Chapter 7

THE ROLE OF MINORITIES IN THE SERBO-ALBANIAN POLITICAL QUAGMIRE

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The Serbo-Albanian political dispute and conflict in the twentieth century has revolved around two intertwined issues: territory and the political and legal status of the respective people. “Incomplete” nation- and state-building, frequent border changes, and state transformations and dissolutions have resulted in a situation where political and territorial borders remain “incongruent.” In turn, this has served as a constant source of nationalist mobilization, a predominance of politics of exclusion, and a political vision that considers ethnic homogeneity of paramount importance. Two centuries after the emergence and spread of nationalist movements in the Balkans, minority issue remains a potent force that hinders regional cooperation and overall progress in the region. The complex and multifaceted minority-majority relationship, a relationship that is largely determined by political considerations and state official ideology, thus remains crucial in understanding politics in the Balkans in general and Serbo-Albanian relations in particular.

This chapter sets out to analyze the issue of minorities and its impact on the relationship between Kosovo and Serbia. It accounts for the complexity of the minority issue and its impact on relations between the two countries by examining the relationship between Albanians and Serbs in Kosovo in the light of the “status reversal” argument. Moreover, drawing on David J. Smith and Harris Mylonas, the chapter looks at the dynamic interaction between minority, host-state, and external powers in the Kosovo-Serbia setting. The chapter argues that in a situation when Kosovo and Serbia are contiguous and have each other’s co-ethnics, the position of minorities lies at the heart of the Serbo-Albanian political configuration. However, notwithstanding the importance
of minority status and position, territorial ambitions and pretensions seem to outweigh kin-states’ concerns about the well-being of their respective ethnic brethren. Therefore, in such a constellation, the existence of the Albanian and Serb minority in Serbia and Kosovo respectively adds up to the Serbo-Albanian political quagmire rather than contributing to the process of reconciliation and higher political and social cooperation between the two countries and nations.

The chapter begins with a discussion of a number of approaches focusing on the issue of minorities, minority–majority relations, the role of kin-states, and their relevance and application in the case of Serbo-Albanian relations in Kosovo. The second section provides a brief historical background of Serbo-Albanian relations. The third and main section looks at the current situation regarding the minority issue in Kosovo and its impact on the Serbo-Albanian relations. The main focus will be on the “triadic nexus”—referring to relations between nationalizing state, kin-state, and national minority—that in the case of Kosovo and Serbia applies in both directions.

**APPROACHES TO MINORITY–MAJORITY RELATIONS**

The project of the modern nation-state is intrinsically related to the process of homogenization. This process is directed at the center of state and nation-building policies aimed at constructing homogenous political space out of heterogeneous social realities.4 As a result of the predominance of the idea and practice of the state representing the people in its threefold meaning of nation, citizenry, and sovereign, various groups that are considered not true members of the family became classified as foreigners, as ethnic or religious minorities, as guest-workers, or stateless persons.5 Nationalizing policies, in turn, produced disastrous consequences for various ethnic, religious, and/or linguistic minority groups that became a target of nationalizing and homogenizing policies. Assimilation, deportation, or extermination was often the fate of minority groups that came to be perceived as an obstacle to the ideal of a homogenous nation-state. In this way, newly emerging states followed the strategy of securitization of ethnic relations. According to Kymlicka, as the greatest obstacle to the goal (or myth) of a unified nation-state, minorities are the first target of nationalizing policies and are most in need of “nationalization”; hence, they end up being subject to “multiple and deeply rooted forms of exclusion and subordination . . . often combining political marginalization, economic disadvantage, and cultural domination.”6 Treated as “disloyal” group(s), minorities were and are persecuted on grounds of national security.7
Although this process is largely associated with the Balkans as a result of recurring wars, state dissolution, and redrawing of borders in the twentieth century, it should be emphasized that nationalist and ethnic politics result from the point that modernity itself rests on the basis of ethnic and nationalist principles. According to Wimmer, “[t]he main promises of modernity—political participation, equal treatment before the law and protection from the arbitrariness of state power, dignity for the weak and poor, and social justice and security—were fully realized only for those who came to be regarded as true members of the nation. The modern principles of inclusion are intimately tied to ethnic and national forms of exclusion.” This points to a tension and conflict that is inherent in modern polities containing numerous ethnoreligious groups, with majorities and minorities engaged in a battle for domination and equality, respectively. As regards minorities, according to Wimmer, due to the fact that they are excluded from privileged seats in the theater of society by virtue of their ethnic background, their discourse of injustice develops along national or ethnic lines as well, thus making the project of multicultural or plurinational society a shattered mirror-image of the nationalist project from which they remain excluded. Any demands for recognition or autonomy thus reinforce the image about minorities as a security problem. As Kymlicka argues, minority issues are “securitized” as a result of the fact that ethnicity is associated with irredentism, oppression, disloyalty, collaboration with foreign forces or the previous regime, as well as with historical injustices. Securitization of minority issues occurs also because when minority groups demand that their differences be acknowledged within the state in the form of autonomy, what they seek in essence is not inclusion but partial withdrawal or the right to opt out of the common citizenship. Consequently, in those polities organized on the basis of ethnic politics, the battle between majorities and minorities becomes a zero-sum game.

Another source of tension in the relationship between minorities and majorities emerges as a result of the process of “ethnic reversal,” which occurs as a result of the dismemberment of empires and large states and the creation of new ones. According to Riga and Kennedy, “ethnic reversal” occurs when “formally dominant majorities” suffer status decline, while previously “minoritized majorities” attain new political powers. This process has historically been managed through international regimes of minority rights, such as the Versailles Treaties after the First World War, or solved through assimilation, deportation, or extermination. The loss of status can be a traumatic experience for groups, which consequently become more prone to irredentism and political instrumentalization by kin-state or other foreign powers.
In fact, the role of external actors in the relations between minorities and majorities proves that the latter is a more complex relation, whose outcome depends on a number of factors. In order to depict this complex relationship, Brubaker uses a single relational nexus ("triadic nexus") that binds together three different nationalisms that are interlocking, interactive, and mutually antagonist—"nationalizing" nationalism, "homeland" nationalism, and "minority" nationalism.\(^{15}\) His point of departure is the emergence of nationalism in the process of state-building as a progressive nationalization of the political space. In a similar vein, Mylonas considers the interaction among the host state, non-core groups, and external powers to be of particular importance in the process of state-building.\(^{16}\) Mylonas argues that this interaction explains the variation in state policies to manage social diversity and attain order, which vary from assimilation, to accommodation, and exclusion. Although similar to Brubaker’s approach, Mylonas’s framework emphasizes the importance of international and geostrategic concerns for nation-building policies.\(^{17}\)

Further, drawing on Brubaker’s theory, David J. Smith has proposed a “quadratic nexus” as a framework of analysis in the study of state-building and reconstruction, thus linking nationalizing states, national minorities, and external national homelands to the institutions of an increasing web of international institutions and organizations. Certainly, adding the role of external actors complements Brubaker’s “triadic nexus,” for it acknowledges the increasing role of international organizations in the power struggles between minorities, kin-states, and nationalizing states. In one way or another, the “quadratic nexus” is applicable in almost every case of state-building and state transformation in the Western Balkans. Due to the fact that state-building in twentieth-century Southeastern Europe was characterized by the nationalization of the political space and attempts to redefine political and national identities, which in many cases led to the eruption of conflict, the “quadratic nexus” offers a useful framework in the study of the tension between various actors as well as understandings of statehood and nationhood. To begin with, the Balkan region is a preeminent case of “mismatched” groups of people who are attached by citizenship to one polity yet by ethnic affinity to another.\(^{18}\)

These frameworks, which account for a multiplicity of actors (minority, majority, kin-state, external powers/international organizations, and geopolitical factors) will be applied in examining the case at hand. However, before analyzing the current Serbo-Albanian majority–minority constellation that forms the crux of the Serbia-Kosovo relationship, the chapter provides a historical overview of Serbo-Albanian relations in Kosovo.
A BRIEF BACKGROUND OF SERBO-ALBANIAN RELATIONS IN THE BALKANS

Despite the importance of differences between Serbs and Albanians in terms of ethnicity, language, and religion, as well as animosities deriving from differences in status and treatment based on the hierarchical order of *millet*, the present Serbo-Albanian conflict is not a consequence of “ancient ethnic hatreds.” Rather, its origins go back to the rise of nationalism and nationalist movements in the Balkans, which largely had irreconcilable and conflicting territorial ambitions and political projects. Noel Malcolm claims that the present Albanian-Serbian conflict has its origins in the First Balkan War of 1912, the conquest of Kosovo by Serbia, and atrocities committed against Albanian civilians.\(^\text{19}\) Although these events would play an important role in the future of the Serbo-Albanian relations, the politicization of ethnicity started in the nineteenth century with Serb and Albanian elites pursuing mutually exclusive nationalist agendas and projects. An important event that played an instrumental role in the exacerbation of Serbo-Albanian relations was the inclusion of the Albanian-inhabited regions of Toplica and Kosanica in the newly created independent state of Serbia in 1878, and the subsequent deportation of Albanians. According to Mylonas, deportation resulted from the existence of competing Albanian territorial claims in the region (expressed by the Prizren League in 1878) as well as the fact that Serbia considered Albanians a security threat.\(^\text{20}\) This upshot of Serbian exclusionary policies in the late nineteenth century had a major impact on interethnic relations; they deteriorated at unprecedented levels as they produced refugees who moved to Kosovo, which led to the deterioration of the Serbs’ position in Kosovo (still part of the Ottoman Empire).\(^\text{21}\)

This is the first instance in modern history of a “status reversal,” with those Serbs incorporated into the independent Serbian state becoming privileged majority/citizens and Albanians either being deported or subject to assimilationist policies. This process took larger proportions at the end of the Balkan Wars 1912–1913\(^\text{22}\) and the end of the First World War, when Serbia took control of the territory of Kosovo and most of Macedonia, with a considerable Albanian population. Kosovo was an essential nationalist goal of the Serbian leadership at the end of the nineteenth and early twentieth century for its symbolic meaning (being the place of the great Serb myth of the “Battle of Kosovo”),\(^\text{23}\) but, most importantly, for geopolitical and territorial reasons. For Kosovo was only part of the territories (the others included Macedonia and even northern Albania)
deemed crucial by the Serbian elites in order to enact their project of Greater Serbia, which dominates the regional politics.

The relationship between the Serbian regime and Albanians was tense and dominated by conflict from the outset. Serbia could not bear the fact that Albanians were the predominant ethnic group in “Old Serbia” (the term used by Serbs for Kosovo). The necessity of changing the ethnic balance of the population in the region in order to legitimize its territorial aspirations pushed the Serbian and later Yugoslav government to adopt exclusionary measures against Albanians. On the other side, Albanians were reluctant to be included in the new state due to the fresh memory of violence, killings, and deportations by the Serbian army during the Balkan Wars in 1912–1913. Likewise, after the First World War, about half a million Albanians, like many other minority groups, were not seen as integral members of the new Yugoslav state (the very name of the state—both Kingdom of Serbs, Croats, and Slovenes and Kingdom of Yugoslavia, tacitly excludes Albanians and other non-Slavs). Among the immediate measures initiated by the state in the process of its disempowerment and denationalization of Albanians were: confiscation of land and colonization (to be discussed in subsequent sections), closing down of Albanian-language schools, and collection of arms.

Regarding formal citizenship of Albanians in the interwar Yugoslavia, their status was downgraded to that of a religious minority; they were generally treated as second-class citizens and the state made various attempts to facilitate their migration to Turkey. The emigration of Albanians of Kosovo, Macedonia, and Montenegro to Albania and Turkey, which had started during the Balkan Wars, continued throughout the interwar period. Attempts to apply these kinds of state policies against Albanians reveal that the latter were not considered equal citizens of the state, but rather unwelcome guests in the south Slavic state. In the new state of the South Slavs, Albanians, together with other non-Slavic minorities, occupied the lowest position in the hierarchical citizenship. The position of the Yugoslav state toward Albanians was certainly affected by regional political developments in general and those between Yugoslavia and Albania in particular, with the latter playing the role of the “external national homeland” to form a “triadic nexus.”

The situation shifted somehow during the Second World War, when the biggest part of Kosovo and parts of Western Macedonia joined Albania, which was annexed by Italy in 1939. At this time, many Albanians in Kosovo sought “to seize the opportunity offered by the collapse of Yugoslavia to gain more power over their own territory and reverse the colonizing and Slavicizing policies of
The creation of an Albanian-dominated administration and even a gendarmerie gave Albanians in Kosovo and Macedonia an upper hand, thus overturning power relations between Serbs and Albanians. Consequently, during the Italian and German occupations, local Serbs and those who had settled in Kosovo as part of the colonization plan became targets of armed Albanian groups. Widespread campaigns against Serbs ensued, including killings, deportations, and property destruction.

At the end of the Second World War and after the communist takeover, Yugoslavia was constructed on the principles of federalism and self-determination of free and equal nations. Under the 1946 Yugoslav Constitution Kosovo became an autonomous region (oblast)—a lower status than that of an autonomous province (pokrajina) given to Vojvodina—of the People's Republic of Serbia, and Albanians were not defined as a people (narod) but as a national minority (nacionalna manjina). In the early 1970s Kosovo became a Socialist Autonomous Province (SAP) and obtained its own constitution, Parliament, government, central bank, constitutional court, as well as representation in the federal institutions independent from the Republic of Serbia, and thus was a republic in everything but name. This implied that Kosovo's institutions had the main say on a range of issues, such as political, social, economic, and spatial planning. This meant a more balanced relationship between both Kosovo and Yugoslav authorities and Serbs and Albanians on many issues, including control of and access to space and territory in Kosovo. As a result of these constitutional changes, Kosovo was moving closer to becoming a “specific polity.” For the first time, Kosovo would establish its own quasi-citizenship regime. Likewise, in the period between 1971 and 1981, Kosovo developed a political elite capable of running political institutions and managing governmental affairs with minimal restraints from the Republic of Serbia or the federation, as well as taking active part in the federal institutions. Kosovo's status as a distinct territorial jurisdiction within a federal state would also imply the (re)emergence of the Albanian majority population's special claim to that jurisdiction. In accordance with the predominant logic of the existence of a titular nation for each separate republic, the Albanian nationality claimed Kosovo as its special territorial and political jurisdiction. This in turn raised fears of minoritization among Serbs in Kosovo, despite their superior legal status (as a narod).

Despite improvements in the late 1960s and 1970s, interethnic relations between Serbs and Albanians were rather distant. As Pavlović has argued, “[a]lthough living on the same territory and often in the same towns and villages, the Kosovo Serbs and Albanians lived in a sort of apartheid. Notwith-
standing some better moments in their relations and examples of cooperation (above all, in the economic sphere), there was no incentive to create a multiethnic society with stable and lasting institutions. However, there was evidence that relations between Serbs and Albanians between 1974 and 1981 were tolerably improving as a result of the ideology and policies of the League of Communists, the personal authority of Tito until his death in 1980, the state’s monopoly of violence, the international position of Yugoslavia, a broad autonomy granted to Kosovo by the 1974 constitution, and the improving socioeconomic and cultural conditions of the ethnic Albanian population.”

However, as a compromise between the Serb position of keeping Kosovo as an integral part of Serbia and the Albanian position of full equality of Albanians with Kosovo being the seventh republic, the 1974 autonomy left both sides equally dissatisfied and put the blame on “soft” communist leaders. This in turn would mobilize Albanian and Serbian nationalism, both within and outside the system, thus setting the stage for a process of political and nationalist mobilization that was triggered by the student protests in Kosovo in spring 1981. As regards Serb nationalism in the 1980s, it was articulated around two different but complementary issues: the protection of Kosovo Serbs (it was claimed their position had deteriorated following Kosovo’s acquisition of autonomy in 1974 and the subsequent “Albanization” of the province) and equal status for Serbia (at the expense of the autonomy of its two provinces) within Yugoslavia.

As the 1981 events in Kosovo testify, Kosovo’s dual status—being part of both Serbia and Yugoslavia—did not solve the Albanian national question and failed to settle the Serbo-Albanian conflict over Kosovo. However, this points to a much broader and complex issue such as the relationship between nationalism and communism. The Yugoslav left has been largely attracted by, to wit, the Leninist fashion in maintaining that the self-determination of nations is historically a keystone in paving the horizons for international communist politics. That is to say, the definitive resolution of national questions enables the postconventional communist discourse. However, historically it appears that the national question has been an intrinsic problem of socialist projects in the twentieth century. At least, this remains a typical feature of Yugoslavia: the protosocialist platform, however, suffers from a constant national tension underneath the surface. In fact, since the “first Yugoslavia,” the question of a centralized state was propounded under the national motif. Despite differences in early communist movements in Yugoslavia, in the aftermath of the decision to establish a new federal and socialist Yugoslavia in 1943, at least declarative-
ly, under Marxist-inspired allusions, it was propounded to overcome all social differences, including the national one. However, it appears that the Yugoslav project was constantly fluctuating between postconventional communism and, so to say, conventional nationalism. In this context, “brotherhood and unity”—the widespread slogan throughout Yugoslavia—does not reflect the apogee of an egalitarian communist awareness but rather, in a sense, the urge to overcome the underlying challenges rising from the predominance of particular identities.

Perhaps the most interesting facet of the 1981 political upspring is that it emerged at the peak of Kosovo’s development. In the early 1980s, for instance, Kosovo was not suffering any significant political or economic crisis. Instead, the 1974–1981 period was one of the most prosperous for Albanians in Yugoslavia. As such, it seems highly difficult to define the objective revolutionary conditions enabling such a political riot. However, at its deepest level, the political motif seemingly stems from elsewhere. Peter Sloterdijk notes the psychopolitical role of *thymos*—the irreducible impulsive core of the self’s pride—which for him is a cardinal motif dating from the first verse of the *Iliad*—the foundational text of European tradition. In his view, the psychopolitical aspect should increasingly devote attention not simply to direct material production, but to propounding the issue in terms of the economy of rage—that which springs from the contested *thymos*. In brief, he reintroduces the problem of mutual recognition in light of the thymotologic account of mutual effects of ambition agencies, namely the plural thymoetic centers. However, if anything was decisive in the Albanian upspring of 1981, it was precisely the thymoetic reaction of Kosovo Albanians, who have been constantly portrayed as inferior actors in the development of Yugoslav politics. As such, the question cannot be propounded in terms of economic well-being but rather unequal national status within Yugoslavia. Especially in the case of Kosovo Albanians, Yugoslav institutions were prone to politically compensate for the demand for republic status, rather than dealing with it directly. The economy of national rage—not merely the economical-material one—seems to have been Yugoslavia’s real weak spot.

As regards the role of Albania, despite a predominant anti-Yugoslav discourse present in Albania since the late 1940s, the dominant elite in Albania put regime and/or ideological interests above ethnic interests. There was a noticeable contrast between its strong condemnation of the treatment of Albanians in Yugoslavia and Albania’s actual advocacy of minority rights for them and its reaffirmation of the principle of preservation of international borders.
and sovereignty. In many respects, Kosovo was used by the communist elite in Tirana as a “proxy” in the ideological battle with Yugoslavia. This also explains Tirana’s interest in increasing its cultural presence in Kosovo. The main impact of Albania was ideological, for the Hoxhist version of Marxism-Leninism provided the language, concepts, and political culture of the underground Albanian national movement in Yugoslavia.44

The nationalist mobilization and deterioration of ethnic relations in Kosovo reached its peak following the rise to power of Milošević in Serbia and the latter’s initiative to abolish Kosovo’s autonomy in 1989. The abolition of its autonomy was followed by other discriminatory legal measures that relegated the position of Kosovo Albanians to that of a national minority within Serbia. This heralded the beginning of a period characterized by systematic violation of the rights of Kosovo Albanians and their continuous oppression. Although the Kosovo crisis in the late 1980s has its specific characteristics, it can hardly be isolated from the subsequent broader trend or renationalization of the political space in Eastern Europe as a result of the weakening of the communist systems. Thus, “nationalism became a dominant force among both majorities and minorities in post-communist countries also because of democratization that provided ethnic groups with the possibility of raising problems publicly (which they were not allowed to do in the past), and the freedom of association which led to the emergence of ethnic parties, as well as the redistribution of power and economic goods.”45

According to Brubaker, two corresponding types of nationalism emerged in the aftermath of the fall of communism: “polity-seeking or polity-upgrading nationalisms that aim to establish or upgrade an autonomous national polity; and polity-based, nation-shaping (or nation-promoting) nationalisms that aim to nationalize an existing polity.”46 As such, whereas the Serb nationalism was polity-based and aimed at nationalizing and potentially extending the borders of its polity, the Kosovo Albanian nationalism was a polity-seeking or polity-upgrading nationalism. Hence the attempt to turn the institutions of the Socialist Autonomous Province of Kosovo into institutions of an independent Republic of Kosovo.

Kosovo Albanians declared Kosovo to be a republic within Yugoslavia on 2 July 1990; independence was declared in 1991. Although deemed illegal by Serbia, this act “sent out an unexpectedly symbolic signal.”47 The main political message it conveyed was the Albanians’ almost unanimous determination to be an equal people within a Yugoslav federal or confederal framework. In addition, the declaration became the cornerstone of the new Kosovo Albanian
political quest for political independence within or outside Yugoslavia. Last but not least, it represented the ultimate act of the ethnic and political separation of Serbs and Albanians in Kosovo, thus paving the way for a new reality of parallel and “separate worlds.” However, increasing ethnic distance and segregation did not lead to open warfare until the late 1990s, when the appearance of the Kosovo Liberation Army (KLA) prompted a violent and brutal response from the Serbian army and police. Whatever form of interethnic cooperation was left following the period of segregation in the 1990s was destroyed during the 1998–1999 war in Kosovo.

The situation of the majority of the population of Kosovo in the 1990s can best be described in terms of exclusion and self-exclusion. The former included widespread discrimination against ethnic Albanians and their effective removal from public life by the Serbian state and its police apparatus. The self-exclusion approach describes Albanians’ permanent boycott of Serb and Yugoslav institutions and elections in Kosovo. By the end of the 1990s, following the escalation of the conflict in Kosovo, more than 850,000 Kosovar Albanian refugees escaped or were deported into neighboring countries and hundreds of thousands were internally displaced. This mass deportation of people and confiscation of their personal documents was a deliberate attempt by the Serbian state to deprive Kosovo Albanians of key citizenship rights, including the rights to property and residence. The sheer scale of human right violations and crimes against civilians being committed in Kosovo led to internationalization of the Kosovo issue and the subsequent military campaign of the North Atlantic Treaty Organization (NATO) against the Federal Republic of Yugoslavia (FRY) in spring 1999.

The NATO intervention in Kosovo and the establishment of an international administration led by the United Nations is a landmark development in Serbo-Albanian relations. In addition to establishing grounds for Kosovo’s secession from Serbia, it added an additional important factor to this relationship—the international community. Likewise, Kosovo’s declaration of independence reconfigured the minority–majority relationship in Kosovo, but also the “triadic nexus” in the case of Serbia and Kosovo. Whereas Kosovo becomes a de facto nationalizing state vis-à-vis Kosovo Serbs, Serbia became a de facto kin-state of the Serbs in Kosovo. Moreover, due to the fact that Albanians living in south Serbia (Preševo Valley) see Kosovo as their kin-state, it could be argued that Serbia and Kosovo are contiguous for they have each other’s co-ethnics within their respective (contested) borders. Therefore, the “triadic nexus” works in both directions. This is discussed in more detail in the following section.
POST-1999 KOSOVO AND THE PRESENT SERBO-ALBANIAN RELATIONS

At the end of the seventy-eight days of the NATO air campaign in the FRY, on 10 June 1999, the UN Security Council adopted Resolution 1244, which obliged the FRY to begin and complete a verifiable phased withdrawal of all military, police, and paramilitary forces from Kosovo. The Secretary-General, with the assistance of relevant international organizations, was to establish an international civil presence in Kosovo in order to provide an interim administration under which the people of Kosovo would enjoy substantial autonomy within the FRY. However, as the displaced Albanians returned home, many non-Albanian residents of Kosovo left the country or were driven into neighboring countries. The Serb population in Kosovo had been the worst affected after the end of the war there. In addition to the “ethnic reversal,” their numbers shrank as a result of fleeing and deportation, and with the exception of northern Kosovo, where they remained the majority, today they inhabit mostly small, isolated rural areas, thus forming de facto enclaves.

Although the UN Resolution 1244 mandated an ethnically integrated Kosovo, Kosovo was de facto partitioned along ethnic lines by default due to the passivity of the international administrators in the face of fierce resistance by local ethnic elites and their unwillingness to implement the integrationist elements of the peace arrangements. This postwar de facto partition was soon institutionalized with the establishment of the UN-sponsored interim legal and political framework in Kosovo. The contours of Kosovo’s new citizenship regime were set up in the aftermath of international intervention and the adoption of the Constitutional Framework of Provisional Self-Governance in Kosovo in 2001, which introduced the term “community”—meaning “inhabitants belonging to the same ethnic or religious or linguistic group”—instead of the more common terms such as nation, ethnic group, or majority and minority. In addition to the legally guaranteed equality of all communities, nonmajority communities were guaranteed specific group rights, such as political representation, cultural rights, and quotas in employment. The UN’s policy of multiethnicity and human rights protection for nondominant communities (minorities) were put in place with the aim of managing the politics of ethnic reversal in postwar Kosovo.

However, although the scope of rights enshrined in the UN-era legislation in Kosovo was very wide, in practice, the country remained divided, with both Serbs and Albanians dissatisfied. Whereas Serbs continued to cling to Serbi-
an institutions, known as “parallel institutions,” which were tolerated by the UN administration, Albanian enthusiasm for the international administration soon waned. Despite improvements in interethnic relations, they reached a low point in March 2004, when violence erupted in Kosovo. The impact of the riots was huge; 19 people were killed (8 Serbs and 11 Albanians), over 1,000 injured, some 550 homes were burned along with 27 monasteries and churches, and over 4,000 people were displaced. These events were a major blow to the UN’s rule in Kosovo and its vision of a multiethnic society, and accelerated the process of status settlement for Kosovo.

Although Ahtisaari, the UN envoy for Kosovo, held fifteen rounds of negotiations between Albanian and Serbs, similar to the situation in the 1999 Rambouillet negotiations, the two sides failed to agree on the future status of the country. Thus, with no compromise between leaders of Serbia and Kosovo on the horizon, on 26 March 2007 Ahtisaari presented his final version of the Comprehensive Proposal for the Kosovo Status Settlement (known as the Ahtisaari Plan) to the Security Council and the Secretary-General. According to Weller, this proposal, which contains a short framework agreement and twelve annexes, “provided everything that Kosovo would require to form itself into a state, and for others to recognise it as a state should they so wish.” Having already endorsed the Ahtisaari Plan and with the UN Security Council unable to agree on a new resolution in March 2007, Kosovo declared independence on 17 February 2008. Kosovo was declared “to be a democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and protection under the law.” Although the negotiation process between Prishtina and Belgrade revolved around the position of the Serb community in Kosovo, which felt powerless to prevent Kosovo’s independence, Belgrade undertook measures to cement the status of Kosovo within its legal system. Thus, in the midst of negotiations, in autumn 2006, Serbia adopted a new constitution, which confirmed Kosovo as an integral part of Serbia, offering it autonomy within the framework of Serbian sovereignty. Serbia organized a referendum on a new constitution but ethnic Albanians from Kosovo were not eligible to vote. This way, more than the position of the Serb community in a future independent Kosovar state, for Belgrade, control of the territory, however symbolic and formal, was of paramount importance. Since 2008, Serbia has taken a number of steps to increase its control among Serbs in Kosovo, especially in the northern part of the country, and contest its independence both internally and externally.

Nevertheless, in legal terms, although constitutionally Kosovo is defined as “a state of its citizens” (Article 1.2), meaning a civic state, “multiethnicity”
is the keyword in both the Ahtisaari Plan and the Kosovan Constitution itself. If equality is established legally among all citizens, politically every citizen is defined as a member of a community. All the constitutionally recognized, nondominant communities in Kosovo are granted specific group rights, including reserved seats in the parliament, at least two ministerial portfolios in the government, and proportional representation, as well as quotas, at other levels of governance. Thus, the new Kosovan Constitution, by refusing to recognize exclusions, loyalties, or claims of ancestral rights, not only defends the universalist values of civic republicanism and individual liberalism, but also speaks out for group (community) rights and defends their exclusivity and group-differentiated rights.57

Notwithstanding this, Kosovo’s disputed political status and the refusal of Kosovo Serbs, backed by Serbia, to be integrated into the Kosovan legal system has hindered Kosovo’s state-building process. In this context, the fundamental problem between Albanians and Serbs in the current situation is not that of legal setting in Kosovo, but rather a political problem that stems from the Kosovo-Serbia dispute over status. While Serbs south of Mitrovica have made significant steps toward integration into Kosovar society and political system through their participation in local and national elections in Kosovo in 2009 and 2010, Serbs north of Mitrovica moved in the opposite direction. They cut almost all ties that bound them to institutions in Prishtina, including the boycott of elections and census, and strengthened their connections with Serbia. A Kosovo Serb political elite developed there, taking influential positions in state institutions increasingly supported by Serbia, which organized local elections in Kosovo Serb areas for the first time. Tensions rose high once more in the summer of 2011 following a decision by the Kosovo government to send the Kosovo Special Police Units to seize control of the border crossings with Serbia (which were attacked and destroyed by local Serbs in February 2008) in the north in order to enforce a ban on Serbian products. This decision was met with opposition from Serbia and resistance from local Serbs, who demolished and burned infrastructure there and established road barricades. The resistance of Kosovo Serbs in general and those in the north in particular against integration into the Kosovan system is “understood by them as upholding of the remnants of the Serbian legal order in Kosovo.”58

North Kosovo has de facto been part of Serbia since 1999. Serbs there form an overwhelming majority in that region, maintain their own institutions, which are supported actively by Serbia, and keep close ties with other cities across the border in Serbia. Serbia has continuously insisted that North Kosovo remains
as separate and detached from Prishtina as possible. The rationale behind this is twofold. First, North Kosovo is the only larger area in Kosovo, which includes an urban center (North Mitrovica, which became a separate municipality), with a Serb majority; it borders Serbia. But the more important rationale is that of a potential division of Kosovo. Various Serb politicians, including the previous prime minister and current minister of foreign affairs of Serbia, Ivica Dačić, have discussed the idea of partitioning Kosovo between Serbia and Albania. Such a political claim stems from the fact that eventual annexation of North Kosovo by Serbia would be seen as a face-saving solution for Serbian politicians, who are confronting increasing Western pressures to come to terms with Kosovo’s independence. But most importantly, it reflects the predominance of a political vision that understands states only as vehicles to advance nationalist political projects of ethnically defined nations rather than mechanisms that are put in place to serve people of different ethnonational origin on the grounds of their citizenship and basic civic, political, and social rights enshrined in key international human rights documents and conventions.

This position of the north was recognized by Serbia, Kosovo, and the EU as it became a critical theme in the EU-facilitated dialogue between Prishtina and Belgrade that began in 2011. After ten rounds of often-grueling talks, Kosovo and Serbia reached a landmark accord on 19 April 2013 as the respective prime ministers initialed an agreement aimed at normalizing relations between Serbia and Kosovo. While this agreement will eventually enable Kosovo institutions to establish nominal control in the northern part of the country through the integration of existing judicial and security structures into the Kosovan system, certain elements of the agreement will enhance the position of North Kosovo as a special territory within the country. This is evident in two fields: judiciary and policing. The agreement foresees the establishment of a separate police regional command for North Kosovo municipalities and of a panel composed of a majority of Kosovo Serb judges by the Appellate Court in Prishtina to deal with all Kosovo Serb majority municipalities. Moreover, the Serbian government demanded that NATO provide written guarantees that the Security Force of Kosovo (KSF), or a future Kosovan army, will not be present in North Kosovo.

The increasing focus of Serbia on North Kosovo to the detriment of Serbs living elsewhere becomes even harder to understand due to the fact that most Serbs in Kosovo reside south of Mitrovica. Although the official Serbian political discourse in Serbia keeps repeating the mantra “Kosovo is Serbia” and pledges to defend Serbs in Kosovo, its policies of favoring Serbs in North Kosovo have increased the gap between the Serbs in northern and southeastern Kosovo.
It remains to be seen whether the new association/community of Serb municipalities in Kosovo will include all ten Serb-majority municipalities or will be limited to the four Serb-majority municipalities in North Kosovo. Another important factor to consider regarding the position of Serbs in Kosovo is their political agency. For most of the time since 1999 the majority of Serbs in Kosovo have boycotted UN and Kosovar institutions. Although in this way they made clear their preference to be connected only to institutions of the Republic of Serbia, the boycott has weakened their bargaining powers in the political arena in Kosovo and has given the Albanian-dominated Kosovar institutions leeway to implement minority-rights provisions as they see fit. The emergence of a new Serb political elite in Kosovo after the 2013 elections in the form of the Serb List (Srpska Lista) heralds a new era in Kosovo Serb politics. Although established and controlled by Serbia, the Serb List gathers politicians from various parts of Kosovo and is the first Serb party after the Coalition Return (Povratak) in the early 2000s, which is seen as a legitimate representative of the Serb community in Kosovo by local Serbs, Kosovo, Serbia, and the international community.

Nonetheless, consolidation of the state of Kosovo is not hindered only by the contestation by local Serbs and Serbia. Both Albanians and Serbs in Kosovo give primacy to ethnonational belonging and pledge loyalty to their ethnic nations or their kin-states. Kosovo Serbs, including those already working under Kosovo’s legal framework, remain reluctant to identify with the new state, precisely because they view it as an Albanian creation. On the other hand, many Kosovar Albanians do not consider that Kosovo (including its legal framework and state iconography) reflects its overwhelming Albanian majority. This is why both Albanians and Serbs continue to prefer their respective national symbols (Albania’s and Serbia’s respective iconography) over the new Kosovar ones. Kosovar Albanians are divided between a minority who promote the idea of a Kosovar nation and those who think that Kosovar Albanians are simultaneously both an indivisible part of the Albanian nation in the Balkans and Kosovar citizens. Indeed, the term “Kosovar” has acquired many meanings in everyday use. Both local and international politicians and media use this term to refer to Kosovo’s citizens, Kosovar Albanians, or a Kosovar nation. This, together with dissatisfaction stemming from prolonged state-building, contestation, isolation, and dire economic crises, has resulted in various manifestations of animosity by Albanians toward the internationally designed state-building project in Kosovo. Some, such as the Self-Determination Movement (Lëvizja Vetëvendosje!) continue to oppose the Ahtisaari Plan and instead campaign for unification with Albania. Others, including some renowned intellectuals and
prominent politicians, have responded positively to Serbian calls for redrawing of borders, arguing for exchange of territories where North Kosovo would join Serbia in return for Preševo Valley. Indeed, the Albanian leadership in Preševo Valley has continuously called for more rights for Albanians in Serbia—ideally, the same scope of rights that Serbs have in Kosovo—or even unification with Kosovo. In many ways these demands, as well as the decision to boycott the Serbian census, mirror some of the demands and behavior of Kosovo Serbs; those proving that minorities engaged in a triadic or quadratic nexus respond to the demands of other minorities.

Preševo Valley had been largely unaffected by the Kosovo war in 1998–1999. However, oppression against the local Albanian population increased in the war’s aftermath as a result of the relocation of some Serbian forces from Kosovo. Consequently, a local rebel group called the Liberation Army of Preševo, Medvedja and Bujanovac (UÇPMB), including many former members of the disbanded KLA in Kosovo, emerged and began attacks on Serbian forces in the valley. However, following the decision of the Kosovo Force (KFOR) to allow Yugoslav forces to reenter the demilitarized ground security zone between Kosovo and Serbia, and increasing international pressures on the former KLA leaders-turned-politicians to withdraw support for UÇPMB, the latter agreed to hand in its weapons and retreat to Kosovo in return for an amnesty and Serbia’s pledge to improve interethnic relations in Preševo Valley by creating a special multiethnic police force. Although the situation improved since then, the region remains politically and economically isolated, prompting the migration of local population to Kosovo or abroad. Although its civic legislation prevents Kosovo from adopting and applying kin-state policies, nevertheless, Kosovar leaders have often acted in a way that meant Kosovo assumed functions similar to those of a kin-state. A case in point is a resolution adopted in the Kosovan parliament in 2013 on the rights of Albanians in the three municipalities in southern Serbia and the decision to allocate a joint fund with Albania in order to build the maternity of Preševo. Yet again, this shows that ethnic considerations supersede legal provisions and obligations, with politicians giving primacy to ethnicity rather than citizenship.

Whereas for Kosovo Serbs the prospects of being fully integrated into the Kosovan system and society is seen as a threat to their status as a nation within the state of Serbia, whose citizenship benefits they continue to enjoy, for Serbia, territorial projections and interests outweigh the improvement of the Serb position within Kosovo. By challenging Kosovo’s statehood internally and externally, Serbia feeds territorial ambitions and projections of various nationalists.
in the region and keeps open the possibility of border changes. Certainly this hinders the integration of Serbs in the Kosovar system and society, strengthens the image of Serbs as a security threat to the Kosovar state project in the eyes of Kosovo Albanians, and at the same time keeps alive ambitions of Albanians in southern Serbia to join Kosovo. Needless to say, border changes could affect Bosnia and Macedonia as well. Therefore, given the painful and conflictual past, as well as current political disputes, the issue of de facto or de jure minorities will continue to plague Serbo-Albanian relations. Although the future does not look very bright, the solution may lie in the process of EU integration. The EU’s involvement in Kosovo and its role as an anchor of reforms has already proved relatively successful in bringing Serbia and Kosovo to the negotiating table. Notwithstanding the positive impact of the EU in state-building in Kosovo and in conditioning Serbia to improve its relations with Kosovo, the EU remains handicapped due to its inability to speak with one voice when it comes to Kosovo.

CONCLUSION

This chapter has depicted the majority–minority relationship in the context of Serbo-Albanian relations in a wider historical and political context and the legal and political transformations resulting from the process of state creation, transformation, and dissolution in the Western Balkans. It has shown that the minority issue is just a factor within a wider triadic or quadratic relationship that includes minorities, nationalizing states, kin-states, and other external actors. These actors, first in Yugoslavia and later in Serbia and Kosovo, have been intertwined in a typical quadratic nexus, where the relationship is essentially relational and often conflictual. Due to the predominance of an ethnically based understanding of nationhood that aspired to ethnic homogeneity and congruence of ethnic and political borders, the minority issue has constantly been securitized, thus turning majority–minority struggles into zero-sum competition.

The minority issue will continue to lie at the heart of Serbo-Albanian relations for as long as state-building in Kosovo is contested and borders remain uncertain. Irrespective of how advanced the Ahtisaari Plan and Kosovo’s constitution is in terms of minority-rights provisions, they cannot be applied fully without the participation of local Serbs in Kosovo and Serbia’s cooperation. Given the history of the Balkans, it is unrealistic to expect that overnight people would embrace and appropriate civic and democratic values enshrined in the internationally designed Kosovar legislation. Nonetheless, as long as borders remain contested and states continue to aspire to ethnic homogeneity, territori-
al considerations will outweigh citizens’ well-being, regional cooperation, and prosperity.

The challenge in creating legitimate institutions in Kosovo is related to civic response from the citizens. The strength of state legitimacy is seemingly proportional to the recognition citizens devote to its nature. While Kosovo has created advanced legal infrastructure in accommodating minorities, significant room remains to materialize it in the political and interethnic cooperation domain. In sum, democratization of the state and society in Kosovo and Serbia in the context of enhanced regional cooperation and EU integration process remains the only viable option that would open new horizons in interethnic relations based solely on civic values, mutual respect, and common European citizenship.