about by the Ahtisaari Plan and the civic nation building that implies as long as their ethnonational identity remains respected and guaranteed by the intervention. This also can be explained by their absolute support in different questions addressing the implications of this CNB except one: the creation of multi-ethnic parties which they reject (-100%) because they consider that this will make them vulnerable to the majorities. (They include KA and KS in this understanding).

Similarly, KS interviewed are also highly positive towards AP (50%); a similar positive tendency (100%) regards their identification with the Kosovo state, embracing it among their political goal. In fact the lower tendency regarding AP is related to their concern towards the difficulties of the implementation of the process than to their rejection. Both leaders interviewed have a high level of commitment towards the CNB process in Kosovo opening up the space for questions: what differentiate those KS participating and committed with KS and those who are not?

Considering the answers given by my interviewees I would answer this question arguing in favor of the role of individual agency over ethnic group affiliations. Both actors interviewed have referred to cost/benefit considerations, socio-economic opportunities they could benefit from and the fact that they want to live in Kosovo with a good quality of life. No answer refers to former claims of Serbian legacy in the territory or any other symbolic feature of their own ethnic group. In this sense, the transformation seems significant and relevant for the consideration of civic nation building as a tool oriented toward this end.

Although it might be too early for the type of questions I asked in my interviews, or for the actors to understand what in fact is going on in the field, still Kosovo presents similar tendencies among KS leadership to the one found in this study. There is a certain positive relationship between the civic nation building and the successful transformation of the conflict at actor level.

The CNB has brought about an adaptation of the actors to the new reality in which all ethnic groups have guarantees for equal participation.

6.1.4 Findings and Discussion on CNB and Conflict Transformation at Personal Level

While observing the impact of CNB on conflict transformations at the personal level, the general tendency is positive regarding identification with Kosovo state identity by 36,75%; while the general compliance with the Ahtisaari process is rather lower (20,46%) - though keeping a positive trend.

Among KS, the tendency is negative regarding identification with the state of Kosovo (-36.90), as opposed to those who defined themselves as Albanians and show a positive tendency of 30.38%. However, Albanians present an interestingly low level of acceptance (9.48) of the CNB process of Ahtisaari. In spite of the low values of the positive trend, the tendency remains favorable and not as negative as the one of Serbs (-50%) who seem categorically to not have assent with the changes and new definitions brought about by the Ahtisaari Plan. Other minorities under analysis, exemplified here by Turks and Bosnians, show higher identification with Kosova state identity (66.66%) than the other groups analyzed²⁹ and higher compliance and acceptance of the CNB in process (48.05 %)

Interesting to notice here is the presence of the category of self-defined 'Kosovar'. When Kosovo population surveyed was asked: 'How *do you identify yourself: Kosovar, Albanian, Serbian, Other*', 43.09% of the individual adults answered 'Kosovar' while

²⁹ Having the Turks the strongest identification with Kosova state identity by a 70% positive tendency.

having other possibilities available. The significance of this answer is related to its implications. For instance, it asserts that the identification in Kosovo might be in the process of transformation from ethnonational identities to other sorts of identities that interplay with ethnic ones. It challenges the assumption of partitionist theorists who consider ethnic identities are immutable and primary. Regarding the objective of this study, it also implies that CNB may have good chances to establish lines of transformations at actor level.

Ethnic belonging continues, however, to mediate the understanding of 'nation' among communities in Kosovo. For instance, Albanians do not regard Kosovo as their nation but they do consider it as their state with a positive tendency of 83.47%. In the case of the Serb community the tendency is negative against of any identification with Kosovo State (-92, 85%) or Nation (-35, 71%) and surprising enough the negative trend is even more present regarding identification with the Kosovo State. This tendency of still associating ethnonational affiliations with the concept of Nation is strongly confirmed by those who have identified themselves as Kosovar. Among this group, there is a positive tendency (95, 28%) to identify themselves with Kosovo State structures and a negative tendency (-20, 28%) against their identification with Kosovo state identity (Nation).

In fact these tendencies might be related to a long tradition of understanding the concept of Nation. If we remember the historical background of Kosovo, the Constitution of 1974 divided between nations and nationalities, not between nations and states as many others societies do. The social construction of the concept 'nation' in Kosovo might be driven by this sort of tendencies as the ones expressed here. This argument is also confirmed by the answers of Turks and Bosnians .These populations have been the ones with direct identification with the Kosovo State by 100% and a positive tendency of 28,57% to regard Kosovo as their national affiliation. These groups have been considered as 'nationalities' under the Yugoslavia CN of 1974 while Serbs were clearly a 'nation' under the same constitution. Albanians of Kosovo, however, were considered in a special status due to their political fight in Yugoslavia for their consideration as a 'nation'.

Due to this differentiated understanding of 'nation' that complicates the understanding of a 'civic' concept of nation, I inquired whether there is a new ascription to civic elements of nation as Ahtisaari Plan (AP) pretends to construct or if this acceptance of the AP is related to something else. In other words, does the acceptance of AP really imply that the Civic Nation is beginning in Kosovo or do the ethnonational tendencies remain as strong as they have always been?

My first way of finding an answer to this question was to compare the support given to the Ahtisaari Plan with the one given to the Independence Declaration (ID). My findings showed that the tendency was kept for both cases in all ethnic groups but a discrepancy of 64% was found among Albanians. The research concluded that the general orientation among Albanian population might be more oriented to support AP for considering it a way out of Serbia. The achievement of independence then was more relevant than what the AP and the CNB introduced. The background picture of Adem Jasheri in the declaration of independence printed by KG seems to confirm this finding. Nevertheless, and despite being smaller, the tendency towards the acceptance of AP remains positive giving hopes of further developments.

As a last aspect to be considered in the impact of CNB over the transformation of the conflict in Kosovo, I questioned whether this new project of a civic nation would in bring among the population a sense of common belonging regardless of ethnic divisions. When the people was asked whether they find more commonalities with other ethnic groups since ID, my findings showed that the tendency among Albanians is negative by almost 1%, for the pre-ID period, but positive (27,82%.) for the post-ID period. Among Kosovars and other minorities, the trend is also increasingly positive for the period post-ID. While for the Serbian community, the already negative tendency (-7.14) has worsen since the Independence Declaration up to -28.57%.

The overall analysis show how weak the tendency towards the acceptance of a civic nation among Kosovo population is and therefore how embryonary are the steps towards overcoming of ethnic divisions.

6.1.5 Findings and Discussion on Scope and Limitations of Civic Nation Building as tool for Conflict Transformation

The process of exploring the possible impacts of CNB on the transformation of the Kosovo conflict sheds light over the scope and limitations that any civic building process may encounter when implemented as a tool for successful conflict transformation, they are presented here under five main categories: 1) Slight line between achieving independence and constructing a civic nation; 2) The transfer between Macro and Micro levels and the role of the Meson level; 3) Missing aspects of the Intervention process; 4) Institutionalization of Ethnicity; 5) Civic Nation building as an alternative to partitioning

6.1.5 .1 The Slight line between achieving independence and constructing a civic nation

Different factors have pointed out the risk of confusing Independence Declaration (ID) with the construction of a civic nation. Kosovo's conflict warns interveners to consider this slight line between both processes. When a civic nation building (CNB) process is established aiming at bridging ethnically divided societies embedded in a conflict about competing nationalistic projects, there is a risk of overestimation of the declaration of the independence over the CNB process in itself. This situation may challenge and eventually weaken the role of CNB as a tool to handle deep-rooted conflicts.

The 'Albanian discrepancy' between their support for ID and Ahtisaari Plan (AP) shows this slight line in the Kosovo conflict. Furthermore, the negative tendencies present among the KS population may worsen if the CNB is purely associated with independence declaration.

Nevertheless, while these risks are pointed out, there are also some lines of hope for the applicability of CNB as a tool for conflict transformation. Further work is needed at the level of intervention to increase positive tendencies as the emergence of this new civic category 'Kosovar' or the ample support offered by other minorities in

the conflict which were not direct parties to the main conflict. The positive reception by Turks and Bosnians of the Civic Nation Building offers a line for interveners to explore.

6.1.5 .2 The transfer between Macro and Micro levels and the role of Meso level

As it has been discussed, one of the most controversial points that arise from the Kosovo case is the debate of transfer from macro level intervention to micro level changes. While analyzing actor level and personal level tendencies, we found difficulties in concluding to what degree the changes at actor level and personal level represent the impact of the structural intervention or individual choices of cost/benefit evaluations. Moreover, if we were to assume that the changes at actor or personal level relate to the impact of the CNB as structural intervention, then it follows to inquire how this transfer has taken place.

As expected, structural changes are not easily transferred to micro level dynamics. There is not a direct link to witness that certain changes at macro level have exclusively occurred due to this intervention, however different relationships were observed.

This situation is similar to one explained by Dukes (1999:160) regarding a marital dispute. The basis for the couple's dispute may lay in circumstances particular to the couple, such as their level of income, number and ages of children. However their private circumstances are linked to the overall structure in which they are inserted, for instance a drop in the level of income can proceed from the ongoing international crisis. Similarly, the conflict behavior of the conflicting parties in Kosovo is embedded in structural forces to the conflict. Therefore, a change in the structural forces can logically be expected to generate a change in the way that individuals and decision makers position themselves over the conflict. The relationship is there theoretically and, empirically, although this analysis is still not able to demonstrate causal relationships or explain how that change happened.

Moreover, the analysis of actor level transformations showed that actors can escape conflicting relationships and structural constrains by personal decision as cost/benefits estimations. However this change was not present among populations of similar ethnic groups. This leads us to consider another related point related. Maybe,

further theoretical and empirical enterprises needs to explore the Macro-Micro transfers in civic nation building by taking into account ‘decision-makers’ at the Meso-Level leading the process of transferring macro level interventions among the population. As we observed in the analysis of structural level transformations, KS decision makers were excluded from negotiations regarding structural intervention. Giving more of a role to this ‘indigenous’ elements, as key decision makers of all ethnic groups, could bring more successful results. The role of this ‘meso level’ and its impact, then, require further research and empirical explorations.

6.1.5 .3 Missing aspects of the Intervention process

6.1.5 .3.1 *The Left-out dyad Problem:*

Ahtisaari Plan (AP) addressed different conflict dyads by offering new power and resources distribution as a way to guarantee the transformation of the conflict in Kosovo. The competing nationalistic projects of Serbia and KA were overcome for a proposal of a Civic Nation which facilitated different demands of the parties as an exchange of accommodating other sources jealously guarded. KA were granted the awaited Independence as an exchange for having the Kosovo Political status internationally supervised and ethnically compensated with decentralized spaces for minorities, mostly KS. KS obtained ample autonomy in their decentralized municipalities and absolute control of their own cultural affairs and religious sites and surrounded area. Serbia however, was left with the requirement to give up what she considered ‘the heart of Serbia’ (in Milosevic expression) but no compensation offered was granted. The conflicting dyad Serbia-KA was never directly addressed except via the privileges to KS. Serbia remained with a lack of arguments for her constituencies other than the remark that ‘Kosovo is Serbia’s territory’ and, therefore, left in permanent denial of a new reality. I call this phenomenon the ‘left-out problem’ of the civic nation building process implemented in Kosovo.

In terms of the impact of the civic nation building process on the overall conflict transformation, the left-out dyad problem represents a limitation for widening the scope of the impact that it meant to generate.

The left-out dyad problem seems to reflect that the CNB intervention forgot that conflict transformation is a long term perspective of an initiated change whose repercussions live and reproduce through time. If the identification of KS with K-state increases to the point of being fully independent of Serbia and use this fact as a political tool, Serbia would remain without any space for intervening in Kosovo. If such a situation could come into being, what the options would be for an actor that was not offered a way out of its own history of grievances, sufferings, lost, and traumas? Ahtisaari missed this point. The entire CNB entitled to overcome the competing nationalistic projects missed it too. International community proves she is incapable of addressing the KA-Serbia relationship, incapable of handling the burden of parties' mutual grievances and traumatic past. The KA-Serbia relationship that during 1999-2008 was frozen for good, in 2008 was forgotten for bad. The 'walk through history,' that Montville (1995) recommended for handling conflicts of this sort, has been omitted, lost, override and eventually denied.

The 'left-out dyad problem' that the implementation of AP brought about threatens to challenge the capacity of the CNB process to have a positive impact in the transformation of the Kosovo conflict. Some argue that the initiation of the accession to EU could be a solution for her own loss. Whatever this option may represent for Serbia, if seriously addressed, it may symbolize a path for addressing the remaining problem.

6.1.5 .3.2 *Top-down approach without an indigenous component.*

If the objective is to implement a CNB able to generate a transformation in the Kosovo conflict, the top-down approach of the intervention needs to be revised. Conflict transformation approach by definition implies the involvement of bottom-up approaches, with a strong role of Track III actors and not only the Track I and Track II that this intervention addressed.

As it has been argued somewhere else in this chapter and Chapter 5, KS did not take part in the overall discussion of the intervention nor did the population of Kosovo. Common sense would tell us that we cannot consider as ours a process which we have been excluded from. The CNB process in Kosovo requires that the population take ownership over it. As long as the process of transforming the conflict remains far from

the hands of those who need the process the most, little scope for success is left to the CNB.

Expanding the intervention into multiple tracks as suggested by Mc Donald and Diamond might represent a more serious path for the sustainability of the CNB process.

6.1.5 .4 Institutionalization of Ethnicity

The analysis of transformations at the structural level leaves us the warning of a risk of institutionalizing ethnic differences rather than working for its de-politization and reduction of its salience.

The laws under observation here propose structural changes that somehow separate the Kosovo population according to their ethnic ethnicity. If the aim is the construction of a civic nation that overcomes former polarization along ethnic lines, the introduction of more division leads to the exacerbation of the existing differences. An example of this exacerbation is Mitrovica. Neither UNMIK nor Ahtisaari Plan (AP) could manage to handle the situation in this city in a more constructive way. The *de facto* partitioning of the town has been institutionalized by the AP's creation of Mitrovica South and North. A walk through the Ibar River Bridge gives, to anybody involved in the attempt, the sense that tensions are going to increase if the two sides of Mitrovica are entitled to remain separated. Both sides look to me like two different worlds already, I wonder how and who could avoid new tensions and conflicts in this area. Who could then be able to avoid both sides of Mitrovica turning into barricades if the CNB in process of implementation does not reach the expected outcomes?

The laws on decentralization give rise to similar questions. KS were already separated by enclaves. New divisions, now institutionalized, may keep the society in similar dynamics of separation and exclusion that they already knew and that have been at the deep-roots of the conflict. A CNB process that does not take these dynamics properly into consideration, may fail to accomplish its role in transforming the conflict.

6.1.5.5 Civic Nation Building as an alternative to partitioning

Despite all limitations that CNB has encountered in its implementation in Kosovo, it still remain as a positive alternative to the options of partitioning presented by scholars like Kaufman (2004, 2006), Pape (1997-1998), and Downes (2004, 2006).

The changes at actor level in all ethnic groups, and the ones at the personal level have shown that ethnic identity is not immutable, that there is room for changes to develop that empowers the individual agency over group identity actions.

The findings at the actor level transformation have shown that actors can move out of the conflicting relationship by the use of their individual agency. From this research, however, we cannot explain how these transformations happened but we can show that there is a chance to prove partitionist wrong and to think of civic nation building process as an alternative instead of partitioning.

To conclude, structural interventions in the shape of civic nation building process may have chances to transform the conflict into a sustainable shape if the limitations mentioned here are properly addressed. If we were to put these elements in a framework, for civic nation building as a tool for conflict transformation it may look as follows: (Figure 8)

Figure 8 Framework for Civic Nation Building as tool for Conflict Transformation

		CONFLICT TRANSFORMATION	
		POSITIVE IMPACT	NEGATIVE IMPACT
CIVIC NATION BUILDING MECHANISMS	Issues	Provide a solution to overcome the issues of the conflict	Main Issues remain unaddressed
		Achieve a change in the position of the parties regarding the issues	Parties have not changed their position regarding the issues
		Parties accept a compromising solution	Parties do not accept compromise over their demands
	Structure	All parties are addressed	At least one party is not being addressed by the intervention
		All possible conflicting dyads are addressed	At least one conflicting dyad is not addressed by the intervention
		It offers a context of equal opportunities for all parties in the conflict	There is no provision for a context of equal opportunities for all parties in the conflict

		Structural changes oriented to inclusion and overcoming ethnic divisions	Institutionalization of Ethnicity
Actor		Support the structural change introduced	Does not support the structural changes introduced
		Intervenes in the CNB proces and connects structural changes introduced with the population	Does not take part in the CNB
		Meso Level role	Absence of role in the CNB process
Pe		Support the structural change introduced	Does not support the structural changes introduced
		involved into bottom-up activities	disregard from the process of CNB
Intervener		External plus indigenous participation	External intervention
		Top-down approach & Bottom-up approach	Top- Down approach
		Macro level intervention includes a meso and micro level intervention which contributes to the transfer process.	Macro level without strategies towards the transfer to micro level

6. 2. Summary and Conclusions

The research question of this study assays the impact of civic nation building considered as a structural intervention on the successful transformation of the Kosovo conflict over competing nationalistic projects. With this purpose, it is analyzed if a civic framework of the nation building process is able to develop positive transformations at structure, issues, actor and personal levels of the conflict. The entire discussion in this chapter presents the findings and discusses them theoretically and empirically to provide conclusions over the scope and limitations of the use of civic nation building as a tool for conflict transformation.

The discussion over structural level transformation brings as result that the CNB has been able to generate a positive impact on conflicting parties and conflicting relationships, decreasing the use of violence as a political tool for expressing demands

and parties' positions in the conflict. However, the structural measures implemented to guarantee equal participation in political life have not brought positive transformations but rather a concern towards a danger of institutionalizing ethnicity. Moreover, the overall analysis of the structural level gives a warning over the top-down approach of the intervention and its implication over the sustainability of the CNB process.

According to the discussion on issue level transformation, civic nation building has succeeded in reframing the political status issues channelizing them into diplomatic disagreements of low intensity presented only by one side, as the other side regards independence declaration and the Ahtisaari Plan as the settlement of the status of Kosovo. The absence of the reports on abuse of human, civic and political rights seems to also have been a unique situation over the 16 months of implementation of this CNB. However, their relationship with CNB is still not clear and requires further exploration. The fact that violent reactions were lacking since the CNB may indicate certain lines to argue positive relations. Regarding the issues of Territorial control, no positive or negative impact has been observed; whereas, the issue of protection of cultural and religious heritage continues to remain used as a political tool by the parties.

Following the findings and discussion on actor level transformations, we can argue that the main transformations have taken place at this level. All actors present a tendency towards the acceptance of AP. It has therefore opened the scope for further transformations at the micro level, challenging those theorists that consider ethnicity as immutable. Actors have also shown to make decisions based also on cost/benefits evaluations by weighting them as much as considerations of ethnicity.

Regarding the discussion on personal level transformations, the general result is a positive trend towards the transformation of the conflict, measured by the acceptance of the AP. However, once the analysis is broken down by ethnicity, the result is a weaker tendency and can be considered as embryonic steps in overcoming ethnic divisions.

The overall discussion positively answers my research questions. Civic nation building does have an impact on successful conflict transformation. However, the scope of this impact presents certain limitations mostly of a procedural nature related to the empirical case analyzed, such as: the risk of institutionalizing ethnicity, the risk of

ignoring substantial involvement of people itself due to the top-down approach of the intervention, the left-out dyad problem, the risk of confusing ID and CNB, the lack of strategies for macro-micro level transfers, and the lack of considering the involvement of indigenous actors. As product of the overall analysis, a framework for civic nation building as tool for conflict transformation was presented by the conclusions and discussion in this whole chapter.

In general terms, therefore, the analysis of the findings and its discussions provides ample support for considering civic nation building as a tool for conflict transformation.

6.3. Implications of the Research

6.3.1. Theoretical Contributions

This research has successfully achieved its ambition of bringing the theoretical construct of civic nation building into conflict resolution field debates. By distinguishing state building enterprises from nation building ones, this study provides a clearly defined conceptualization for third party intervention processes that have been developed in the empirical field but whose understanding has been misled by conceptual confusions.

This research offers an original contribution to the debate on the theoretical implications of the civic nation building process implemented as tool for conflict transformation and opens lines for further research on this relationship. Further, it provides a framework for the analysis of civic nation building processes as a tool for conflict transformation while supporting further analysis of interventions of this sort.

6.3.2. Empirical Contributions

This research establishes some guidance for international relations and future intervention processes in conflicts in multiethnic and divided societies, similar to the one considered here. Moreover, this research points out, particularly, the scope and limitations of interventions of this kind which aim at constructing a common identity

among divided people and aims at advising its considerations in future practical experiences.

In particular, policy recommendations for the Kosovo case are provided out of the conclusions drawn in this research, presented in section 6.6.

6.4. Limitations of this research

This exploratory research is indeed very limited in scope and goals. The exploration of the explanatory capacity of the theoretical relationship between civic nation building as structural third party intervention and successful conflict transformation demands a more ambitious enterprise. This research, therefore, does not conclude on causal relationship between these two variables but rather provide future lines for research by introducing possible relationships.

6.5. Future Research

Civic nation building has met the goal of being a more precise classification of third party intervention. However, there is a long journey to go through in the design of theoretical developments covering aspects such as: timing, motives, process. Having explored all these elements explored, the evaluation of its effectiveness can be more credible.

In addition, there is a need to integrate the analysis of this sort of structural interventions with particularist interventions that participate in the civic nation building process. In this line, the debate between the role of external and indigenous actors should be further explored.

For more successful conflict transformation it is necessary to widen the understanding of the multilevel and multi-dynamic nature of any transformation process. For instance, this research did not address reconciliation processes and literature which would provide a more comprehensive perspective of the transformations that occurred at the micro level. The socio-economic dynamics and variables of development require also deeply understanding and exploring both the scope of the civic nation building intervention and of the possibilities for transformation

of deep-rooted conflicts. In this context, further analysis enables exploration of how socio economic dynamics interplay with the process of building a civic nation with ample transformation at the actor and personal levels.

Another line of research can explore how the different transformations enforce each other while analyzing how macro-meso-micro levels interact for the sustainability of civic nation building processes of this sort.

Civic nation building and conflict transformation are not static processes, despite that for the purposes of my analysis I have taken it as such. A more ambitious study could explore the interaction of both variables while considering both variables with dynamic values.

6.6. Recommendation for Practitioners

According to the analysis, the Kosovo civic nation building process requires the consideration of the following to become a successful/sustainable experience:

1) Address the left-dyad problem by addressing the conflicting relationship between Kosovo Albanians and Serbia. The hindrance of Serbia and the development of parallel structures should be stopped by an active policy from the intervener, instead of the avoidance and double standard policy that the UN and EULEX are implementing towards both, Kosovo Albanians and Serbia.

2) Equally acknowledge all actors of the conflict without assuming that Kosovo Serbs and Serbia are one monolithic entity. Therefore, Kosovo Serbs should be included in all type of process from Track I to Track III level or all other type of multi-track interventions as are all the other actors of the conflict.

3) Develop a monolithic voice among the international community operating in Kosovo and keep coherence with the policy implemented. Overlapping and contradictory actions must be omitted. For instance, the presence of two parallel and contradictory processes, one for the implementation of the Ahtisaari Plan and another for its detriment as is the 'six points plan' may lead to the increase of uncertainty and eventually to further space for violence in the region. Double standard policies that

support AP and EULEX but vote against an Independence declaration may undermine the CNB process under development.

6.7. Concluding Remark

The readers may find this research as going beyond Occam's razor and they are probably right. Notwithstanding, the author strongly believes in thinking and exchanging possible explanations as a way of constructing knowledge. Therefore, the author strongly empathizes with Lederach's words, which reads, "[w]e believe in the knowledge we generate but not in the inherently messy process by which we acquire it" (Lederach 2005:78). The author developed this research as an attempt entirely guided by absolute trust in her inherent and all messy process of intuiting, observing and interpreting the Kosovo's conflict in all opportunities she has had in the field. The author found that this could be the least contribution that she could make to a field as sensitive as Conflict Resolution in which the call for *Verstehen* is so compelling.

APPENDIX A

Interview Actor Level

1st Set of Questions referring to primary Identity:

2. Is the concept of civic nation in Kosovo part of your initial political goals? Or Have your perspective changed since 1999?

2nd Set of Questions referring to acceptance of Ahtisaari Plan

3. The CN has defined Kosovo as civic nation. After 6 months do you think that it has contributed to improve the quality of interethnic relations?

4. Given the demography of Kosova with nearly 90% of Albanian inhabitants and 10% minorities, do you consider that it is possible to construct a civic nation in Kosovo?

5. Which are the main obstacles for the construction of a civic nation in Kosovo?

6. Are you optimistic about integration of Serbs community in Kosovo's institution? Which one has been your contribution in this respect?

7. Is it possible a civic nation in a Kosovo in which all parties are still ethnically based? How do you consider that this situation is going to change?

APPENDIX B

Survey – Personal Level (with Operational Rules added)	
Male/Female. Age.....	Place of Residence

1. How do you identify yourself (please select only one of the following options)
<ul style="list-style-type: none"> a. Kosovar b. Albanian c. Serbian d. Other

FIRST SET OF QUESTIONS (Independent Variable)
--

2. Imagine you are abroad and someone asks you: where are you from? What would you answer? You are from (please select only one of the following options)
<ul style="list-style-type: none"> a. Kosovo (+1) b. Albania (-1) c. Serbia (-1) d. Other.....(0 as it is neutral regarding the two nationalistic projects previously discussed)

3. Which one of the following you consider to be your nation?
<ul style="list-style-type: none"> a. Kosovo (+1) b. Albania (-1) c. Serbia (-1) d. Other.....(0 as it is neutral regarding the two nationalistic projects previously discussed)

<i>When they refer to both Kosovo and Albania/Serbia I did the sum of values and neutralize it, turning into 0</i>
--

4. Which one of the following is the state you belong to?
<ul style="list-style-type: none"> a. Kosovo (+1) b. Albania (-1) c. Serbia (+1) d. Other..... (0 as it is neutral regarding the two nationalistic projects previously discussed)

5. Do the Kosovo's institutions represent your interest?
<ul style="list-style-type: none"> a. Yes (+1) b. Sometimes (0) c. No. (-1)

6. Do you vote in the official elections hold in Kosovo?
<ul style="list-style-type: none"> a. Yes (+1)

b. Sometimes. Please mention which one(s) (0) as the individual may not be sure, or he may vote accordingly to convenience and not to national feelings or identification).....

c. No (-1)

7. How much in common you have with members of other ethnic communities?

a. A lot, we are all Kosovars (+1)

b. Many things but we will have to work in finding more commonalities (+1)

c. Not much, but in time we may have more (0) (also not sure here about this value)

d. Not much, and I don't think situation can improve (-1)

e. Nothing (-1)

SECOND SET OF QUESTIONS (Dependent Variable)

8. Have you read the Kosovo Constitution?

a. Yes (+1)

b. Some parts. Please mention which one(s)... (0 refers to a moderate acquaintance with the KCN).....

c. No (-1)

9. Do you feel as yours the Kosovo Constitution?

a. Yes (+1)

b. No (-1)

c. The lack of answer is considered 0 neutral (however only 2 options were given to the citizen)

10. Do you feel benefited by the creation of new municipalities?

a. Yes (+1)

b. No (-1)

c. I don't know (0)

11. Do you consider that Kosovo is the state you belong to?

a. Yes (+1)

b. No. (-1)

c. The lack of answer is considered 0 neutral (however only 2 options were given to the citizen)

12. Do you consider that the establishment of "special protective zones" surrounding religious and other cultural and historical sites was a good decision?

a. Yes (+1)

b. No (-1)

c. I don't know (0)

13. Do you feel more secure since the "special protective zones" were established?

a. Yes (+1)

b. No (-1)

c. I don't know. (0)

14. Do you feel represented by the Kosovo's Flag?	
<ul style="list-style-type: none"> a. Yes (+1) b. Yes but I also feel represented by other flag. Please mention which one (0 as it is not necessarily denying Kosova Flag but also not entirely link to it)..... c. No (-1) 	
15. Do you consider that it was a good and necessary decision to create a flag for Kosovo?	
<ul style="list-style-type: none"> a. Yes, it was good and necessary (+1) b. Yes, was good but not necessary (0) c. Yes, was necessary but no good (0) d. No, no good and no necessary (-1) 	
16. Was the independence declaration a positive development?	
<ul style="list-style-type: none"> a. Yes (+1) b. Maybe, but I am yet not sure (0) c. No(-1) d. I don't know (0) 	
17. Since the independence declaration, do you feel you have more things in common with people of other ethnic communities?	
<ul style="list-style-type: none"> a. Yes. (+1) b. Yes, but it will take more time to improve (+1) c. No, but I hope I will (0) d. No (-1) e. No, and I feel we have less things in common, now (-1) 	

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