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Foreword

Aside from positive developments in the region, which are in particular connected with Croatia's finalization of negotiations with EU on membership and encouraging signals being sent by the Presidents of Croatia and Serbia in the process of reconciliation, heavy impasses in regional peacebuilding still remain to be coped with. Unfinished state-building, respectively state weakness in Bosnia-Herzegovina and Kosovo, fragile inter-ethnic relations in Macedonia as well as rising tensions inside the Islamic community in the Serbian region of Sandžak remind the regional actors and the Euro-Atlantic community that more efforts are necessary to achieve positive peace in this post-war area.

As Bosnia's experience and the latest development in Sandžak have shown, the role of religion and of religious representatives in the process of political transformation is evident. Their influence on peacebuilding is perceived as ambivalent, the radical political rhetoric of some religious dignitaries contradicts messages of religious tolerance. However, the aim of achieving a positive climate in regard to intra- and inter-religious relations and preserving the tolerant tradition of Islam in South East Europe goes hand in hand with finding a balance between ethnic and civic principles in the processes of transition. Apart from facing the economic and political challenges, establishing satisfying inter-ethnic relations remain a priority goal in regional peacebuilding.

Belgrade's and Pristina's readiness to open a new chapter in their relations by starting a political dialogue, apart from Kosovo itself, could also positively influence inter-ethnic relations in other parts of the Western Balkans where a South Slavic population lives next to an Albanian, as it is the case in Southern Serbia and Macedonia. However, the problem of the Serbian dominated northern Kosovo that has turned out to be a "corpus separatum", which is neither under full control of Belgrade nor of the international community and least of all the Kosovo authorities, could be a serious burden for a positive outcome. A compromise to be achieved – with the support of the Euro-Atlantic community – in regard

to this special case would eliminate a serious security problem in the region.

On the other hand, preserving northern Kosovo as a "frozen conflict" in the long run could inspire again radical groups on the Albanian side to re-open the "Albanian issue" by questioning the territorial integrity of Serbia and Macedonia in those areas which are ethnically dominated by Albanians. Albania, in turn, is faced with increasing political tensions which could endanger some positive steps the country has made in the last ten years in regard to implement international standards.

This book comprises contributions from the 22nd workshop of the Study Group "Regional Stability in South East Europe" of the PfP Consortium of Defence Academies and Security Studies Institutes, which was convened in Reichenau/Austria, from 13-15 May 2011.

Experts from within and beyond the region dealt with the following questions:

First, do the remaining "impasses" in Bosnia and Herzegovina, Sandžak, Southern Serbia, northern Kosovo and Macedonia – represent a serious threat for the overall process of peacebuilding in the region?

Second, what are the lessons learnt from models of interethnic and religious coexistence in the post-war period? Which changes are necessary to positively influence the above mentioned entities?

Third, is the tradition of tolerant Balkan Islam endangered by radical movements imported from abroad? Is there a nexus between problems in Bosnia and Herzegovina's state-building and rising national and religious tensions in the Serbian Sandžak area?

Fourth, are there and what kind of links between challenges in balancing "majority" and "minority" rights in Southern Serbia, Kosovo and Macedonia exist?

Fifth and last, to which degree has the international community – and here in particular EU and NATO – been able to contribute positively? What has to be done?

The Study Group "Regional Stability in South East Europe" has been assessing the post-war development in the Western Balkan countries and its implications for the region and beyond since 1999. Embedded in the wider academic framework of both the PfP Consortium of Defence Academies and Security Studies Institutes as well as the security-political research in the Austrian Ministry of Defence and Sports, its main focus is to elaborate major conflict areas and propose possible solutions to local authorities and international actors alike.

The editors are pleased to present the valued readers the analyses and recommendations from the Reichenau meeting and would appreciate if this study group information could contribute to generate positive ideas for supporting the still challenging processes of peacebuilding in the Western Balkans.

Ernst M. Felberbauer
Predrag Jureković

The Balkans: From a Security Problem to a Security Partner

Johann Pucher

Excellencies,
Ladies and Gentlemen,
Dear Friends and Partners within the PfP Consortium,

Let me present some initial thoughts on the issue at the outset of this introduction to the publication of the 22nd workshop of the Study Group Regional Stability in South East Europe:

- The stabilization of the region is to a large degree the result of international and regional cooperation and projects
- Regional cooperation will allow the participation of the West Balkan countries in international missions for peace and security step by step
- Austria is offering herself as "natural partner" for regional cooperation in international engagements

The Western Balkans as a Security Problem

For a long time the Western Balkans had to be considered as a centre of instability and therefore constituted a serious security problem. During the past twelve years of post-war developments in the Western Balkans regional and international actors have achieved visible progress in transforming the former crisis region into a generally stable environment.

The nationalistic rhetoric of the 1990s has been replaced by the commitment of most of the regional leaders to resolve open territorial and ethnic issues through dialogue and compromises. One example for this is Slovenia's and Croatia's agreement on an arbitration commission to finalize their territorial dispute in the Adriatic Sea. This proves that achieving win-win-situations in SEE can be a realistic option.

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The continuous engagement of the Western Balkan countries in the numerous regional cooperation mechanisms and instruments, which were established in the last decade (the Stability Pact, the Regional Cooperation Council, RACVIAC etc.), demonstrates their alignment to achieve security through cooperation.

As far as military cooperation is concerned, in particular the RCC's efforts to support the activities of the SEE Defence Policy Directors Forum can be regarded as a very useful contribution to achieving a strategic community of partners in SEE.

But can instability only be measured in military terms?

According to the principles of comprehensive security a sustainable stability also requires good governance, rule of law, human security as well as the underlying socio-economic conditions.

The key question cannot be "what comes first"; because of the interdependence of all factors of comprehensive security the key question is (has to be) "how to manage the engagement in all factors at the same time". Of course you can start any stabilization program only after a minimum of security has been reached and can be guaranteed. But already the answer to the question of "what is a minimum of security" differs from case to case.

In the police sector the encouraging results in the field of fighting human and drug trafficking which have been achieved through the cooperation of the Interior Ministries of Croatia, Bosnia and Herzegovina and Serbia underline the relevance of addressing security issues in a broader European framework.

As we all know – and the experiences from actual missions demonstrate this – particularly in the field of rule of law we have to be very careful with local ownership. Otherwise the acceptance (of missions) will suffer severe damages. We have to avoid anything that would give the impression of a kind of "legal imperialism".

At the same time we are facing new security challenges like organized crime promoted by weak institutions of police and justice, terrorism, environmental security, cyber security and uncontrolled flows of migration beyond small trafficking. All these challenges do not stop at the borders – therefore their consequences can and will inevitably affect Austria – like the tensions and fights some years ago did.

As you know, this was one main reason for the comprehensive engagement of Austria in the region – reaching from military engagement to the engagement in the areas of police, the judiciary and development policy. What I would like to mention explicitly is our strong engagement in the area of security sector reform. This is due to the fact that it comprises the military field as well as the field of domestic security concentrated at the ministries of the interior.

Contributions of the Western Balkans to International Peace and Security

The next step in this development can and should be a gradual contribution by the nations in the region to international peace and stability. This new role as a security provider requires not only stability at home but also a certain degree of regional cooperation.

Croatia's planned EU membership in mid 2013, her neighbours' ambitions to follow, Croatia's and Albania' membership in NATO as well as the increasing contributions of other Western Balkan countries to NATO's Partnership for Peace are important indicators illustrating that enlargement processes remain a catalyst in regional peacebuilding.

The regional trend of Western Balkan countries being transformed from a former security problem to a security partner in the last 12 years has been already demonstrated by their increasing engagement in international peace missions abroad; particularly in Africa and Afghanistan.

The Western Balkans for sure have moved forward, albeit at different speeds in different countries. However, the region still faces some unre-

solved problems. The process of conflict transformation in the region as a whole is still far from being regarded as closed.

Opportunities have to be found to end the deadlock situation in Bosnia and Herzegovina. We invite our partners in Belgrade and Zagreb to support the EU in these efforts. There is no reasonable alternative to a functional federative Bosnian state that provides a balance between individual citizen rights and collective rights for the national communities.

Although the critical situation in northern Kosovo led to a setback in the relations between Belgrade and Pristina, we hope that the political dialogue will be continued. There is no alternative to it.

As the third big challenge we see the settlement of the name dispute between Macedonia and Greece, which would enable Macedonia to move forward in the Euro-Atlantic integration processes and simultaneously increase – as an important side effect – internal stability in this country.

Austria's Commitment to the Western Balkans

For more than 15 years Austria as a direct neighbour of the Western Balkan countries, with strong cultural, personal and economic ties to the region, has been very actively engaged as a contributor to missions deployed within the NATO/PfP in Bosnia and Herzegovina and in Kosovo, with the OSCE in Albania and recently also within the EU context in Bosnia and Herzegovina. The Western Balkans have been of an over-arching importance for Austria and its Armed Forces and therefore Austria contributed substantially to the peacebuilding process and regional cooperation and will continue to do so.

Our engagement has been underlined by significant troop contributions. In KFOR we are the biggest non NATO contributor. The Commander of the EU operation EUFOR ALTHEA is the Austrian MG, Bernhard Bair. Austria also provides the largest contingent for ALTHEA.

But not only should the Austrian military engagement for the stabilization of the region be mentioned. The contributions of other ministries were as well very important in this rather early example of a whole of government approach.

Let me mention only a few activities of the Ministry of the Interior:

- the support for the Police Cooperation Convention for Southeast Europe, initiated by Austria and signed during the Austrian EU-Presidency,
- the Group of Friends of the Salzburg Forum from the Western Balkans, set up to improve the coordination of bilateral and multilateral activities and to share experience and knowledge, or
- the Western Balkan Security Conference in Vienna in July 2008, where regional aspects of internal security and regional cooperation were agreed upon.

As far as the general political strategies and processes in the region are concerned, Austria underlines her policy of strongly supporting a rapid integration of all Western Balkan countries into the EU, once again based on individual merits. The support of European integration for all countries of the region is part of the program of the actual and the previous Austrian Federal government.

This process must go hand in hand with the strengthening of regional cooperation, the resolution of the before mentioned open political issues and internal democratic, judicial and economic reforms.

We want to suggest to Serbia and our other friends in the Western Balkans to use their membership in PfP to develop their cooperation in the military field. Austria has profited a lot in this regard.

Although Austria herself is not planning to become a member of the NATO alliance we understand that NATO integration is regarded as an important factor to increase security, stability and cooperation by most of the countries in the region. Therefore we welcome Croatia's and Albania's accession to NATO. Additionally, we hope that Macedonia will

overcome its political problems to join the alliance very soon, and that Bosnia and Herzegovina will meet the conditions to start the MAP process.

We congratulate Montenegro for her progress in the integration process and understand Serbia's motives for conducting well prepared broad debates about her future engagement in international security structures.

As a result of her previous strong engagement in the region, Austria is presenting herself as a natural partner to the countries of the region when it comes to participation in international peacekeeping missions. For instance: (Concretely) we want (would welcome) the participation of Serbian officers in UNTSO, as partners in our own engagement.

Conclusions

The more security and stability is developing in South East Europe, the more the countries of the region will be able to act as a provider of security in their own Eastern and Southern neighbourhood and even beyond. Therefore, the zone of instability around Austria and around Europe will be declining by the growing engagement of your region, which used to be a consumer of security in the past decades.

PART 1:

**GENERAL REFLECTIONS ON INTERETHNIC
AND RELIGIOUS COEXISTENCE IN THE
POST-WAR PERIOD AND LESSONS LEARNT**

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Comparing Models of Interethnic Coexistence and Practices of Political Parties in the Western Balkans

Dane Taleski

1.   Introduction

The dissolution of Yugoslavia was followed by several inter-ethnic conflicts. These are the conflicts in Croatia, Bosnia and Herzegovina, Kosovo and Macedonia. The international community played a key role in stopping these conflicts. While some ended with military victory and others not, all conflicts ended with the signing of a peace agreement which became the main conflict resolution mechanism. These agreements opened the way for institutional changes, or prescribed a new institutional design, for managing the inter-ethnic relations. Twenty years later the conflicts are long ended but some of the inter-ethnic tensions remain. All of the countries have developed models of inter-ethnic coexistence, but some seem to be more successful than others. Croatia has stable inter-ethnic relations, Macedonia maintains a fragile stability, and Bosnia and Herzegovina becomes more segregated while inter-ethnic relations in Kosovo remain under tension.

In this paper I am not interested in why the conflicts started or what happened during the conflict. I am interested in how they ended and what happened afterward. In that respect my interests are to see what models of inter-ethnic coexistence developed, are they similar or different; then what influenced the development of those models and are there any unintended consequences. The literature on post-conflict democratization suggests that there are three factors that influence post-conflict developments. They are the actions of the international actors, the institutions of the post-conflict country and the legacies of the past. I find that in the case of the Western Balkan countries the international actors have not significantly influenced the models of inter-ethnic coexistence. The institutional framework for managing the inter-ethnic relations mainly

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derives from the conflict resolution mechanisms within each of the countries. In that sense the provisions of the peace agreements prescribed the models of inter-ethnic coexistence. However, whether the models function or not is highly dependent on the local actors. Even in the countries where the models of inter-ethnic coexistence function, i.e. Croatia and Macedonia, political parties use the legacies of the past to structure the political competition and increase their political support. This does not necessarily lead to increasing the inter-ethnic tensions. It rather shows that legacies of the conflict are important for the political polarization between political parties that compete within the same ethnic group.

The second part outlines the theoretical discussions on the factors that influence the political developments in post-conflict countries. The third part traces the conflicts and the resolutions in Croatia, Bosnia and Herzegovina, Macedonia and Kosovo. The analysis shows how the models of inter-ethnic coexistence developed in each country, mainly following the provisions of the peace agreements. The models are very similar institutionally, but the practices of inter-ethnic relations as an outcome are different. The fourth part shows examples from Croatia and Macedonia, the two countries with the most successful models of inter-ethnic coexistence, of how political parties use the legacies of the past to structure the political competition and to increase their support. Using statistical analysis this part shows that political affiliation is highly relevant for understanding and interpreting the past conflicts. Also some minority parties use incentives from the models of inter-ethnic coexistence to develop their voter base through a system of patronage. The conclusion summarizes the main findings.

2.   Factors Influencing Post-conflict Developments

In the literature on post-conflict reconstruction and peacebuilding one can broadly identify three factors that influence the development in the post-conflict period. The first factor is the involvement of the international actors. The second factor is the importance of the local institutions. Not least, the third factor is the legacy of the conflict as an independent variable to shape the post-conflict developments. The first two

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have been taken in due consideration, while the third one has had less attention. However, not all of them are equally relevant for inter-ethnic coexistence in the post-conflict period. Arguably the institutional design and the legacies of the conflict are more relevant than the involvement of the international actors.

Researchers have addressed the role of international actors and their prominence in the post-conflict reconstruction efforts.[1] The role and involvement of international actors takes a prominent role in the studies of post-conflict peacebuilding. The term 'international actors' implies a wide range of actors: individual states, multilateral organizations (i.e. the UN, OSCE), regional organizations (i.e. the EU, ASEAN, African Union) or international missions mandated by some of the previously mentioned actors. The plethora of actors, with their overlapping competences and sometimes with diverging interests, causes some conceptual and methodological problems. Nevertheless one must acknowledge that, more often than not, violent conflicts end as a result of the involvement of international actors. But not only that. International actors take an increasingly more active role in post-conflict state building. This justifies their importance and predominance in the studies of post-conflict reconstruction.

Some authors even make the point that in order for post-conflict peacebuilding policies to be successful, the international actors should have full competence over the processes. One policy recommendation is to establish a special body within the UN system that would have competences to oversee post-conflict state building.[2] The idea is to have a competent and well staffed international organization, or a part of an

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[1] Some recent contributions include Krause,Joachim/Mallory,Charles IV K.: International State Building and Reconstruction Efforts: Experience Gained and Lessons Learned. Opladen 2010. Newman, Edward/Paris, Roland/Richmond, Oliver.: New Perspectives on Liberal Peacebuilding. New York 2009, Paris, Roland/Sisk, Timothy D.: The Dilemmas of State Building: Confronting the Contradictions of Postwar Peace Operations. London and New York 2009, Jarstad, Anna K/Sisk, Timothy D.: From War to Democracy: Dilemmas of Peacebuilding. Cambridge 2008. Chandler, David.: Empire in Denial: The Politics of State Building. London 2006, Paris, Roland.: At War's End: Building Peace After Civil Conflict. Cambridge 2004.

[2] Paris, At War's End, pp. 230-231

existing one, that would coordinate the activities of the international actors involved in post-conflict reconstruction. Other policy recommendation go even further and place even the sovereignty of a collapsed or failing state in the hands of the international actors.[3] The proposal is to have a de facto trusteeship, meaning full external control of sovereignty, including foreign affairs, or a shared sovereignty, meaning cooperation and partnership between domestic institutions and international actors in various policy areas for an indefinite period of time.

However, such proposals are at the far end of the research spectrum that puts heavy weight on the involvement of international actors. At the current state of affairs international actors have somewhat a lighter involvement. At their maximum involvement their tasks are: to push the implementation of the institutional set up designed for the post-conflict reconstruction; and to mitigate the local actors that have vested interests in that process. Hence, international actors do not really influence the models of inter-ethnic coexistence in the post-conflict reconstruction. The models of inter-ethnic coexistence are more dependent on the institutional design and on the practices of the local actors, than on the international actors.

This argument applies to the post-conflict reconstruction in the Western Balkans even though the involvement of the international actors varies across the different countries. International actors were involved in closing the conflicts in Croatia, Bosnia and Herzegovina, Kosovo and Macedonia. The international actors are more heavily involved in the implementation of the new post-conflict institutional design in Bosnia and Herzegovina and in Kosovo, than they were in Croatia and in Macedonia. In Croatia and Macedonia the international actors provided aid for institution building, while in Bosnia and Herzegovina and Kosovo they run transitional administrations (i.e. international peacekeeping mission with executive authorities).[4] The inter-ethnic coexistence in all of these

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[3]   Krasner, Stephen D.: Sharing Sovereignty: New Institutions for Collapsed and Failing
      States. In: International Security 29:2/2004, pp. 85-12
[4]   Ibid, pp. 101-104

countries principally depends on the local institutions and on the practices of the local actors.

Researchers focusing on local institutions highlight the importance of institutional design[5] and building governance capacities[6]. In that respect, Timothy Sisk argues that there are two overarching approaches to peacebuilding: democratization and state-building.[7] Democratization is understood as a process of introducing liberal institutions that enables non-violent political competition, inclusion, participation and accountability. State-building emphasizes building, or rebuilding, of core governance capacities for security and human development. However the building of state institution that provides security (e.g. army, policy, and judiciary) or human development (e.g. education, economy, social policy) largely depends on the abilities and interests of the local actors. In some cases this process is successful, in others not. In example in Croatia there have been substantial improvements in the rule of law, including prosecution of war crimes, and positive steps in implementation of proportional employment of national minorities in the public service.[8] But in Bosnia and Herzegovina the state building process pushed by the external actors was rendered because of the neglect for intra-ethnic dynamic and other related considerations. Bosnia and Herzegovina remains "a deeply fragmented society with both an inordinately low level of trust

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[5] For more see Lijphart, Arend.: Democracy in Plural Societies: A comparative exploration. New Haven 1977, Horowitz, Donald L.: Ethnic Groups in Conflict. Berkeley 1985. Horowitz, Donald L.: Ethnic Conflict Management for Policy-Makers. In: Monteville, Joseph V./Binnendijk, Hans (Eds): Conflict and Peace-Making in Multiethnic Societies. Massachusetts 1990, Horowitz, Donald L.: Conciliatory Institutions and Constitutional Processes in Post-conflict Societies. In: William and Mary Legal Review 49/2008, McGarry, John/O'Leary, Brendan.: The Northern Ireland Conflict: Consociational Engagement. Oxford 2004, Reilly, Bill.: Democracy in Divided societies: Electoral Engineering for Conflict Management. Cambridge 2001.

[6] For more see Ottaway, Marina.: Rebuilding State Institutions in Collapsed States. In: Development and Change 33:5/2002, pp. 1001-1023, Brinkerhoff, Derick W.: Governance in Post-conflict Societies. New York 2007, Jarstad, Anna/Sisk, Timothy. From War to Democracy, 2008. Paris, Roland/Sisk, Timothy.: The Dilemmas of Statebuilding, 2009

[7] Sisk, Timothy.: Paradoxes and Dilemmas of Democratization and State-Building in War-Torn Countries: From Problems to Policy. In: Krause, Joachim/Mallory, Charles King IV (Ed): International State Building and Reconstruction Efforts. Opladen 2010, pp.57-77

[8] OSCE. Report of the Head of the OSCE Office in Zagreb, 6 March 2008

between ethnic groups and highly dysfunctional state."[9] This draws attention to the importance of local actors for building governance capacities and for the practices of inter-ethnic coexistence in the post-conflict period.

One the other hand, the institutional design is deemed important as it provides the basic mechanisms for conflict regulation. The scholars of conflict regulation mechanisms are divided between the power sharing, advocated by Arend Lijphart, and the models of integration through electoral engineering (e.g. alternative vote, vote pooling) advocated by Donald Horowitz and Bill Reilly. However there seems to be a lack of fit between power-sharing institutions in the short term, as incentives to reach agreements, with the long term, as source of conflict in the consolidation phase. Donald Rothchild points out that:

> "In the uncertain conditions after a civil war groups have negative political memories, whether real or unreal, of their opponents, and they project these images into the future. Such memories and projections lead to fears of imminent exploitation or to uncertainty over the possibility of physical harm at the hands of tenacious foes that will search for the first opportunity to take advantage of one's vulnerability."[10]

Furthermore, some researchers suggest that if liberalization is early after the conflict then the ethnic divisions will enhance making the country conflict prone.[11] The argument is that the introduction of liberal institutions (i.e. political pluralism and contested elections) provides for translation of the conflict and political mobilization that follows the conflict lines.[12] Additionally some conflict resolution mechanisms change the

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[9] Sebastian, Sofia.: Statebuilding in Divided Societies: The Reform of Dayton in Bosnia and Herzegovina. In: Journal of Intervention and Statebuilding, 4:3/2010, pp. 323-344

[10] Rothchild, Donald.: Reassuring weaker parties after civil wars: The benefits and costs of executive power-sharing systems in Africa. In: Ethnopolitics 4:3/2005, pp. 247-267

[11] Snyder, Jack.: From Voting to Violence: Democratization and Nationalists Conflict. New York and London 2000, Mansfield, Edward/Snyder, Jack.: Electing to Fight: Why Emerging Democracies Go To War, Cambridge 2005.

[12] Kumar, Krishna.: Postconflict Elections: Democratization and International Assistance, Boulder 1998.

institutional design of the country to solidify the ethnic divisions (e.g. the Dayton Peace Accord in Bosnia, the Ohrid Framework Agreement in Macedonia).[13] In example, the electoral system in Bosnia and Herzegovina reifies ethnic divisions and complicates compromise.[14] The international peacebuilding agencies supported the development of such institutions. The end results are that group-based features of the political system are against individual rights.

Hence one expects for domestic institutions to be an important factor in the post-conflict developments, especially in influencing the model of inter-ethnic coexistence. The institutional set up provides incentives for political mobilization of relevant differences. Daniel Posner shows how shifts from one-party to multiparty rule alter the ethnic cleavages that structure political competition and conflict.[15] The different strategic logics of political competition in one-party and multiparty settings create incentives for political actors to emphasize different kind of ethnic identities. In one party elections it is usually local level identities (e.g. tribe or clan identities), and in multiparty elections these are broader scale identities (e.g. region, language, religion).

One should point out that peace agreements – that end the conflict – usually spell out the institutional design, or the main changes, for the post-conflict period. This was the case for all of the conflicts in the Western Balkans. In Croatia it was the Erdut Agreement, in Bosnia and Herzegovina it was the Dayton Agreement, in Macedonia it was the Ohrid Framework Agreement and in Kosovo it was the Ahtisaari Plan. These documents first of all served as conflict resolution instruments; they restored peace. Beyond that, all of the agreements prescribed institutional changes that to the largest extent shape the model of inter-ethnic coexistence. However the models of inter-ethnic coexistence also de-

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[13]   Bieber, Florian.: Post-war Bosnia: Ethnicity, Inequality and Public Sector Governance. New York 2006. Daskalovski, Zhidas.: Walking on the Edge: Consolidating Multiethnic Macedonia 1989-2004. Skopje 2005.

[14]   Belloni, Roberto.: Peacebuilding and Consociational Electoral Engineering in Bosnia and Herzegovina. In: International Peacekeeping, 11:2/2004, pp. 334-353

[15]   Posner, Daniel N.: Regime Change and Ethnic Cleavages in Africa. In: Comparative Political Studies 40:11/2007, pp. 1302-1327

pend on the practices of the local actors. The local actors are usually assumed to be rational and driven by their interests. They adapt to the new institutional design and try to maximize their gains. They use all of the resources that are at their disposal. Quite often their resources derive from the legacies of the conflict.

The legacies of the conflict are the third factor that influences the post-conflict development. Mentioning the legacies of the conflict, one first of all thinks of political mobilization of inscriptive, ethnic, identities. In example in Bosnia and Herzegovina once basic public institutions were built, "the nationalist parties emerged as culprits in the failure of Bosnian democracy"[16]. In that respect "the legacy of suspicion and ethnic mobilization continually threaten to overwhelm the new institutions".[17] The basic point is that even ten years after the inter-ethnic conflict in Bosnia and Herzegovina "nationalism and self-determination disputes, which have been at the core of the war, and difficulties of post-war governance remain potent".[18]

Concerning the legacies of the conflict, Marc Ross claims that conflicts have structural and psycho cultural consequences.[19] The latter means that violent conflicts leave cognitive dispositions and interpretations as imprints. Local actors, predominantly political parties, prescribe to a certain narrative depending on their legacies during the previous conflict. The narratives are embedded in the identity of the party and serve as a kind of an ideological marker. In short, parties use narratives and interpretations of the conflict to mobilize voter support.

One should not jump to the conclusion that the legacies of the conflict are used only to mobilize political identities across the ethnic communities. The legacies are used also to mobilize political identities within the same ethnic group. This allows for variation not only between the ethnic

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[16] Knaus. Gerald/Martin, Felix: Travails of the European Raj. In: Journal of Democracy 14:3/2003, pp. 60–74
[17] Ibid, pp. 63
[18] Bieber, Post-war Bosnia, pp. 4
[19] Ross, Marc H.: The Culture of Conflict: Interpretations and Interests in Comparative Perspectives. New Haven 1993.

groups, but also between parties competing within the same group. The case of the constitutional reforms in Bosnia and Herzegovina shows that the process failed partly because of the neglect for intra-ethnic political disagreements.[20] The point is that "civil wars are dynamic social and political contexts that potentially shape the behavioural expression of ethnic identities."[21] The implication is that multidirectional identity transformations, as opposed to just consolidation, are more widespread even during civil war. This argument extends in the post-conflict period as well.

On the other hand, the structural legacies of the conflict can be observed on an individual and an institutional level. The legacies on the institutional level derive from the conflict resolution mechanisms, as it was explained earlier. In example, one of the effects of the post-conflict institutional arrangements is that they provide for the translation of the conflict. In that respect they reinforce the polarization of the society and provide for structural incentives for ethnic mobilization (i.e. reserved seats in Parliament, quotas for increasing minority inclusion). This comes as unintended consequence of power-sharing mechanisms and is corroborated in the literature on post-conflict institution building.

Political parties use the structural incentives, deriving from the model of inter-ethnic coexistence, as socioeconomic incentives to strengthen their political support. In the post-conflict conditions of socioeconomic disparity Alex de Waal claims that patrimonial governance creates a political market place where loyalties shift as function of the centre-province relations.[22] Hence guaranteed access to state resources for members of minority groups provides actors with 'private' and 'club' goods as their instruments for political mobilization. Through such structures of incen-

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[20]   Sebastia, Sofia, Statebuilding in Divided Societies, 2010
[21]   Kalyvas, Stathis N.: Ethnic Defection in Civil War. In: Comparative Political Studies, 41:8/2008, pp. 1043-1068
[22]   de Waal, Alex.:Mission without End? Peacekeeping in the African Political Marketplace. In: International Affairs, 85:1/2009, pp. 99-113

tives it is easy for political parties to build large patronage and clintelistic networks.[23]

The legacies on the individual level derive from the structures that took part in the conflict and latter take active part in some political parties. In some post-conflict cases guerrilla groups transform to political parties. This is the case in Macedonia, where the National Liberation Army (NLA) transformed into the Democratic Union for Integration (DUI). In other post-conflict cases former combatants take active and prominent role in political parties, as it is the case in Croatia, Bosnia and Herzegovina and Kosovo. The former combatants and the guerrilla networks are another resource for the political parties. In the post-conflict period the guerrilla networks are transformed into solid voter base by some political parties. Former guerrilla networks and combatants are the most likely users of the structural incentives that derive from the model of inter-ethnic coexistence. In that sense, the models for inter-ethnic coexistence serve as instruments for political parties to mobilize support.

In summary, the main expectation is that local institutions and legacies of the conflict are more important for a successful model for inter-ethnic coexistence than the involvement of international actors. In addition, one expects peace agreements to prescribe the model of inter-ethnic coexistence. Peace agreements as conflict resolution instruments prescribe the new institutional set up or make significant changes to the existing one. However practices of local actors are crucial for a functional inter-ethnic coexistence. The expectation is that political parties will adapt to the model of inter-ethnic coexistence, and use its structural incentives, along with narratives and interpretation of the conflict to mobilize support. This does not directly imply inter-ethnic hostilities. On the contrary, under the right conditions it produces high polarization and competition within the ethnic groups.

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[23]   Kitschelt, Herbert/Wilkinson, Stephan.: Patrons, Clients and Policies: Patterns of
         Democratic Accountability and Political Competition. Cambridge 2007.

3. Conflict and Peace Agreements in the Western Balkans

The violent inter-ethnic conflicts in the Western Balkans were a consequence of the dissolution of the Socialist Federative Republic of Yugoslavia (SFRY). The inability of the ruling elite on federal level to find a suitable model to transition to democracy and to overcome the regional socio-economic disparities, coupled with raising ethno-nationalistic sentiments across the republics and the aspiration of Slobodan Milošević to maintain the federation under his control, led to a violent collapse of SFRY.[24] The declaration of independence and stepping out of the federation meant engulfing in an inter-ethnic conflict for Slovenia, Croatia and Bosnia and Herzegovina. The conflict in Slovenia lasted only for ten days, ended without a peace agreement or involvement of international actors and did not have grave consequences for the development of the country. Therefore it will be omitted in the further analysis.

The conflict in Croatia was a full blown civil war between the Croats and Serbs living in Croatia. However, the ethnic Serbs also had the direct support of the Yugoslav National Army (JNA), at that point operating under the command of Slobodan Milošević.[25] The conflict in Croatia was an inter-ethnic one, but in its nature it was an intrastate and an interstate conflict. It lasted for four years between 1991 and 1995 with varying dynamics and changing success for the warring parties. At some point the Serbs controlled about one third of the country in which they proclaimed a so called independent state, "Republic of Srpska Krajina" (RSK). However in 1995 most of the territory of RSK was regained by the Croatian forces in the operations "Flash" and "Storm." The Serbian population massively fled Croatia fearing for their lives, which some claim was not only a consequence of the military operation but one of the main goals as well.[26] The Serbs that controlled the last part of RSK

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[24] Ramet, Sabina P.: Balkan babel: the dissengration of Yugoslavia from the death of Tito to ethic war. Boulder 1996. Woodward, Susan. Balkan tragedy: chaos and dissolution after the Cold War. Washington 1995. Zimmerman, Warren. Origins of a catastrophe: Yugoslavia and its destroyers. New York 1999.

[25] Barić, Nikica.: Srpska pobuna u Hrvatskoj: 1990 – 1995. Zagreb 2005 [Barić, Nikica.: Serbian mutiny in Croatia: 1990-1995. Zagreb 2005]

[26] Goldstein, Ivo.: Croatia, A History. London 1999. Babić, Dragutin. Suživot Hrvata i Srba u Slavoniji. (Re)konstrukcija multietničkih lokalnih zajednica nakon ratnih sukoba. Zagreb

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and the Croatian government in the city of Erdut signed a peace agreement which ended the military conflict in Croatia. The so called "Erdut" agreement provided for the peaceful resolution of the conflict, reintegration of the occupied territories into Croatia and prescribed the basic standards for the future model of inter-ethnic coexistence in Croatia. The international involvement in the conflict in Croatia was mainly through two peacekeeping operations; one maintaining the ceasefire between the Croats and Serbs during the conflict and another overseeing the gradual reintegration of the last parts of RSK into Croatia.

The conflict in Bosnia and Herzegovina was a civil war between the three main ethnic groups leaving in the country: Bosniaks, Croats and Serbs. At different point in time they all fought against the other. However the ethnic Serbs had the support of the JNA and Serbia, while the ethnic Croats had the support of the Croatian military. In that sense the conflict in Bosnia and Herzegovina was an inter-ethnic conflict, but in its nature it was an intrastate and interstate conflict. It lasted between 1992 and 1995. During the time of the conflict many horrifying acts of ethnic cleansing were committed. The conflict ended with the heavy involvement of the international community. The NATO and US took military and diplomatic action to end the fighting. The conflict officially ended with the signing of a peace agreement in a military base in Dayton, Ohio. The peace agreement was signed by the presidents of Serbia, Croatia and Bosnia and Herzegovina. The so called "Dayton" agreement provided for cessation of the hostilities, but it also prescribed the future institutional design for Bosnia and Herzegovina, including the model for inter-ethnic coexistence. The international community established a transitional administration tasked with the implementation of the Dayton agreement. The Office of the Higher Representative (OHR), running the transitional administration, has 'special powers' to change appointments and legislation promulgated by local institutions.

The conflict in Kosovo was a civil war between Albanians and Serbs. The conflict erupted in 1998. At this time Kosovo was integral part of

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2008. [Babić, Dragutin. Coexistence of Croats and Serbs in Slavonija. (Re)constructing multiethnic local communities after the war conflicts. Zagreb 2008]

Serbia. The Albanians were organized in an army for the liberation of Kosovo (UCK). They were opposed by the police and army structures of Serbia. Hence the conflict was an inter-ethnic, interstate conflict. Even though it lasted between 1998 and 1999, acts of ethnic cleansing were committed on both sides. It ended thanks to the involvement of international actors. NATO undertook a bombing campaign on Serbia until Slobodan Milošević was forced to redraw the Serbian forces from Kosovo. Working under the auspices of the UN former President of Finland, Marti Ahtisaari, proposed a plan for the future of Kosovo. The comprehensive agreement paved the way for the future independence of Kosovo. It was a conflict resolution mechanism that prescribed the future institutional design of the country, including the model for inter-ethnic coexistence. The international community established a transitional administration in Kosovo tasks with state-building capacities.

The conflict in Macedonia was a civil war between Albanians and Macedonians. The conflict lasted through out the year 2001. The Albanians were organized in the National Liberation Army (NLA), which has the acronym UCK in Albania. The same acronym as in Kosovo was purposefully used to attract support, Albanian and international. The idea was to show a similar Albanian struggle in Macedonia, as it was the case in Kosovo[27]. The Macedonian army and police, consisting mainly of ethnic Macedonians, confronted the NLA. The conflict in Macedonia was an intrastate inter-ethnic conflict. There was a 'spill over' effect from Kosovo, but the main warring parties were local; the conflict had low intensity, low number of casualties (both military and civilian) and ended with a concerted diplomatic action of the international community.[28] The conflict was ended with the signing of a Framework Agreement in the city of Ohrid. The so called "Ohrid Framework Agreement" (OFA) stipulated an end to hostilities and changes to the institutional set up, primarily in improving the model for inter-ethnic coexistence. The international actors remained involved in the conflict resolution, at first

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[27] Phillips, John.: Macedonia. Warlords and Rebels in the Balkans. London 2004.
[28] Balalovska.Kristina et al (eds). Crisis in Macedonia: Progress Report. Rome 2001.

by calming the tensions, and latter by aiding the institution building process.[29]

The details of the inter-ethnic conflicts in the Western Balkans are summarized in table 1. It seems that the first conflicts, in Croatia and Bosnia and Herzegovina, lasted substantially longer than the later conflicts, in Kosovo and Macedonia. Also, the later conflicts can be defined as inter-state, while the previous also had intrastate elements. All conflicts involved the main ethnic groups living in the country. While some included military victories, all include some sort of agreements that serve as conflict resolution instruments. The involvement of the international actors varied in the conflict. Except for Croatia, the involvement of the international actors seems crucial for ending the conflict in Bosnia and Herzegovina, Kosovo and Macedonia. The international involvement in the post-conflict period was kept light in Macedonia and Croatia, while it was very heavy in Bosnia and Herzegovina and Kosovo. The two may be independent countries 'de jure', but the 'de facto' they are protectorates.

The building of inter-ethnic coexistence started as the conflicts were ended. The conflict resolution agreement was the first step. In some cases the agreement prescribed the full model. This was not the case in Croatia. The main point of the Erdut agreement was to stop the fighting and create conditions for the re-integration of the last remaining part of RSK into Croatia. For that the Erdut agreement provided for demilitarization, deployment of a UN mission, the return of refugees and utmost respect for human rights. However it made a crucial point of establishing a Serbian local council, a representative body working to improve the rights of the Serbs in Croatia. This is a significant element for the model of inter-ethnic coexistence in Croatia. But it is not the only one. The other elements are prescribed in the Constitutional Law for Rights of National Minorities. By that law, Serbs in Croatia enjoy a wide range of minority and protection rights.

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[29] Ilievski, Zoran/Dane Taleski. Was the EU's Role in Conflict Management in Macedonia a Success?. In: Ethnopolitics 8:3/2009, pp. 355-367

Country	Duration of the conflict	Nature of the conflict	Involved Parties	Conflict resolution	International involvement
Croatia	1991-1995	Intrastate and interstate	Croats, Croatian Serbs, Serbia	Military victory and Erdut agreement	UN military mission; foreign aid
Bosnia and Herzegovina	1992-1995	Intrastate and interstate	BiH: Croats, Serbs and Bosniaks; Croatia, Serbia	Dayton agreement	OHR, UN, NATO, EU, OSCE missions; institution building
Kosovo (and Serbia)	1998-1999	Intrastate	Serbs, Albanians	Military victory and Ahtisaari plan	UN, NATO, EU, OSCE missions; state-building
Macedonia	2001	Intrastate	Macedonians, Albanians	Ohrid Framework Agreement	NATO and EU missions; foreign aid

Table 1: Main characteristics of the inter-ethnic conflicts in the Western Balkans

They include unimpeded political representation on local and national level, including reserved seats in Parliament. Additionally, a wide set of minority rights (i.e. usage of and education in the respective mother tongue mother tongue, right to use ethnic symbols, nurture cultural and religious beliefs) has been granted. Their participation in the local government is guaranteed, thus granting them the possibility for self-governance in municipalities where they are the majority. Furthermore, the main Serb party SDSS became part of the coalition government in 2008. In the coalition agreement they negotiated increase of state support for improving the status of the Serbs in Croatia, including employment in public administration. SDSS had a strategic consideration for doing so, as it will be shown later. Nevertheless it substantially improved the model of inter-ethnic coexistence in Croatia. In that respect the Erdut Agreement opened the way forward, and the model was built by the local actors.

The process was different in Bosnia and Herzegovina. The Dayton peace agreement, as a conflict resolution mechanism, ended the war but it also

prescribed the institutions of inter-ethnic coexistence. The main point of the Dayton agreement was to stop the fighting, preserve the territorial integrity of Bosnia and Herzegovina and engage the conflicting parties in further peacebuilding efforts. However it also provided for a new Constitution, the deployment of a military mission and the appointment of a High Representative with highest executive powers in the country. The agreement dealt with a key statehood issue. It recognized the inter-ethnic divisions between the Federation of Bosnia and the Republic of Srpska. Then a complex set of institutions was created where all ethnic groups were guaranteed representation in the various federal levels. This meant unimpeded political representation and participation of the ethnic groups on local and national level. Public administration employment was also guaranteed. The Dayton agreement and the Constitution provided for a wide set of minority rights for all ethnic groups, including language, cultural and education. The model of inter-ethnic coexistence was very elaborate and detailed. It opened possibilities for peaceful settlements and confidence building. However it also provided incentives for ethnic entrepreneurship. The model of inter-ethnic coexistence in Bosnia and Herzegovina fully recognized the importance of ethnic identities. This gave local actors institutional resources to preserve the ethnic divisions. To a large extent the model was built by the Dayton agreement and the local actors used the incentives it provided.

The case of Macedonia is somewhat between Croatia and Bosnia & Herzegovina. The Ohrid Framework (OFA) agreement was more elaborate than Erdut, but less than Dayton. The OFA ended the conflict peacefully and provided for demilitarization. It proposed changes to the constitution and other legislations relevant for inter-ethnic relations. However, it did not deal with statehood issues. The ethnic communities were recognized in the preamble of the Constitution. The set of minority rights was improved in terms of language, usage of symbols and education. A veto point, protecting minorities, was introduced in local and national decision making. All of these substantially strengthen the position of Albanians in Macedonia. Political representation and participation of Albanians was never impeded, moreover the changes made it more effective. The OFA increased possibilities for employment in public administration. The agreement changed the existing model of inter-ethnic relations mak-

ing it more elaborate and bringing new instruments for the inclusion of minorities. The local actors were involved in the implementation of the changes. They were also in charge of making the new system function. In doing so, some political parties managed to use the changes more to their benefit than for improving the model of inter-ethnic relations.

The case of Kosovo is somewhat similar to Bosnia and Herzegovina. Unlike Bosnia and Herzegovina, there was a military victory of NATO over Slobodan Milošević. However, the Ahtisaari plan provided a detailed framework for the future functioning of Kosovo, similar to the Dayton agreement in Bosnia and Herzegovina. The plan opened the way for independence of Kosovo, hence settling a major statehood issue. It also elaborated a detailed framework for functional and peaceful inter-ethnic relations. The Ahtisaari plan provided protection and usage of a wide set of minority rights (i.e. language use, education, cultural and historical heritage, symbols). It also provided for unimpeded political representation and full participation of minorities in the decision making bodies on national and local level. Minorities were given the possibility to have self-governance in municipalities where they were the majority. The importance of decentralization was additionally stressed. The Ahtisaari plan required a mechanism of exchange between Kosovo's central government and all of the communities; hence the later adopted constitution established a Consultative Council for Communities. In short, the Ahtisaari plan provided a broad and detailed instrument for protection and inclusion of Serbs in Kosovo. However most of the Serbs in Kosovo rejected the Ahtisaari plan and still do not recognize the institutions that derive from it, including the independence of Kosovo. The international actors made a great effort to stop the conflict and provided an elaborate conflict resolution instrument. The international actors also deployed military and civilian missions that served as transitional administration that engaged in state and institution building in Kosovo. The Ahtisaari plan prescribed a wide set of institutions for managing the inter-ethnic relations. It practically established the model of inter-ethnic relations in Kosovo. However on the Serbian side most of the local actors reject the model. On the Albanian side it seems that local actors respect the model for other purposes than to improve the inter-ethnic relations.

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The key elements of the models of inter-ethnic coexistence in the four post-conflict countries are summarized in the table below. The table shows that there are few differences between the models. It seems that to the greatest extent the current models are similar to each other. In that respect the agreements that stopped the conflicts, also provided for similar set of institutions for managing the inter-ethnic relations.

	Statehood issues	Set of minority rights	Political participation	Employment in public administration	Decentralized government	Minority Councils
Kosovo	Yes	Yes	Yes/Quota	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	Yes/Quota	Yes	Yes	No
Macedonia	No	Yes	Yes	Yes	Yes	No
Croatia	No	Yes	Yes/Quota	Yes	Yes	Yes

Table 2: Main characteristics of the inter-ethnic conflicts in the Western Balkans

The differences are that the Dayton agreement and the Ahtisaari plan dealt with statehood issues, which was not the case with the Erdut and the Ohrid Framework agreement. However the statehood issues are far from closed in Kosovo and Bosnia and Herzegovina. In the models of inter-ethnic coexistence Kosovo and Croatia have minority councils, while Macedonia and Bosnia and Herzegovina don't have them. On the other hand there are no reserved seats in Macedonia, unlike the other three countries. However, the political participation, at least of Albanians, has not suffered because of that. It seems that the institutional design across the countries is similar. The key elements are more or less the same. However, the current state of inter-ethnic relations varies across the countries.

The involvement of the international actors also varies across the countries; it is substantially higher where the conflicts were more intense. The grave atrocities committed during the conflict and the strong animosities in the post-conflict period merit a high international involvement in Bosnia and Herzegovina and in Kosovo. Also in both places it is hard to claim a military victor, unlike Croatia. This implies a greater security dilemma in the post-conflict period, again justifying the international involvement.

However, the higher international involvement does not lead to a more stable model for inter-ethnic coexistence. Recent events in Kosovo show that ethnic hostilities remain high.[30] The political deadlock after the last elections in Bosnia and Herzegovina shows that the model for inter-ethnic coexistence is dysfunctional. On the other hand Macedonia and Croatia have less inter-ethnic tensions and more workable models for inter-ethnic coexistence. This fact clearly supports the argument that the involvement of the international actors does not influence the models of inter-ethnic coexistence in the Western Balkans. The state of the models of inter-ethnic coexistence is summarized in table 3.

Country	Ethnic distances	Current state	Outcome of model
Kosovo	Deep divisions	Parallelism	No coexistence
Bosnia and Herzegovina	Deep divisions	Segregation	Dysfunctional model
Macedonia	Deep divisions	Political cooperation Balancing differences	Fragile model
Croatia	Deep divisions	National inclusion Local tensions	Stable model

Table 3: State of the models of inter-ethnic coexistence in the Western Balkans

Across the Western Balkans the ethnic distances remain high in the post-conflict period. Clashes between Albanians and Serbs persist in Kosovo.[31] The two ethnic groups live in parallel worlds. For the Albanians the institutions of Kosovo matter. For the Serbs only the institutions of Serbia are important. Needless to say that Serbs vehemently oppose the independence of Kosovo. Hence the outcome is that in Kosovo there is no inter-ethnic coexistence. The ethnic divisions are strong in Bosnia and Herzegovina. The Croats, Serbs and Bosniaks keep their differences especially within the public institutions. Officials and public administration of one ethnic group provide public services only to members of their ethnic group. Such accommodation of differences creates a process of

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[30]   Kosovo tense after deadly clash on Serbian border. In: BBC 27.07.2011
[31]   Serbs attack Kosovo border post as violence flares. In: BBC 27.07.2011.

segregation in the country. The outcome is a dysfunctional model of inter-ethnic coexistence, one that keeps and solidifies the divisions. There are no signs that the ethnic gap is decreasing in Macedonia.[32] Notwithstanding the ethnic gap, there is reasonable cooperation between the Albanian and Macedonian political elite. The ruling majority in Parliament always consists of parties of Macedonians and Albanians that have most seats. For them it is necessary to balance the differences, if they want to stay in power. However the compromises come at a cost for their public and electoral appeal.[33] The outcome is that Macedonia has a fragile model of inter-ethic coexistence. The rift between Croats and Serbs is still wide in Croatia.[34] Not too many Serbs are returning, but the ones that remain are reasonably well integrated, even though more in the urban than in the rural areas. Serb parties are part of the ruling coalition and managed to bargain significant state support for their ethnic group. It seems that Croatia has a stable model of inter-ethnic coexistence.

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[32] Клековски, Сашо. Меѓуетничките односи во Македонија. Скопје 2011. [Klekovski, Saso. Inter-ethnic relations in Macedoni. Skopje 2011]

[33] After the last elections in june 2011, VMRO-DPMNE and DUI made the ruling coalition. Their political agreement included waver of legal prosecution of court cases of war crimes against civilians in 2001. The cases were returned by the ICTY in 2008, the suspected perpetrators are members of DUI, some on very high party position. This outraged the supporters of VMRO-DPMNE, that tend to have a ethno-national orientation. On the other hand DUI accepted compromises on the use of Albanian language and flag that were far from the some radical demands made by other Albanian parties. The idea of the maximalistic demands was to re-define the state as bi-national, a popular appeal for Albanians. But making concession on the language and flag DUI's position will suffer.

[34] Zakošek, Nenad. Struktura biračkog tijela i političke promjene u siječanjskim izborima 2000. In: Kasapović, Mirjana (ed). Hrvatska Politika 1990-2000. Zagreb 2001. [Zakošek, Nenad.: Structures of the electorate and political changes in the September elections 2000. In: Kasapović, Mirjana (ed). Croatian Politics 1990-2000. Zagreb 2001]. Šiber, Ivan. Izborno ponašanje. Zagreb 2007. [Šiber, Ivan. Voting Behavior. Zagreb 2007].

4. Unintended Consequences: Local Actors and Political Mobilization

This part illustrates how the legacies of the conflict are relevant for the models of inter-ethnic coexistence. Some actors (i.e. political parties) use the resources provided by the legacies as tools for mobilizing political support. Here I will look at narratives and interpretations as tools for shaping political competition. In other words how interpretation of the conflict relate to party support. Also, I will look at individual and institutional legacies as tools for building a solid voter base. In other words how some parties use guerrilla networks and minority rights instruments to create their voter base. When I analyze the individual and institutional legacies I will look at the links between former guerrilla groups and present political parties. The examples that I will use are from Macedonia and Croatia. These countries have better models of inter-ethnic coexistence than Kosovo and Bosnia and Herzegovina. Hence they are less likely cases where the legacies of the conflicts should matter.

The first example shows how political actors use interpretations of the conflict, or the main elements in the conflict, to shape the political competition between them. This does not exclusively imply radicalization and inter-ethnic outbidding, even though this is the most common assumption. It is intuitive to expect a polarization of society after an inter-ethnic conflict. The institutional set up can further solidify the divisions by granting rights and benefits on basis of ethnic identities. Therefore there are no incentives for cross ethnic mobilization. Political parties have to compete within their own ethnic group. In their competition within these ethnic groups they use the resources at their disposal, including the interpretation of the conflict.

The data that supports this argument is given in table 4. The table shows the results of the question "Which of the following statements is closest to your opinion: It is an agreement for sustainable peace; It is shameful act for the Macedonians or It is a compromise to stop the war?" that was

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asked in a public opinion survey in September 2001.[35] This was done one month after the signing of the OFA. The table shows the results at aggregate level and also the ethnic and party views.

Perceptions of the Ohrid Framework Agreement						
Agreement for sustainable peace 15.7			Shameful act for the Macedonians 40.6		Compromise to stop the war 37.1	
N = 1,055						
Cross-ethnic support			Cross-party support			
	Peace	Shame	Compromise	Peace	Shame	Compromise
Mkd	3.8	49.6	40.5	VMRO-DPMNE 1	65	28.2
Alb	70.2	4.8	16	SDSM 8.3	31.1	57.8
				DPA 86.2	0	13.2
Chi square:	0.000			0.000		
Directional measures:	Lambda: .220; Eta: .401			Lambda: .241; Eta: .455		
Symmetric measures:	Cramer's V: .364; Contingency: .588			Cramer's V: .357; Contingency: .581		

Table 4: Interpretation of the Ohrid Framework Agreement, September 2001

From the table we see that the first option, agreement for sustainable peace, had the least support. Only 15.7%, while the highest support was for the option "shameful act" (40.6%). The option "compromise" got 37.1% support. The break down of the results by ethnic group shows predictable and expected differences. Most of the Albanians (70.2%) thought that the OFA is an agreement for sustainable peace. The Macedonians were divided between the shame option (49.6%) and the compromise option (40.5%). The statistical tests show relevant and strong relations between the answers of the respondent and their ethnic identity. That is to say that the ethnic identity was highly relevant how to understand the OFA. On the other hand the results show that party affiliation was also highly relevant for how to understand the OFA. This is surprising and unexpected. The results show that 65% of supporters of VMRO-DPMNE saw OFA as a shameful act, while 57.8% of SDSM's supporters saw the OFA as a compromise. Both of these parties mainly appeal to ethnic Macedonians. The statistical measures show a strong relation, equal to the ethnic identity. This shows that parties within the same ethnic group have diverging positions even during an inter-ethnic conflict, when it is least expected. More thorough research done on the relations

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[35] The Institute for Democracy (IDSCS) in Skopje conducted the public opinion surveys in Macedonia

between Serb elites during the wars in Croatia and Bosnia and Herzego-vina corroborates this finding.[36]

Furthermore, the parties use the memory and interpretations of the con-flict to shape the competition in the post-conflict period. In a public opinion survey done in May 2004, respondents were asked "According to you, who is mainly to blame for the conflict in 2001?". The range of possible answers included several political parties, their leaders, the NLA, Kosovo and some international actors. The results for the leaders and political parties were aggregated together and they were correlated with the supporters of different ethnic groups and the supporters of dif-ferent political parties. The political parties in question were the Social democratic Union of Macedonia (SDSM) and the Internal Macedonia Revolutionary Organization – Democratic Party for Macedonian Na-tional Unity (VMRO-DPMNE), the main rivals for the votes of ethnic Macedonians, and the Democratic Union for Integration (DUI) that is a political party deriving from the NLA. The correlations are shown in table 5.

The relationships are not particularly strong however some of the direc-tions are surprising and unexpected. In terms of the ethnic views, Mace-donians show positive correlation with DUI and negative with SDSM and VMRO-DPMNE. This means that Macedonians blamed DUI for the conflict in 2001, but not SDSM and VMRO-DPMNE. For Albanians it is the other way around. They show negative relationship with DUI and positive with SDSM and VMRO-DPMNE, meaning that they blamed the latter for the conflict, not the former. However supporters of different parties within the same ethnic group show different results. Supporters of SDSM blamed VMRO-DPMNE for the conflict in 2001 (have posi-tive correlates), while supporters of VMRO-DPMNE blamed SDSM and DUI. In the same time supporters of the Democratic Party of Albanians (DPA) blamed SDSM, and supporters of DUI blamed VMRO-DPMNE. Both DUI and DPA appeal to ethnic Albanians, but their supporters had diverging views on who is to blame for the conflict in 2001.

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[36]   Caspersen, Nina. Contested Nationalism: Serb Elite Rivalry in Croatia and Bosnia in the 1990s. London 2010.

	SDSM	VMRO-DPMNE	DUI
Ethnic views			
Macedonians	-.203**	-.118**	.149**
Albanians	.239**	.093**	-.140**
Party views			
SDSM	-.115**	.269**	-.084**
VMRO-DPMNE	.118**	-.174**	.143**
DPA	.183**	-0.018	-0.054
DUI	0.053	.102**	-.074*
** significant at 0.05			

Table 5: Interpretations of who was mainly responsible for the conflict in Macedonia, May 2004

This shows that political parties appropriate narratives and interpretations of the preceding conflict. Even though some political parties compete within one ethnic group, it does not mean that they share the same interpretation and narrative about the past conflict. It is rather the case that they have juxtaposing narratives in order to build political differences necessary for shaping the political competition within the same ethnic group.

The second example is from Croatia and it corroborates the findings from Macedonia. It also shows that the opposing narratives and interpretations are comprehensive. They do not cover only views on crucial issue (i.e. understanding of the conflict resolution mechanisms or responsibility for the conflict). The diverging views that parties hold over the legacies of the conflict are important and relevant for their political differences. This effect stands several years after the conflict ended. The effect is also important for political parties within the same ethnic group.

In a pre-electoral survey, conducted in 2002, the respondents were asked series of questions reflecting attitudes toward the post-conflict legacy in Croatia.[37] The base question was "To what degree should the new government focus on", while the series of questions included: "Increasing the military power and state security", "War crimes punishment and cooperation with ICTY", "Support for Croats in Bosnia and Herzegovina", "Harmonious life of Croats and national minorities in Croatia", "Protection of the dignity of the Croatian war of Independence." Answers were collected on a five point scale, from not at all to completely. This series of questions arguably reflect the ways in which Croats in 2002 thought about dealing with the legacies of the past conflict.

Using statistical methods, namely Principal Component Analysis, one can identify the dimensions of thinking about the legacies of the conflict. This method allows seeing how many relevant dimensions (or components) are relevant when the issue comes up. Also it shows the composition of the dimensions (i.e. the answers of which questions dominate in the dimensions of thinking). The analysis showed that there are two components that have 'Eigen value' greater than one. This means that only two components are statistically relevant to be taken in consideration. Jointly they account for 60% of the variance in the responses. The first component explains 35% of the variance, and the second 25%. The results of the analysis are presented in table 6.

The results show that there are two relevant dimensions of thinking about the legacies of the conflict in Croatia. The first dimension is made of high positive answers to increasing the military power and state security, supporting the Croats in Bosnia and Herzegovina and protecting the dignity of the Croatian war of Independence. The second dimension is made of high positive answers about punishing war crimes and cooperation with the ICTY and harmonious life of Croats and national minorities in Croatia. The two ways of thinking about the legacies of the conflict are mutually exclusive. The first dimensions seems like it does not

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[37]   GESIS: ZACAT. Online Study Catalogue. ZA4563: Croatian National Election Study 2000: Pre-election survey. http://www.gesis.org/unser-angebot/recherchieren/zacat-online-study-catalogue/ accessed on 15.11.2010

want to let go of the conflict and its legacies, while the second dimensions is more focused on closing the past conflict.

Component Matrix[a]		
Degree new government should focus on	Component	
	1	2
increasing the military power and state security	.679	.061
war crimes punishment and cooperation with ICTY	-.246	.779
support for Croats in Bosnia and Herzegovina	.791	.100
harmonious life of Croats and national minorities in Croatia	.156	.800
protection of the dignity of the Croatian war of Independence	.782	-.068
Extraction Method: Principal Component Analysis.		
a. 2 components extracted.		

Table 6. Dimensions of understanding the legacies of the conflict in Croatia

That is only the first step in the analysis. The question is whether the dimensions of thinking about the legacies of the conflict are politically relevant and in which way? In the same poll respondents were asked to rank their attitudes toward political parties, whether they were positive or negative. The list of parties included the Croatian Democratic Union (HDZ) and the Social Democratic Party (SDP). These are the main rivals in Croatia, and the bulk of their support comes from ethnic Croats.[38] The dimensions of thinking about the legacies of the conflict were correlated with the attitudes toward the political parties. The results are shown in table 7.

This means that people whose opinion falls in the first dimension of thinking about the legacies of the conflict (i.e. do not want to let go of the conflict) have positive attitudes toward HDZ. On the other hand people whose opinion falls in the second dimension of thinking about the

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[38] Čular, Goran.: Izbori i konsolidacija demokracije u Hrvatskoj. Zagreb 2005. [Čular, Goran.: Elections and consolidation of democracy in Croatia. Zagreb 2005].

legacies of the conflict (i.e. want closure of the past conflict) have positive attitudes toward SDP.

Bivariate correlations	Component 1	Component 2
Attitude toward HDZ	.452**	-.209**
Attitude toward SDP	-.333**	.315**
** significant at 0.05		

Table 7. Relationship between political parties and understanding the conflict in Croatia

Therefore the different ways of thinking about the legacies of the conflict in Croatia are politically relevant and they show clear political polarization between the main parties in the same ethnic group. However there is a small caveat here - one of ecological fallacy. The results reflect individual opinions; they do not necessarily imply that HDZ's political positions about the legacies of the conflict fall under the first dimension, nor does it imply that SDP's fall under the second. On the other hand it is hard to imagine that the individual opinions about the conflict are independently formed regardless or even opposite, to the positions of the political parties. This is especially the case when they show clear correlation with the attitudes toward the parties. It is more likely that HDZ and SDP have different understanding of the past conflict and how to deal with the remaining legacies. As a result their interpretation becomes one of the resources by which they build their political support.

The third example that I want to point out comes both from Croatia and Macedonia. It shows how some political parties use the structural consequences from the conflict to build their voter base. The structural consequences come on an individual and an institutional level. This applies to the cases where the political parties have strong links with the former guerrilla groups. In that respect DUI in Macedonia is a classical case of guerrilla-to-party transformation.[39] After the conflict ended in Macedonia the NLA transformed into DUI. In Croatia there is the Independent Democratic Party of Serbs (SDSS) that is a partly transformed guerrilla. SDSS was formed when political and military activist, that remained in

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[39] Zeeuw, Jerome.: From Soldiers to Politicians: transforming rebel movements after civil war. Boulder 2008.

the last part of RSK and signed the Erdut agreement with the Croatian government, joined forces with moderate Serb politicians and activists that did not take part in the conflict. Therefore the structures of SDSS are partially made of former guerrilla members. Furthermore, their headquarter is in Vukovar, a town in Eastern Slavonia, which was their main stronghold in RSK as well. Both parties, DUI in Macedonia and SDSS in Croatia, are shaped by strong structural consequences from the conflict on the individual level. Many of the former combatants serve as high ranking party officials. They stand in elections, both on local and national level. Some served as mayors or as local counsellors, others as members of Parliament, and in Macedonia some even became members of the government.

In some way their guerrilla hierarchy is transmitted into the party hierarchy. In the post-conflict period their active participation in the conflict rewards them with "symbolic capital" in their ethnic group. Their "symbolic capital" increases with their placement in the former guerrilla hierarchy and their achievements in the armed conflict. Therefore the former combatants, and their families, enjoy social prestige in their local communities and their wider ethnic group. The former combatants become a sort of community leaders. This is a valuable resource for them if they decide to enter politics. Their "symbolic capital" easily transfers into electoral support. The legacy of the conflict served the former combatants, individually or in terms of their political party, as a resource for building political support. The more combatants a party has, the more it can utilize this resource. And this is the strategy employed both by DUI, as Albanian party in Macedonia, and by SDSS, as Serbian party in Croatia.

Another strategy that both parties have is to use some of the structural consequences at the institutional level as incentives for increasing their political support. The structural consequences at the institutional level derive from the conflict resolution mechanisms. They prescribe new institutions, or changes to the existing one, for inter-ethnic coexistence. Some of these institutions include benefits for members of minority groups (i.e. support for returning refugees, social packages, and em-

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ployment quotas). These benefits are intended to increase the inclusion of minorities and thus improve the model of inter-ethnic coexistence.

However DUI in Macedonia and SDSS in Croatia target these benefits to members of their ethnic group. SDSS see themselves as traders with the government. Their goal is to get as much support as possible for the return and reintegration of Serbs in Croatia, in exchange for their political support. This is their main political and strategic goal. Politically they work to improve the position of Serbs in Croatia. Strategically bringing back refugees means expanding their voter base. One of the main political goals of DUI in Macedonia is to pass a social package for the former NLA veterans and families of fallen fighters. In the mean time, as part of the government, DUI controls the process of employment of minorities in the public administration. They pay attention that the former combatants or members of their families get preferential treatment in the employment process. This serves their political goal to take care of the former combatants. But is also serves their strategic goal to transform the guerrilla network into a solid voter base.

DUI and SDSS use the structural legacies of the conflict as resources for increasing political support in the same way. On the individual level former combatants, now integrated in the political parties, have "symbolic capital" which the parties use as a contemporary resource. On the institutional level, the conflict resolution mechanisms prescribed benefits for minorities. The benefits were intended to improve the model of inter-ethnic coexistence, but DUI and SDSS use them as incentives to increase their voter base. The benefits serve them as resource to develop a patron-client relationship within their ethnic group. The goal is to increase their political support and develop a stable voter base through a system of patronage.

5.   Conclusion

The actions of international actors helped to end the inter-ethnic conflicts in the Western Balkan countries. Furthermore, international actors become heavily involved in state-building in Bosnia and Herzegovina

and in Kosovo. They also provided aid for institutional building in Croatia and in Macedonia. However, it seems that their actions have not significantly influenced the functioning of the models of inter-ethnic coexistence. The models are not functioning in Bosnia & Herzegovina and in Kosovo. In these countries the international actors control the transitional administration and their actions matter the most.

On the other hand the institutions that generate the models of inter-ethnic coexistence derive their information from the peace agreements that ended the conflicts in the Western Balkans. The Erdut agreement in Croatia opened the way for improving the status of the Serbs. The Dayton agreement in Bosnia and Herzegovina provided for a new constitution and elaborated in detail the institutions for managing inter-ethnic relations. This was also the case with the Ahtisaari plan in Kosovo. In these two cases the conflict regulation mechanisms also dealt with key statehood issues. Today Bosnia and Herzegovina and Kosovo still have open statehood issues and troublesome inter-ethnic relations. In Macedonia the Ohrid Framework Agreement brought about substantial changes in the existing institutions, improving the status of the Albanians in the country.

The key provisions of the models for inter-ethnic coexistence seemed to be fairly similar. Minorities are guaranteed a wide set of rights (i.e. language use, education in mother tongue, protecting and developing cultural and historical heritage, usage of symbols). The political representation and participation is not institutionally impeded anywhere. In most of the countries there are guaranteed seats for minorities in national and local legislative. Only Macedonia is an exception, but it gives minorities the right to veto legislation to protect their own interests. Minorities have the right to form councils in Croatia and in Kosovo, but not in Bosnia & Herzegovina and in Macedonia. In all of the countries employment in public administration is provided for members of minority groups. In that respect the models of inter-ethnic coexistence are similar. They fully recognize and support the expression of ethnic identities. However, the practices of inter-ethnic relations vary significantly. It seems that the practices of inter-ethnic relations are largely dependent on the actions of local actors.

One main consequence of the inter-ethnic conflicts in the Western Balkans is that the societies became more polarized. The models of inter-ethnic coexistence, recognizing and rewarding ethnic identities, rectified the ethnic divisions. The legacies of the past had psycho cultural and structural consequences that largely influence local actors. Political parties in the post-conflict countries of the Western Balkans use the legacies of the past as their resources for increasing political support. This does not apply only to practices of outbidding and keeping inter-ethnic animosities. Parties also use the legacies to structure the competition and to increase their voter support even within the ethnic groups. In that respect political party affiliation is crucial to understanding the different interpretations of the conflicts in Macedonia and in Croatia. Parties appealing to the ethnic majority group, Croats in Croatia and Macedonians in Macedonia, use different narratives about the past conflict to structure the political competition between them. In the same time, minority parties in these two countries use the structural legacies of the conflict, on individual and institutional level, to increase their political support. DUI in Macedonia and SDSS in Croatia have links with the former guerrilla groups. These parties use the "symbolic capital" of their former combatants and they target benefits, coming from the institutional protection of minority rights, as patronage to increase their voter base mainly within their ethnic groups. It seems that the parties in Croatia and Macedonia use the legacies for political polarization between them within the same ethnic group. These are unintended consequences in the process of post-conflict democratization.

The Role of Religion in the Peace Processes

Velko Attanassoff

Introduction

Although the question of whether there is a global resurgence of religion does not have an undisputed answer,[1] it is certainly a thriving phenomenon that has manifested itself in various ways in the national and regional contexts of the Balkans. Such a trend has been facilitated by the use of religion as one of the defining markers for the formation of the Balkan nation states in the end of the 19th and beginning of the 20th century. In addition, in the aftermath of the recent wars in Bosnia and Herzegovina and Kosovo the role of religion[2] in the peace processes has acquired certain critical importance. Indeed, as the two main characteristics of such a phenomenon have been ethno clericalism and politicization of religion, it constitutes quite a research challenge to address what has been the role of religion in the peace processes especially in the Western Balkans.

Thus, the purpose of this paper is not only to give "food for thought" for further discussions, but also to attempt to elaborate on the potential and current role of religion in the peace processes in the Western Balkans. First, it provides general background of some theoretical and practical issues connected with the contemporary research of the topic. Then, taking into account the specifics of the historic development of the religious communities in the Balkans as well as the socio-political context the paper offers a qualitatively new methodological approach for exploring the role of religion in peace processes. Such an approach is based on the social movement theory applied in the context of larger faith-based ac-

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[1]   The Pew Forum on Religion & Public Life, Is There a Global Resurgence of Religion? (event transcript 08.05.2006). http://pewforum.org/Politics-and-Elections/Is-There-a-Global-Resurgence-of-Religion.aspx, accessed on 30.05.2011.

[2]   Religion alone cannot influence anything positively or negatively rather its use by the people or by the religious authorities is instrumental. It is a very important distinction to be made when discussing the issue of religion and its role in peace processes and in a society.

tivism. Finally, the paper, drawing on the offered theoretical assumptions puts forward several conclusions about the use of religion and some recommendations for the positive inclusion of religious communities in peace processes in the Western Balkans in general and Bosnia and Herzegovina in particular.

The paper draws upon the available publications on the issue as well as the field studies in the region conducted by the author from 2008 until 2011.

Why Religion Matters

Before answering this question it is necessary to briefly dwell on clarifying the term peace processes used here. According to the "Brahimi report" UN peace operations entail three principal activities such as conflict prevention and peacemaking,[3] peacekeeping,[4] and peacebuilding.[5] Nevertheless, although all three of them will be taken into consideration, for the purpose of this paper peace processes will be referred to as mainly peacebuilding and post-conflict rehabilitation. Even though the latter has not yet been precisely defined and its contents are still uncer-

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[3] "Peacemaking addresses conflicts in progress, attempting to bring them to a halt, using the tools of diplomacy and mediation. Peacemakers may be envoys of Governments, groups of States, regional organizations or the United Nations, or they may be unofficial and non-governmental groups … prominent personality, working independently." UN General Assembly and Security Council, Report of the Panel on United Nations Peace Operations, A/55/305-S/2000/809 (21.08.2000).
http://www.un.org/peace/reports/peace_operations/docs/a_55_305.pdf, accessed on 01.07.2011, p. 2

[4] "Peacekeeping is a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-State wars, to incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars". Ibid, pp. 2-3.

[5] "Peacebuilding is a term of more recent origin that …. defines activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war. Thus, peacebuilding includes but is not limited to reintegrating former combatants into civilian society, strengthening the rule of law… improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development … and promoting conflict resolution and reconciliation techniques." Ibid, p. 3.

tain here it is sufficient to point out the aspect of reconciliation[6] as being of utmost importance with regards to the role of religion. As seen from the referred definition the concept of positive peace is at the core of reconciliation - a powerful paradigm that will be elaborated further on.[7] Thus, the broader question about the role of religion in peace processes can be narrowed down, as we will see in the case of the Balkans, mainly to reconciliation and establishing positive peace.

As far as religion is concerned before outlining its unique mobilizing mechanisms, role and potential in society, it is worth elaborating on the difference between religion and ideology in view of the communist past of all Western Balkan states. In this regard there are several that are instrumental for answering the above stated question:

- Religion in difference to ideology provides an answer about origin and afterlife whereas ideology gives meaning and purpose to life;

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[6] Sterland and Beauclerk define reconciliation as "a process leading to the positive reconfiguration of relations between previously antagonistic parties, involving both truth and forgiveness. It entails addressing concerns about the past without entering into a cycle of recrimination, requiring revelation, transparency and acknowledgement. It is also a process of restoring friendly relations achieved through envisioning a future that enhances interdependence. Sterland, Bill/Beauclerk, John: Faith Communities as Potential Agents for Peacebuilding in the Balkans (January 2008). http://www.changemaker.no/Documents/Kirkens%20N%C3%B8dhjelp/Publikasjoner/Tema hefter/Faith%20Communities%20Balkans.pdf>, accessed on 31.05.2011, p. 3

[7] "Another way of thinking about peace is to have it defined in negative and positive terms. Peace as the mere absence of war is what Woolman (Woolman, D.C.: Education and Peace in the Thought of Johan Galtung. In: Currents: Issues in Education and Human Development Education and Peace, Spring, 1985, Vol. 3, no. 2, pp. 7-20) refers to as "negative peace." This definition is based on Johan Galtung's ideas of peace. For Galtung, Negative peace is defined as a state requiring a set of social structures that provide security and protection from acts of direct physical violence committed by individuals, groups or nations. The emphasis is ...on control of violence. The main strategy is dissociation, whereby conflicting parties are separated... In general, policies based on the idea of negative peace do not deal with the causes of violence, only its manifestations…. Positive peace, in contrast, is "a pattern of cooperation and integration between major human groups....[It] is about people interacting in cooperative ways; it is about social organizations of diverse peoples who willingly choose to cooperate for the benefit of all humankind; it calls for a system in which there are no winners and losers--all are winners; it is a state so highly valued that institutions are built around it to protect and promote it" (O'Kane, M.: Peace: The Overwhelming Task. In:Veterans for Peace. Inc. Journal, (Winter 1991-92), Issue no.19, p.3), http://oz.plymouth.edu/~lsandy/peacedef.html, accessed on 01.06.2011.

- Religion has much greater potential than ideology to form personal and social identity.

In this regard, it is important to elaborate on the normative, social and identity functions of religion – all of which might have certain potential in peace processes. All these three functions are actually part of the definition of religion as (a) commitment or devotion to religious faith or observance, (b) a personal set or institutionalized system of religious attitudes, beliefs, and practices and (c) a cause, principle, or system of beliefs held to with ardour and faith.[8]

Although it is useful to break down religion to the common formula that includes a creed, a code of conduct, and a confessional community,[9] for operationalizing the role of religion in peace processes the issue of agency remains of crucial importance. Although the agency might also include the individual members of a confession, for the conflict analyses as well as social movement theory approach suggested below, it is instrumental to look at the agency in collective terms – as a group, an official body that administers religious affairs as well as organizations and factions within the denomination. In a similar way Harpviken and Roislien view religion as organization:

"Religious belief systems are upheld by some form of organisation. While neither adherence to a normative system nor identification with a particular religion presumes a formal organisation, both normative commitment and identity are greatly strengthened by it, as organisational arrangements strengthen the ability of the religious community to express and spread its worldview.[10]

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[8] Merriam-Webster Dictionary: Entry for 'Religion. http://www.merriam-webster.com/dictionary/religion, accessed on 31.05.2011.

[9] Appleby, Scott: The Ambivalence of the Sacred (2000) [Excerpted from the introduction of R. Scott Appleby, The Ambivalence of the Sacred: Religion, Violence, and Reconciliation, Carnegie Commission on Preventing Deadly Conflict (Lanham, MD: Rowman & Littlefield, 2000): 1-19]. http://sacred-sovereign.uchicago.edu/rsa-ambivalence.html, accessed on 10.06.2011.

[10] Harpviken, Kristian Berg/Roislien, Hanne Eggen: Mapping the Terrain: The Role of Religion in Peacemaking (July 2005).

Another dimension of the role of religion in peace processes that is important in the newly emerged states in the Balkans after years of communist rule is the private-public distinction of life. The minimalist approach that confines religion only to the private realm is one of the foundations of the secularization theory, held in one form or another by the founders of the modern social sciences from Karl Marx, John Stuart Mill, and Auguste Comte to Emile Durkheim, Max Weber, and Sigmund Freud. They predicted that one powerful consequence of modernity would be the institutional differentiation of the religious and secular spheres, accompanied not only by the privatization of religion but also by its marginalization and decline.[11]

Nevertheless, with the advent of globalization processes, there is a considerable religious resurgence that marks the return of religion on the public scene. It seems that the litany of woes that religion brought to Western Europe has not had any resonance with societies and cultures where religion actually never left the public space and, one might even argue, that private-public discourse has always been irrelevant. Thus, with the growing western engagement in the Middle East and Central Asia since the Iranian revolution, inevitably, the potential of using religion as a tool in peace processes in such societies has been brought to the attention of scholars, policymakers and researchers.

Usually, the potential of religion seems to be a promising one by default. Some researchers argue that as religious belief systems have a particular identity-forming potential as well as a social dimension they inevitably provide the opportunity to address issues and concerns, e.g. peacebuilding processes.[12] In addition, it is also recognized that religious leaders and organizations offer several things that generally constitute a counterbalance to the globalization and market values, e.g. "credibility as

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http://www.terrampacis.com/Religion%20in%20Peacemaking.pdf, accessed on 31.05.2011, p. 11.

[11] Cf. Appleby (2000).

[12] Rasul, Amina: The Role of Religion in Peace Making [Speech delivered before the annual conference of the Center for the Study of Islam and Democracy (CSID) in Washington DC] (05.05.2009).
https://www.csidonline.org/documents/pdf/Amina_Rasul_Role_Religion_CSID_Paper.pdf, accessed on 01.06.2011.

trusted institutions; a respected set of values; moral warrants to oppose injustice; unique leverage for promoting reconciliation among conflicting parties; capability to mobilize community, nation, and international support for a peace process; and a sense of calling that often inspires perseverance in the face of major and otherwise debilitating obstacles."[13]

Thus, although scholars of peace and conflict studies already referenced caution against the propensity of religion being at times the instigator or the catalyst of conflict, they also argue that it contributes to peacemaking. Furthermore, the general concept of *religious peacemaking* has been developed revolving around the idea that faith-based NGOs can promote interfaith reconciliation.[14]

Thus, before going into contextualization of religion (that includes the local interpretation of religion in a given place) it is suggested here in view of the above discussion that the role of religion in peace processes be operationalized in terms of religious activism. Religious activism is the mobilization of contention to support religious causes or the advance of social and public agenda using religion as a mobilizing and unifying tool. It accommodates the variety of contentions that frequently emerge under the banner of "Religion," including propagation movements, faith community initiatives, terrorist groups, collective action rooted in religious symbols and identities, explicitly political movements that seek to re-interpret the relation between the state and religion (in the case of Islam even founding an 'Islamic state'), and inward looking groups that promote specific religious spirituality through collective efforts (adapted from Wiktorowicz, 2004)[15]

As many examples of such religious activism might exist, for understanding the potential and the role of the religion in peacemaking in the

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13 Jonston, Douglas as cited by Smock, David: Religion in World Affairs: Its Role in Conflict and Peace, USIP Special Report 201 (February 2008).
http://www.usip.org/files/resources/sr201.pdf, accessed on 01.06.2011, p. 4

14 Smock, David: Divine Intervention: Regional Reconciliation Through Faith (06.05.2006).
http://hir.harvard.edu/religion/divine-intervention, accessed on 30.05.2011.

15 Wiktorowicz, Quintan: Introduction: Islamic Activism and Social Movement Theory. In: Wiktorowicz, Quintan (Ed.): Islamic Activism: A Social Movement Theory Approach. Bloomington, Indiana (2004), p. 2.

Balkans it is important to move away from the generalizations and simplifications. Rather it is important to delve into the specifics of the region with regard to the discussed issue. As already pointed, out religion has been the "necessary dimension of statecraft"[16] as it is a constitutive element of the national identity of all Balkan peoples (with the exception of the Albanians).

Such specifics are partly a result of the Ottoman rule over the Balkans that led to the existence of huge diversity of religious groups which, through the millet system, were guaranteed relative independence in terms of religious and certain legal issues. Such a legacy set the religion as one of the binding elements of nation building during and after the wars of liberation in the 19th and 20th century.

Secondly, another characteristic is the continuing prevalence of the traditional rural spirit in the Balkans. Such an observation has several implications to the discussed issue. On the one hand the Balkan state to a larger extent remained isolated from the Western economic advance due to its satellite status to the USSR inherited after the Second World War. As might not be exactly the case in ex-Yugoslavia, the wars in the 1990s in the region and the advent of globalization actually revived and, one might argue deepened, the differentiation between the big cities and the rural areas. Such a trend has been exacerbated by the continual migration to the capitals as well as to the Western Europe states. On the other hand, the religious resurgence led to the elevation of the role of the official religious institutions at the expense of the local jemaats (Islamic religious communities) and congregations that were left to them to solve their problems.

The wars in ex-Yugoslavia led to the transformation of religion into ideology and also triggered again the perception of the threat environment from the beginning of the 20th century (for example the Catholic perspective is that it was first in conflict with Islam, then Christian ortho-

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[16]   Here I argue that to many extents the Balkans constitutes quite a unique case to what Douglas Jonston and Cynthia Sampson gave called "the missing dimension of statecraft" as cited in Appleby

doxy, then communism and finally against the first two again in Bosnia and Herzegovina). The transformation of religion into ideology was an inevitable process due to the communist legacy of not having well developed and organized party system in all ex-socialist states. It is a fact that has been rarely put into consideration that communism not only led to the negation of religion but also to the persecution of any independent political thought as well as to the denial of any party development.

Thus, after 1990 the two developing alternatives - the religious (it went out from the private space and invaded the public one after the fall of communism) and the political one tend to merge while vying for power. The lack of political representations led to the elevation of the role of religions as political instruments for nation affirmation in midst of internal fighting among them. As Donia points out, an ethnic church provides 'a tangible expression of identity, a framework for community and a latent political goal of the restoration of the ethnic state'.[17] The end result was a rampant religious nationalism on all sides in what Perica terms as ethno-clericalism.[18]

Bearing in mind the above specifics of the Balkans, we are faced with the challenge of analyzing the crossover of religion, nation identity affirmation and emergence of contemporary ethnic political parties in Bosnia. I would suggest that the religious activism be examined through the social movement theory lens, which through its three variables takes into consideration the "social" and "political" function of religion while it also accounts for the intra- and inter-religious dynamics. Such an approach would allow us to elaborate on the role of religion in the peace processes.

Social Movement Theory and its Explanatory Value

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[17] Donia, Robert: Nationalism and Religious Extremism in Bosnia-Herzegovina and Kosovo since 1990s. http://pdc.ceu.hu/archive/00003431/01/nationalism_religious.pdf, accessed on 31.5.2011, p. 215.

[18] "Key components of ethnoclericalism are the idea of ethnically based nationhood and a 'national church' with its clergy entitled to a national leadership but never accountable for political blinder as are secular leaders." Perica, Vjekoslav: Balkan Idols. Religion and Nationalism in Yugoslav States, Oxford: Oxford University Press 2002, pp. 214-215.

Although some authors argue that "no sufficiently coherent body concerning social movement theory exists",[19] social movement theory (SMT) provides a strong conceptual framework that established itself as a "middle ground approach in analyzing contentious collective actions falling between structuralist and rational choice schools"[20] as seen from Fig. 1.

In addition, "SMT draws upon processes and mechanisms from rational-choice, structural, and cultural comparative political theories, which enable a stronger explanatory value of understanding actions and outcomes."[21] Due to space limitations and for the sake of clarity, herein it is worth to only briefly elaborate on the three mostly used variables that are an integral part of SMT for understanding the evolution of a group, organization, social movement, etc, and their respective dynamics. These factors are political opportunity, mobilizing structures (resource mobilization) and the framing process (cultural framing).[22]

While applying SMT to the issue of religious activism in Bosnia, it is important to note that this approach is rather different from the one commonly used in social science. Social movement theory approach has been more often applied to individual cases like the South African and Palestinian national movements, Hamas, etc.

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[19]   One of the critical social scientists is Charles Tilly: Forward in Islamic Activism. In: Wiktorowicz, Quintan (Ed.): Islamic Activism: A Social Movement Theory Approach. Bloomington, Indiana (2004), p. x.

[20]   Robinson, Glenn: Hamas as Social Movement. In: Wiktorowicz, Quintan (Ed.): Islamic Activism: A social Movement Theory Approach, Bloomington, Indiana (2004), p. 113.

[21]   Chandler, Jennifer: The Explanatory Value of Social Movement Theory (May 2005). http://www.nps.edu/Academics/centers/ccc/publications/OnlineJournal/2005/May/chandler May05.html#references, accessed on 02.01.2011.

[22]   Here the meaning of culture is of utmost importance for explaining the interaction of religion in peace processes.
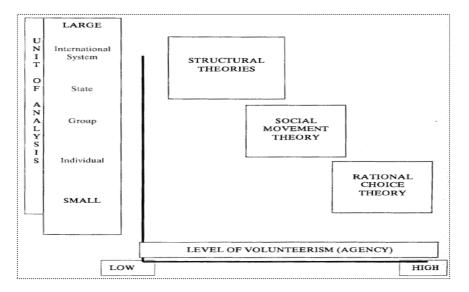
Figure 1. Comparative Analysis of Contentious Collective Action[23]

Nevertheless, in order to contextualize the role of religion in peace processes, here the SMT analytical framework is applied against the phenomenon of the religious activism in the case of Bosnia and Herzegovina. Thus, the level of analysis will be the local religious communities that set up the dynamic of such social activism on the ground. At another level of analysis these religious communities can be also viewed as social movements building on Mona Yunus' description that social movements constitute collective efforts to achieve political objectives outside the normal institutional process. Such a depiction strikingly resembles the role of religion in the Western Balkans against the ongoing liberal peacebuilding model that "includes aspirations for normative power".[24]

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[23]   Cf. Robinson: Hamas as Social Movement (2004).
[24]   Kappler, Stefanie/Richmond, Oliver, Peacebuilding and culture in Bosnia and Herzegovina: Resistance or Emancipation? (2011). http://sdi.sagepub.com/content/42/3/261, accessed on 01.06.2011.

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The Case of Bosnia and Herzegovina – Sacralisation of Politics or Politicization of Religion?

Arguably, religion has never been an integrating and unifying factor in Bosnia and Herzegovina.[25] At the same time ever since the 13th century the region has been a crossing point of several denominations (Bogomils, Orthodox Christianity and Catholicism in the beginning) and then, with the fall of Bosnia under the Ottoman rule, Islam started to play considerable role into the Bosnian society. Historically all three religious communities – Franciscan, Christian Orthodox and Islamic has stimulated the formation of national collective identity. As already mentioned, it was a process that was catalyzed by the millet system employed by the Ottomans that allowed for the religious authorities to have civil functions. As Ramet summarizes it

> "In the case of both „historical Churches and Bosnian Islam, religion proved a defining factor in ethnic differentiation. Perhaps even the single most important factor. By the end of the 19th century, if not long before, it seemed almost inconceivable that a Croat could be anything but Catholic, a Serb anything but Orthodox, and rival claims made upon Muslims could not conceal the fact that Islam likewise had come to define an ethno cultural collectivity."[26]

The process of politicization of religion or its 'ethnicization' affected the other emerging Balkan states but Bosnia remains an exception as it endured fierce competition among the present Christian churches and Islam. As it already pointed out the 1992-1995 war reignited religion as a major ethnic dividing factor after decades of communist rule under which religion was pushed outside the public realm of the society. The war also resulted in the Dayton-Paris Peace Agreement (DPPA) that has served as an effective constitution of Bosnia and thus set the general political framework since 1995.

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[25] Henceforward referred to as Bosnia or BiH.
[26] Ramet, Sabrina: Religion, Politics, and Social Change in Eastern Europe and Russia. Durnham and London, Duke University Press (1998), p. 161.

1.   Political Opportunity Structures

Political opportunity structures mainly decrease or accelerate the collective action. In the case of Bosnia, the impact of war in the political legitimization of the religious authorities has to be taken into consideration first and subsequently the implications of the DPPA.

The 1992-1995 war was the watershed event but it was not a religious conflict, though it led to the ethnic group identification "very closely with distinct religions and religious/cultural traditions, including the predominantly Muslim Bošniaks, Catholic Croats, and Orthodox Serbs".[27] Thus all three major religious communities found themselves dragged in the war of survival that threatened the sheer existence of all of them.

In the aftermath of the war what constituted a challenge for the EU in promoting liberal peace norms has been seen as an opportunity for the religious communities to retain the power they long had vied for and acquired during the war. As already put forward by several authors,

"Liberal peacebuilding relies on a form of civil society that is relatively free of ethno-nationalism and generally oriented towards the norms and values of the peacebuilding and state-building project, while influencing elite-level debates to eventually move the country towards a structure that resembles that of an EU member-state."[28]

At the same time in the post-war environment and as a result of DPPA implementation the role of the *constituent peoples* rather than that of the *citizens* were elevated. Such an embedded flaw in the DPPA has at least two implications relevant to the role of religious communities in the peace process in the country. In the first place it sealed off the social and

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[27]   U.S. Department of State: 2007 Report on International Religious Freedom – Bosnia and Herzegovina (24.09.2007). http://www.unhcr.org/refworld/docid/46ee6780c.html, accessed on 30.05.2011.

[28]   Cf. Kappler, Stefanie/Richmond, Oliver, Peacebuilding and culture in Bosnia and Herzegovina: Resistance or Emancipation?, p. 6.

ethnic fragmentation of the country and indirectly maintained the role of religion as an ethnic marker.

Secondly, it has perpetuated the threat perception of each other of the major religious constituencies. Bosnian Serbs fear of a state not pre-dominantly Serbian, whereas the Muslims still fear possible future geno-cides and of the stigmatization of Islam as religion after 9/11. At the regional level such a perception of Islam has been propagated by several self-appointed experts on terrorism like Darko Trifunović, Dževad Gali-jašević and Domagoj Margetić. Finally the, Croats fear the possibility that their influence as the smallest people will continually diminish.[29]

As a result, instead of withdrawing the religious institutions on all sides continued to be involved in politics forming alliances with nationalistic leaders and parties. Such a marriage of convenience has been established on all sides – between the Serbian Orthodox Church and SNSD[30] of Milorad Dodik, Archbishop Vinko Puljić and HDZ-1990[31] and until re-cently Mustafa ef. Cerić and SDA.[32]

In this regard as seen by the several examples above, it has to be noted that religious administrations in Bosnia were not only taking advantage of the change of political opportunities, they were also part of the proc-ess which created them. Such a dynamic was facilitated, as noted above, by the lack of multi-party political tradition in Bosnia. The emerging parties were necessarily keeping the war rhetoric and used nationalistic and religious symbols to pull supporters to their side. Thus, due to the lack of tradition and party structure they succumbed to using the reli-

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[29] For more see Hadžimusić, Nedzad: Special Issues of Post-Conflict Rehabilitation: The Case of Bosnia and Herzegovina. In: Dardel, Jean-Jacques/Gustenau, Gustav/Pantev, Plamen (Ed.): Post-Conflict Rehabilitation, Vienna and Sofia, 2006, pp. 166-178.

[30] Stranka Nezavisnih Socijaldemokrata (SNSD) – Party of the Independent Social Democrats in the Republic of Srpska.

[31] Hrvatska Demokratska Zajednica -1990 (HDZ-1990) – Croatian Democratic Union.

[32] For more see Attanassoff, Velko: The Religious Radicalism and Its Impact on the Security Development in Bosnia and Herzegovina (2009).
      www.bmlv.gv.at/pdf_pool/publikationen/pfp_rssee_supporting.pdf, accessed on 10.06.2011.

gious communities as a mobilizing force to rally supporters especially before the elections.

For example, according to the International Religious Freedom Report 2007, published by the US Bureau of Democracy, Human Rights and Labour, Bosnia's Catholic bishops issued a pastoral letter which was read in every Catholic Church on July 2, 2006, prior to the elections, in place of the traditional Sunday sermon. The letter reminded believers of the importance of their vote and encouraged Croat parties to form coalitions so that no Croat vote would be wasted. It also urged them to oppose U.S.-brokered constitutional amendments "through which war horrors would be legalized and the Croat people marginalized."[33]

The second tier of political opportunities is the formation of Serbian and Croatian states neighbouring Bosnia. They back-up and fuel the nationalistic agenda of the Serbian and Croatian nationalist parties in the country. In addition, the issues of Kosovo's independence and of Sandžak autonomy further raise the external pressure on the political actors at home.

2.   Mobilizing Structures (Resource Mobilization)

The mobilizing structures for the religious communities are the traditional well-known ones. Still, their importance has risen as the political parties have failed to deliver to their constituencies. On the other hand, it has to be taken into consideration that through its marriage to some political parties the religious communities also bear the brunt of the dissatisfaction of their followers, as on many occasions, they are too busy to pay attention to the believers being involved in political agenda. As one of the respondents has put it:

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[33]   United States Department of State: 2007 Report on International Religious Freedom - Bosnia and Herzegovina (14.9.2007). http://www.unhcr.org/refworld/docid/46ee6780c.html, accessed on 31.5.2011.

"During communism, people felt the spiritual necessity for religion but they were not allowed to openly practice it. Nowadays we have people that are married to religion, but we do not have institutions that can deliver to them."[34]

In this regard the potential of the existing mobilizing structures seem to be a slightly overestimated one. There has hardly been any case where these mobilizing structures were used for reconciliation or peacebuilding agendas. On the contrary, there are abundant cases of the use of them for pursuing short sighted political agendas.[35] There several implications of such a trend. First, it opens the gates for possible elevation of the influence of alternative faith-based organizations that are outside of the official ones.

For example, in regard to the influx of international faith-based organizations that challenge the authority of the SPC, the latter maintained a staunch position over the years against their existence. It never accepted the "religious peacemaking" agenda of the West on the Balkans. SPC issued several appeals after the war that proclaimed that: … religious sects of various names and 'doctrines' all lead toward the destruction of the integrity of the individual, while undermining homogeneity of the nation and stability of the state, making them prone to self-destruction and the abandonment of the centuries-old spiritual, cultural and civil heritage and identity.[36]

The other implication is that the authority of the official religious institutions tends to wane over the years and thus reduces their potential for contributing to the peacebuilding agenda. Certainly, this potential has

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[34]   Interview on file with the author, Sarajevo, May 2011.

[35]   Recent polemics between Muamer ef. Zukorlić (Chief Mufti of Islamic Community in Serbia) and Bakir Izetbegović (Bosniak member of Pripartite presidency of Bosnia) only exemplify such a point. For more see Vele, Faruk: POLEMIKE Muamer ef. Zukorlić odgovara Bakiru Izetbegoviću: Ono što je za Vas Firket Abdić za nas su Jusufspahići (13.05.2011). http://www.dnevniavaz.ba/vijesti/iz-minute-u-minutu/35107-polemike-muamer-ef-zukorlic-odgovara-bakiru-izetbegovicu-ono-sto-je-za-vas-firket-abdic-za-nas-su-jusufspahici.html, accessed on 01.06.2011.

[36]   Cf. Perica, Vjekoslav: Balkan Idols. Religion and Nationalism in Yugoslav States, p. 181.

never been utilized but such an eroding legitimacy only undermines possible initiatives in the future.

Third, the rift between the central and provincial official institutions seems to be growing due to the decreasing legitimacy of the former. Such a possible trend might only lead towards local misinterpretations and hostilities as the level of education of the local priests or imams is generally low. Thus, instead of delivering to the religious aspects of faith they might turn out to be active promoters of nationalist attitudes.

As Sterlan and Beauclerk point out:

> "Christian priests, particularly those of the SOC [Serbian Orthodox Church], and local imams are very often poorly educated rarely possessing more than secondary school education. At this level priests are often lacking in leadership qualities, or as one informant put it, typically they "do not understand the role of religious leaders to hold society to account morally." Instead it is more likely that the local priests, by cleaving to the ethno-religious aspects of their faiths, will be active promoters of nationalist attitudes in the mosque or church."[37]

3. Framing Process (Cultural Frames)

Social movement theory takes culture in a serious manner in "ideological-tactical sense than it is typically found in primordial understandings."[38] In SMT culture is considered as multilayered. The first layer has to do with the collective memory stereotypes, histories, prejudices, etc. It has to be noted that with every religious community and ethnicity these collective memory toolboxes might be different and contradicting as is the case in Bosnia. In addition, the second layer is the one of competing ideologies that provides the context in which the frames resonate.

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[37] Cf. Sterla/Beauclerk (2008), p. 19.
[38] Cf. Robinson, Glenn (2004), p. 116.

In the case of Bosnia we have the extreme case of various opposing collective memories, stereotypes and competing religious agendas. Nevertheless, several common mobilizing frames can be outlined that are used by all sides. The first one is the concept of justice. Conducted field research shows that all religious communities perceive themselves as being the victims of the war and having been impaired by the war for the benefit of the others. This process of victimization is explained differently in regard to the others but the rhetoric is principally the same – accusations of the other.

The second common cultural frame is that the war is not over. On all sides despite the confessional adherence one can hear the same statement: "The war usually have victors and vanquished. Dayton stopped the war but did not proclaim the winners."[39] In this regard, all the religious communities act as if the war is around the corner. Such a behaviour and attitude barely leaves any room for peacebuilding initiatives, because of the deep distrust among the main religious authorities and their perceived hidden agenda.

Such religious competition perceived as a continuation of the war is exemplified by the symbolic use of religious architecture in places where there are no constituencies to use them. The latest case is the building of the Orthodox Church in Potočari just tens of meters away from the mass grave of the victims of Srebrenica.[40] In this case it is just a negative mobilizing frame used to stir unrest and provoke the Muslim community. It would not be far fetched to state that in this case the leaders of the religious communities acquire some of the traits of the fundamentalist groups and movements.

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[39] Interview on file with the author, October 2010, Sarajevo
[40] Gradnja crkve iznad Memorijalnog centra u Potočarima (January 2011).
http://www.konjicanka.com/news.php?readmore=89, accessed on 01.06.2011.

Conclusion: The Role of Religion in the Peace Process in Bosnia

In this essay we took a somewhat innovative methodological approach that I proposed during the workshop of the Study Group Regional Stability in South East Europe (24-26 April 2009) that dealt with the difficulties in the Bosnian state- and peacebuilding process. Religious communities in Bosnia as a result of their continuous involvement in politics and due to the position they acquired during the war can be analyzed using the explanatory value of the social movement theory.

In the case of Bosnia, the potential for the use of religious activism for the peace process in the country is almost non-existing. Certainly, the critics to such a statement would argue that several interreligious initiatives or bodies, such as the Inter-religious Council in BiH, have been operating. Nevertheless, its role never exceeded that of being a representative one commensurate with the EU expectations. It is no wonder that all the confessional groups have dubbed it "The Travelling Circus." Other initiatives like Ivo Markovic's Face to Face Inter-religious service (Oči u Oči) as well as Marko Orsolic's International Multi-religious Inter-cultural Centre, "Together" (*Zajedno*) also seem to be short lived.

The above-presented analysis of the religious activism in Bosnia based on the three variables of the SMT allows for mapping the pitfalls of the peace process in the country as well as indicating possible solutions to the stalemate this state found itself in after more than 15 years of existence.

In terms of the political opportunity structure, it is evident that until there are no significant promoted and implemented by the Bosnian politicians (changes to the DPPA or even its abolition or/and substitution by another constitution) the context of negative peace in which the religious communities operate will continue to be highly volatile and tension-ridden. In this regard, the EU should also pursue this as one of its highest priorities while at the same time refraining from future promotion of liberal peacebuilding until there are clear signs of emerging civil society. This in turn should be based on a mutually agreed social contract commensurate with local rather than European priorities.

At a higher level the EU should embark on curbing or countering the detrimental hidden foreign policy agenda of Serbia and Croatia that try to meddle in the internal politics of BiH in order to pursue some foreign policy goals. In this regard, it seems reasonable that the EU starts considering the EU accession of all remaining Western Balkan states "en bloc". In doing so the EU would have the leverage to instigate changes in BiH that would lead to the creation of a viable state and instil *positive peace*.

Under the existing political opportunities the mobilizing structures and cultural frames that the religious communities have at their disposal, religious communities have limited options to positively influence peace processes in the Balkans. On the contrary, there should be undertaken concerted measures so that the religious communities are returned back to their religious function rather than opting for a political one. In this regard religious leaders can be engaged through the OHR or encouraged to self-organize in an interfaith dialog along truth and reconciliation lines in order to build up social capital.

Still, the main issue that needs to be urgently addressed is the empowerment of the large civic sector and thus instigating even through the religious communities a dialogue of how this state actually should look like for the future.

Ethno-Religious Nationalism in the Western Balkans - The Necessity to Put the Ethics of Dietrich Bonhoeffer into Action through Integration

Drago Pilsel

I would like to begin my contribution by raising the following question: What remains for the children of God who do not have a platform of power? I will attempt to clarify why religious ethno-nationalism is the biggest obstacle for pacifism and inter-ethnic cooperation.

For a long time now, there is a consensus among theologians that at these kinds of meetings and conferences, the correct path to take is to establish the fact that a type of „sacred madness" exists in our region, and that we need to move towards reconciliation as the final goal. The problem of religious fundamentalism, ethno-nationalism and widespread religious fetishism (with some smaller variations or exceptions) is very much present in almost all of the post-Yugoslav Republics - and also in many other parts of the world. Reconciliation with God and with others is a moral imperative, a responsibility, which we must take on as a long-term task, given to us by God, or however we may call Him.

We must seek reconciliation because we have divided ourselves and opposed each other with bloodshed. We have separated ourselves from each other and from God through hate which expresses itself in xenophobia, as well as through other forms of national and ethnic exclusion. It is also the consequence of the negation of or of having forgotten the fact that we as human beings are called to unity, that we are called to celebrate our differences and not to idolize them.

We are called, as prophets, to be involved in political life – but not in order to slow down the processes of integration, normalisation and modernisation, but to create structures which are more just than the ones that we have now. Without any doubt, the fight for human rights, or

more simply, the call of the prophets for peace and justice, loyalty and solidarity, especially towards the poor, are more relevant than ever. Some of you may be familiar with the passage from the book of the Prophet Amos in the Bible. It is one of the clearest passages in the Old Testament dealing with political sins and crimes which, at the same time, are also crimes against mankind. This list is in no way outdated – all of these crimes have been repeated in the 20th century and it continues even today.

As a theologian and as a journalist I believe that we are all called to honestly answer the following question: What remains for those who have no platform of power or influence? Where can they go and who can they turn to when their efforts to create space for their enemies amongst themselves are betrayed? Peoples' general indifference to human suffering and society's lack of perspectives in a world of power and violence threaten to make them lose hope and fell into despair.

We could rephrase it in this way: religion in society and in the life of the individual plays a multi-layered role, fulfilling multiple functions. The most numerous and the most interesting are those which are related to the search for excuses for human interests. This is synonymous to the creation of an ideology of religion. Research indicates that in the course of history religion has played the role of a mask in the sense that theological rhetoric is used as a disguise for non-religious or absolutely worldly benefits. The political abuse of religion, which still continues in these post-war times, has led to godless violence, arson, pillage, looting, so-called ethnic „cleansing", the destruction of temples, the flaunting of religious symbols under the guise of nationalism, and has created xenophobic, manipulated, terrified civilians. In other words: utter madness.

Sham religiosity has demonstrated that all kinds of political interests can be disguised as religious ideas. And, unfortunately, many religious leaders participate in this. Religious fanaticism feeds itself from the fact that there are believers or followers who look for religious justification for violence, looting and the manipulation of the masses.

The change in focus in theology and in understanding leads the individual to the question of nation and society. The church should transcend the nation and any kind of nationalism. If a church is identified with a certain nation or ethnic group, all who are nationally or ethnically different are automatically excluded from that religious circle. This is what must be de-masked.

Finally, the role or mission of any religious community is to examine its own nature, to recognize and admit the mistakes and sins committed in the context of its own community in the past and in the present. Hence, the moment has come, in which it is necessary to repent for the sins of our fathers and that we stop flirting with fascism ourselves, which links the faith to a nation, and raises the nation up to the point of idolatry.

We need to honestly examine the assertions in our own religious communities. Namely, that a person's morality as an individual can only be measured by the degree to which their own morality is identified with the needs of the nation. Croats, Serbs, Bosniaks, Albanians and many more have done this, intertwining religious and ethnic identities with the national identity. The result is a collapse of communication within the framework of civil society and the inhibition of the non-governmental sector of civil society. This opens the door to fascist ideas. If a person is not sufficiently educated and has not been taught to think critically, they are very easily sucked into the vicious circle of national hate.

We are all far from being perfect: the powerless are good, the powerful are without goodness, the courageous are passive, and those who think they are courageous – often are not. Jean Monnet, one of the founding fathers of the European Union, said in 1952: "We are not uniting states, first and foremost we are bringing people together."

This is one of the most important challenges for all of us who want to become a part of the European Union. We need to bring people together who desire to and know how to create a more humane society. These are the unsung heroes of our societies.

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The question is, therefore, are there enough heroes among us, enough people with courage, enough generosity, enough vision? Is there such a thing as heroic humanism? A form of humanism which has been liberated and can give of itself and is aware of itself. A humanism which leads us to the victims, to those in need, towards harmony and towards responsibility?

I have the option to assume the responsibility of constructing conditions for a better intellectual, social and religious climate where we get along as individuals, societies and nations.

The Churches and religious communities as institutions need to be critical of society and take on the tasks of criticizing and liberating. The great theologian Jürgen Moltmann asked "Is theology possible after Auschwitz?" Yes, it is possible, but under the condition that theology renews and consciously develops the critical role of its political dimension. Theology always has a political dimension. Liberation is the sacrament of hope and must be used to abolish every form of slavery. God is the foundation of and at the same time, lord of the universe. He is the transcendent foundation of human existence on earth and the God of hope.

Our society is just now beginning to search for a new spiritual-ethical framework, without which whether true democracy, nor the rule of law, nor a common good are possible. Citizens and believers are confused. It is absolutely necessary to change the widespread political ideas and the political culture of the majority of our societies.

After entering the third millennium, we need to ask ourselves if we, the human race, are moving forward morally – or backwards. Many of us have often asked ourselves if some kind of general political ethics, or some kind of political morals are possible. These would be similar to what is generally referred to as professional morals - morals based on the ethical codex of individual professions.

There is no hope for the world without worldwide ethics, there can be no peace in the world without peace between religions, and there can be no peace between religions if there is no inter-religious dialogue. Our

political theology must therefore first and foremost be ecumenical. Only then will we be able to develop a theology of peace. Without such a theology, we will be wasting our time and betraying God in the most drastic way. We will have demonstrated that we were not able to read and understand the signs of the times when God's call for reconciliation with Himself and with others rang out the loudest.

There is no difference in the degree of guilt and the unwillingness to admit guilt for the nationalistic madness of the 1990s between the two biggest Christian churches in the area of the former Yugoslavia: the Serbian Orthodox Church and the Catholic Church. This guilt is rooted in centuries of compromise between nationalism and Christianity. This is what Dietrich Bonhoeffer describes in his book „Ethics." There is no way around facing the truth. Bonhoeffer states that it is only when we „admit our own guilt that we can begin the process of identification between man and Christ."

In other words, admitting guilt is the condition for justification and human and Christian renovation. Even when we try to justify ourselves by pointing fingers at others, it is a step forward in terms of the absolute negation of any kind of guilt.

In both cases, Bonhoeffer states that not admitting one's own guilt is the negation of the grace of Christ. Admitting one's own guilt should take place without looking at or pointing out the guilt of others. Within the type of ethics which Christ calls for, there is no room for those who continue to calculate or speculate. In other words, it is an attitude in which the sins of others can be justified, but one's own cannot. Less than ten years after the last of the wars in the former Yugoslavia not one Christian Church or Moslem Community has displayed the willingness to examine their own historical sins and to admit their present sins and guilt. This is exactly what Dietrich Bonhoeffer called for from the Christians in Germany with regards to their collaboration with the Nazi regime.

The most recent example of this lack of self-inspection is the reaction of the Catholic Bishops in Croatia after the three Croatian Generals, Ante Gotovina, Mladen Markač and Ivan Čermak, were sentenced by The

Hague. Gotovina was condemned to 24 years in prison, Markać to 18, and Čermak was found not-guilty. After operation Storm at least 677 Serbian civilians were killed and 22.000 Serbian houses were burned. Almost 150.000 Serbians went away from Croatia. The President of the Conference of Croatian Bishops, Archbishop Marin Srakić declared that these sentences were an accusation against „the entire Croatian nation." Juraj Jezerinac, the military bishop, stated that the declaration made by the Tribunal in the Hague was a three-fold sin committed against 1) the Croatian nation, 2) the State of Croatia and 3) against the „branitelji", the soldiers who defended and liberated Croatia. In a statement which goes against what would be considered good ecumenical practice, Jeze-rinac called on the Bishops of the Serbian Orthodox Church to protest in a similar way against the decisions and declarations of the Tribunal in the Hague. Even more shocking was the statement made by the Archbishop of Zagreb, Cardinal Josip Bozanić, who said that we are called by Christ to unmask the traitors who are trying to convince the Croatian people that they are guilty of the crimes stated by The Hague.

In a statement to the press, the Croatian Bishops Conference condemns the work of the judges in The Hague in the following way: „The formu-lation joint-criminal enterprise is an unfounded and grave insult to the Croatian people and to justice in general. This is also how we feel about the verdict against the Croatian state leadership at that time and the gen-erals who led campaigns to liberate territory during the war. We believe that these judgments could provide dangerous and indirect support for new violence as well as a source of further injustice in the world."

The bishops are also concerned about the negative impact on the inter-pretation and historical assessment of the Croatian War of Independence because they think that the verdict will affect the international reputation of the Republic of Croatia and the Croatian people as a whole, as well as the building of peace and justice in international relations.
This irrational reaction is due to the fact that they are incapable of what Bonhoeffer called the Churches in Germany to do: to examine them-selves in the mirror of truth.

Bonhoeffer claims that those who suffocate the truth and try to prohibit the recognition of guilt – especially if they are representatives of the Church – are denying our brotherhood with Christ and laying the burden of the sins of humanity on his shoulders once again. The time has come for the religious communities – and especially the Christians – in the former Yugoslavia to demonstrate that they are ready to admit their own guilt. If this does not take place, they will never be able to be catalysts for the social and political renovation of our societies. Quite the contrary, they will continue to be a hindrance.

The question that needs to be raised is if it is possible to be free and responsible members of such religious communities and at the same time maintain a critical distance from them. In other words, is it possible to belong and identify ourselves with them in a responsible way without sacrificing freedom?

The last question which I would like to raise refers to what could motivate believers to finally end their abstract discourse about nationalistic fundamentalism. Religious leaders as well as theologians - and the believers themselves - need to change their „*locus theologicus*." According to the Christian theologian Jon Sobrino, they need to: "view the world from the perspective of the victims." I would say that this change needs to be made based on Jesus' words in the Gospel of Matthew (Matthew 25,40) where He identifies himself with all the socio-political victims surrounding Him: "I tell you the truth, whatever you did for one of the least of these brothers of mine, you did for me." (Mat. 25, 40).

It is only from this perspective of the victims that we can live by the divine ethics we are called to live by in a concrete way – and we are liberated from the fear of repression from the institutionalized Churches and religious communities. We are no longer tempted to escape into the security which money and power seem to offer us. It is only when we echo the voices of those who suffer that we can create an atmosphere of solidarity - which the dialectics of nationalism and ethno-religious identity prohibit.

I would like to close with a thought from Dietrich Bonhoeffer, who was absorbed by the tragedy of Nazi Germany and distressed by the fact that the Christians in Germany failed to react to what was happening around them: The Churches should be asking the state if it considers that what it is doing to be legitimate. The state should have to answer with respect to what it is doing with the Jews. And the Churches should be helping all of those who are victims of state terror. If the Churches see that the state is behaving in an unscrupulous way, then the Church should not only show compassion to the victims, but also confront the violence of the state."

With reference to the former-Yugoslavia this can only refer to one task: to end religious-political nationalism and the mysticism which closes its eyes to and turns its back on those who are suffering – especially because of economic interests and political power. Without a doubt, Jesus, the Galilean, would have chosen to side with the victims of ethnic cleansing instead of being a guest of the political elite in the Balkans. As a people of faith our imagination must help form one human family, not competing classes or communities doomed to division and hatred for all eternity. We are sisters and brothers seeking to find ways forward, aware of the words of Martin Luther King shortly before his assassination that 'either we learn to live together as brothers and sisters, or we perish together as fools.'

I conclude with words from a truly great human being, Bishop Oscar Romero (killed in his church in El Salvador):

> "The great need today is for Christians who are active and critical, who don't accept situations without analyzing them inwardly and deeply. We no longer want masses of people like those who have been trifled with for so long. We want persons like fruitful fig trees, who can say yes to justice and no to injustice, and can make use of the precious gift of life, regardless of the circumstances."

PART 2:

THE VISIBLE AND HIDDEN NEXUS BETWEEN BOSNIA AND HERZEGOVINA AND SANDŽAK

An External View on the Internal Political Processes in Bosnia and Herzegovina

Christian Haupt[1]

Introduction

In the last five years the state of Bosnia and Herzegovina (BiH) has seen more political regression than actual progress. Many reforms initiated in the previous period have reached a deadlock and numerous observers agree that BiH is stumbling on its path towards Europe and NATO. This observation is even more dramatic, if compared with the swift progress seen in other countries of the region.

There is no doubt that the failure of the BiH Parliamentary Assembly to approve a relatively ambitious package for constitutional reform in April 2006 has contributed to this development. It might not have been the only trigger, but since then the optimistic atmosphere, created by a feeling of self confidence that fundamental reform packages can be agreed upon, has been replaced by discord and political confrontation. As expected, political parties refusing to pass the so-called "April Package" of constitutional reform could not present alternative proposals acceptable for a sufficient two-third majority in parliament. This has currently left the country without the expected first phase of substantive constitutional reform. Therefore, the constitutional amendment defining the status of the Brčko District of BiH in accordance with the requirements of the international community, passed by both Houses of the BiH Parliamentary Assembly in March 2009, still represents the only intervention into the BiH Constitution since the signing of the Dayton Peace Agreement.[2]

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[1] The views expressed in this paper are solely those of the author and not necessarily those of the institution he is working for.

As described for the constitutional reform issue, the past mandate ending with the October elections in 2010 has been characterized by political conflicts instead of honest compromises aiming to shape a better common future for the country. Poor progress has been achieved in the Euro-Atlantic Integration processes; legislative performance was far below the expectations both with regard to quantity and quality. The negative effects of the global economic crisis have had a serious impact on the sensitive economic development of the country and the average citizen is struggling more and more to generate the required income to make ends meet. Particular vulnerable groups – pensioners, disabled persons, unemployed citizens, refugees, displaced persons and national minorities - are facing even more dramatic problems to sustain themselves. Additionally, the increasing number of individuals searching dumpsters for useful items or recyclable materials visibly indicates the seriousness of the situation. In short – the general situation for the average citizen of BiH is constantly worsening and the political leaders of the country are not able (or willing) to turn this situation around. Critical observers comment that some politicians are now openly showing their true faces as the weakened international community is viewed with less respect.

Although it is popular to assign the principal responsibility for these negative developments to the domestic political elite and electorate, the "international community" represented with its numerous institutions in BiH has been part of this failure. At least, it has not been strong, unified and inspired enough to keep the country on a more successful path and did not live up to expectations.

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2   Another mandatory amendment to the BiH Constitution should have been passed prior to the October 2011 elections, but no agreement could be reached. In December 2009 the European Court of Human Rights ruled that provisions of the Constitution of Bosnia and Herzegovina are in violation of the European Convention on Human Rights (ECHR). This judgment, known as the "Sejdić-Finci case", requests the authorities of Bosnia and Herzegovina to change the BiH Constitution and allow all citizens to stand for elections for any office, including the BiH Presidency. Due to the failure to agree on a model for the implementation of this obligation the elections on October 03, 2010 have been held in violation of the ECHR. In addition, compliance with the judgement is one of the preconditions for BiH to submit a request for the approval of EU candidate status.

In the preceding years the international community gradually lost its former reputation and strength. Originally, the intention has been to transfer responsibility to domestic authorities while reducing the role of the High Representative. In parallel the European Union intended to back up this process with stepping up its presence and support to the country, which should have reaffirmed the path of the country towards Brussels. Unfortunately, this well intended process failed due to an obvious lack of authentic interest among BiH politicians to accept this increased responsibility. Political particularism instead of non-partisan interests prevailed and the implementation of five important objectives and two conditions, defined in 2008 by the Peace Implementation Council as a precondition for the closure of the Office of the High Representative and full transition to the EU Special Representative, have not been met. [3] On the contrary, the non-implementation of the objectives and conditions described by the PIC has been abused by some political leaders to block the transition process leaving the international community in an unexpected, awkward situation.

October 2010 General Elections

Faced with such unwanted developments and in the absence of a decisive response from the international community, Bosnia and Herzegovina approached the October 2010 elections with increasing political tensions. The pre-election campaign started early in June/July long before the official date and focused on an exchange of national rhetoric, instead of addressing the daily problems of the voters or even offering concrete solutions. Many print and electronic media willingly contributed their part to this heated atmosphere openly favoring "their" political parties or national options. On the still developing political scene a number of new parties competed with their programs. However, only few of them had the potential to compete with established parties. The newly

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[3] Political Directors of the Peace Implementation Council (PIC) Steering Board met in Brussels on 26-27 February 2008 and identified the fulfillment of five objectives and two conditions as the precondition for closing the Office of the High Representative. For the full text of the Declaration of the Directors of the PIC Steering Board: http://www.ohr.int/pic/default.asp?content_id=41352

founded Union for a Better Future of BiH (Savez za bolju budućnost BiH) is noteworthy. This party is led by the media proprietor Fahrudin Radončić, who was one of the candidates for the position of the Bosniak member of the BiH Presidency.

Representatives of the international community and numerous BiH civil society organizations tried to direct the attention of the electorate on substantive issues relevant for the future of the country in the European Union. But not much has been achieved with these efforts. As in previous general elections, on 3 October voters once again tended to select parties based on ethnic affiliation. This circumstance confirmed that sufficient trust has not yet been established among citizens with different ethnic background and which could produce a different electoral behavior. In more detail, the results of the elections were[4]: Bakir Izetbegović (SDA, Bosniak), Željko Komšić (SDP, Croat) and Nebojša Radmanović (SNSD, Serb) have been elected to the collective Presidency of BiH.

On the state level, for the BiH Parliamentary Assembly, the Social Democratic Party (Socijaldemokratska partija BiH, SDP) achieved the best result with 26,1 % of the votes from the territory of the Federation of BiH (FBiH) entity. The party of Democratic Action (Stranka demokratske akcije, SDA) and the Union for a Better Future of BiH follow with 19,4 % resp. 12,1 % of the votes. With 11 % votes the Croat Democratic Union of BiH (Hrvatska Demokratska Zajednica BiH, HDZ BiH) has become the strongest Croat party, followed by other Croat parties with less than 5 %. The Party for BiH (Stranka za BiH, SBiH) led by former BiH Presidency member Haris Silajdžić experienced massive losses and reached only 7,2 % of the votes from the Federation of BiH.
In Republika Srpska, the other entity in BiH, the electoral race for the BiH Parliamentary Assembly has been dominated by Serb political parties. The Union of Independent Social Democrats (Savez nezavisnih socijaldemokrata, SNSD) got 43,3 % of the vote, a remarkable result. The Serb Democratic Party (Srpska Demokratska Stranka, SDS) stabi-

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[4]   Figures provided in this article are rounded figures. Official, exact results for all levels are published on the homepage of the Central Election Commission of BiH: http://www.izbori.ba/eng/default.asp

lized despite internal challenges at 22,2 %, followed by the Party for Democratic Progress (Parija demokratskog progresa, PDP) with 4,6 % and the Democratic Popular Union (Demokratski narodni savez, DNS) with 4,6 %. Other political parties, which leading Serb parties tend to characterize as "political parties from the FBiH entity" once again could not reach a satisfactory result and both SDP and SDA received less than 3 % of the votes. Other parties, especially Croat parties, are even more marginalized due to the marginal number of potential voters (Croats) and the absence of a serious political campaign for their votes.

Besides the election for the state level BiH Parliamentary Assembly, voters also voted for their two respective entity parliaments using separate ballots. Results here reflected a strong similarity to the corresponding electoral strength in the elections for the BiH Parliamentary Assembly. Hence, SNSD is clearly the strongest party in Republika Srpska, while SDP leads on the territory of the Federation of BiH.

Finally, the election for the Republika Srpska President and the two Deputy Presidents must be noted as well. This direct vote has been won, as expected, by the SNSD party leader Milorad Dodik (previously the Prime Minister of the RS). His Bosniak and Croat deputies (Enes Suljkanović and Emil Vlajki) are neither political heavyweights, nor do their offices provide them any real power.

With these results two parties who consider themselves as "social democratic" parties, have established themselves as the leading players in both entities. SNSD led by the former Prime Minister Milorad Dodik confirmed electoral projections and continues to dominate the political life in the Republika Srpska. In the Federation of BiH this leading role has been clearly assigned by the voters to the SDP, followed by two strong Bosniak parties – SDA and SBB BiH. The Party for BiH led by the former Presidency member Haris Silajdžić incurred great losses and declared its intention to pursue their political program from the opposition benches. The Croatian Democratic Alliance (HDZ BiH) remained the strongest Croat party, although a significant number of Croat votes went to HDZ 1990, the Croat Party of Right in BiH (HSP BiH) and the

People's Party Work for Betterment (Narodna stranka radom za boljitak, NSRzB).

Cumbersome Implementation of Election Results

The implementation of the election results has been progressing in a very different manner and time scale on the state level, in the two entities and ten cantons of the FBiH.[5]

Once the results were published and finally confirmed, coalition parties led by the SNSD were able to constitute the National Assembly and form a new Republika Srpska Government without significant delays. The RS Government led by Prime Minister Aleksandar Džombić (SNSD) has been in place since January 2011 and conducts regular business, backed by a solid majority in the RS National Assembly. Legislative activities are intensive and focused, but the deepening economic crisis is gradually reducing the financial maneuvering space.

In the absence of positive news for wide parts of society the political leadership of the RS initiated a procedure for organizing a referendum on the legality of the BiH State Court and the BiH Prosecutor's Office. Both institutions have been, according to the view of many Republika Srpska representatives, established by the High Representative in violation of the Dayton Peace Agreement with regards to transferring entity competencies to the state level of BiH. Furthermore, RS President Dodik repeatedly expressed his firm conviction that both the BiH State Court and the BiH Prosecutor's Office are directly violating the interests of his entity and selectively initiating and conducting legal proceedings against Serbs while avoiding to deal with serious war crimes committed by Bosniaks and Croats against Serbs.

Despite very strong verbal warnings from the High Representative and other international representatives within BiH and abroad, on the initia-

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5   A very detailed description has been published by the Office of the Konrad-Adenauer-Stiftung in BiH, prepared by Wölkner, Sabina and Marić, Ivana: Bosnien und Herzegowina: Von der "doppelten Krise" zur Systemkrise, Sarajevo, 31. März 2011. The study is available at: http://www.kas.de/bosnien-herzegowina/de/publications/22439/

tive of RS President Dodik the Republika Srpska National Assembly passed on April 13 a Conclusion on the organization of a referendum[6]. The referendum question proposed, whether the citizens of the RS "support the imposed laws of the High Representative, in particular the laws on the Court and the Prosecutors Office of BiH, and their unconstitutional verification in the BiH Parliamentary Assembly." In addition to the decision on the referendum, the RS NA passed a set of 29 conclusions[7], some of them directly challenging the authority of the High Representative and the past transfer of many competencies to BiH institutions. Of course, this decision on the referendum and the list of conclusions immediately led to a deepening confrontation between the RS leadership, led by the RS President, and almost the entire international community – with the exemption of the Russian Federation. One month later on May 13 this crisis was addressed at a meeting between Catherine Ashton, the High Representative of the European Union for Foreign Affairs and Security Policy and RS President Dodik[8]. Their negotiations resulted in an agreement that the EU would enter into a structured dialogue with BiH regarding the functioning and work of the judiciary in BiH with the view of making the controversial referendum on the Court and the Prosecutors Office of BiH obsolete. Accordingly, the RS National Assembly concluded on June 1, that the referendum is not required due to the initiation of a structured dialogue and the decision on the referendum and subsequent acts for the implementation have been withdrawn[9]. At this moment it remains an open question, whether a durable modus operandi for the resolution of these fundamental discrepancies between the RS leadership and the international community has been found, or whether the conflict has only been postponed for a future occasion.

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[6]   Full version of the conclusion on the referendum on the official homepage of the RS NA: http://www.narodnaskupstinars.net/lat/zakljucci/zakljucak.php?id_zakljucka=298

[7]   Full version of the set of conclusions on the official homepage of the RS NA: http://www.narodnaskupstinars.net/lat/zakljucci/zakljucak.php?id_zakljucka=299

[8]   For the statement of Catherine Ashton after the meeting with RS President Dodik, published on the homepage of the EU Delegation in BiH: http://www.delbih.ec.europa.eu/?akcija=vijesti&akcija2=pregled&jezik=2&ID=942

[9]   The RS National Assembly conclusions dated June 1 are published on the Homepage of the RSNA: http://www.narodnaskupstinars.net/lat/zakljucci/zakljucak.php?id_zakljucka=310

In the Federation of Bosnia and Herzegovina (FBiH) the implementation of the election results has been much slower when compared with the other entity, or even the state level. Based on their excellent election results the SDP assumed the lead role and offered other parties a so called "Programmatic Platform" proposing substantive reform projects, including constitutional reform, political and economic priorities, steps towards Euro-Atlantic integration, measures to ensure the equality of the constituent peoples, and other systemic proposals[10]. As one would expect, parties from the Republika Srpska (RS) immediately refused to consider the signing of any political platform and were joined by the more dominant Croat parties, HDZ BiH and HDZ 1990. These two Croat parties did so for entirely different reasons, and their position is that only those parties with strong support from their respective constituent peoples can legitimately claim the right to fill positions foreseen for representatives of constituent peoples. Therefore, all Croat positions in the FBiH Government and on BiH level must only be filled by 'legitimate' representatives from HDZ BiH and HDZ 1990, and not from the SDP or any minor Croat party. Obviously, such contrary positions could not result in any political agreement and ultimately the "Programmatic Platform" was signed on December 20 by the leaders of SDP, SDA, HSP BiH and NSRzB.

Faced with the realistic possibility that the signatories to the Platform could succeed to elect the FBiH President, his/her Deputy Presidents and the FBiH Government, HDZ BiH and HDZ 1990 willingly delayed the secondary election process for delegates to the FBiH House of Peoples. According to the relevant constitutional provisions, delegates to the FBiH House of Peoples are appointed from the assemblies of all ten FBiH Cantons. As the election of the FBiH President and FBiH Government requires the full formation of both Houses of the FBiH Parliament, both HDZ BiH and HDZ 1990 interrupted the election procedure for the delegates in four Cantons resulting in a blockage of the formation of the House of Peoples of the FBiH Parliament. This stalling tactic,

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[10]   The „Programmatic Platform" has been published in local newspapers such as Dnevni Avaz on 24.12.2010, and can be accessed on the Homepages of SDP (www.sdp.ba) and SDA (www.sda.ba).

which has been characterized by the signatories of the Platform as a clear breach of the FBiH Constitution, was overcome in the second half of March. The rudimentary FBiH House of Peoples constituted itself and held its inaugural session and the FBiH Government was formed on March17. However, the HDZ BiH and HDZ 1990 condemned this procedure as a brutal violation of the FBiH Constitution and the BiH Election Law, which was confirmed in an attention-grabbing decision of the BiH Central Election Commission (CEC) on March 24. With the mentioned decision, the election of the FBiH President Živko Budimir (HSP BiH) and the FBiH Government, led by Prime Minister Nermin Nikšić (SDP), has been interpreted by some as a violation of the BiH Election Law. Although clear in its content, the decision of the BiH CEC has not been implemented by the newly elected FBiH Government and President, arguing that only a decision of the FBiH Constitutional Court should be binding for the FBiH authorities. Interestingly, the High Representative joined this view and passed an order on March 29[11], temporarily suspending this decision of the BiH CEC. With this controversial decision the High Representative aimed to ensure that the FBiH Constitutional Court could rule on a complaint filed by the then FBiH President Borjana Krišto from the HDZ BiH. However, this expectation has not been fulfilled – the claimant withdrew her request and the FBiH Constitutional Court terminated the procedure without a ruling, leaving the FBiH Government and international community with an unpleasant ambiguous legal situation. Politically, this unsatisfactory development generated a situation with deepened divisions between the main political opponents – with the parties gathered around their Platform on one side, and the two major Croat parties HDZ BiH and HDZ 1990 on the other who are also unanimously supported by the political parties from Republica Srpska led by SNSD.

Direct negative consequences for the formation of a stable coalition on the state level have been the immediate consequence stemming from the

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[11]   For the full version of the High Representative´s „Order Temporarily Suspending Certain Decisions of the Central Election Commission of Bosnia and Herzegovina Adopted at its 21st Session Held on 24 March 2011 and any Proceedings Concerning Said Decisions": http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=45890

proceedings at the entity level. The RS National Assembly declared in a conclusion dated April 13, that the High Representative's illegal suspension of the decision of the BiH CEC has made the formation of the FBiH Government illegal[12]. Although without formal legal consequences, the RS Government and RS President Dodik have continued to use any opportunity to emphasize the illegality and illegitimacy of the FBiH Government. Of course, the HDZ BiH and HDZ 1990 share this view and the existing political deadlock has been transferred from the Federation of BiH to the state level where SNSD and SDS together with both HDZ parties jointly reject to form a programmatic coalition with the parties that are signatories to the Platform.

Political Progress or Stalemate

The development of Bosnia and Herzegovina continues to stutter. Political elites representing the three constituent peoples – Bosniaks, Croats and Serbs – continue to promote diametrically opposed positions on the territorial organization of the country, the distribution of competencies between different levels of government, on the legitimacy of political representatives, on constitutional reform and many other issues. Stereotypes still shape the relationship between citizens of Bosnia and Herzegovina, as described by a study published by the Friedrich-Ebert-Stiftung[13]. In such an environment, where large parts of the population called "Others" are completely moved aside by protagonists of the protection of rights of constitutional peoples, in a country where even NATO and EU integration do not represent a persuasive incentive, it is impossible to estimate when the political leaders will gear up and return to a progressive approach paving the way for a better future of Bosnia and Herzegovina.

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[12] The RS National Assembly conclusions on the formation of the FBiH Government is published on the Homepage of the RS NA:
http://www.narodnaskupstinars.net/lat/zakljucci/zakljucak.php?id_zakljucka=301

[13] Skoko, Božo: Što Hrvati, Bošnjaci i Srbi misle jedni o drugima, a što o Bosni i Hercegovini, Sarajevo, Friedrich-Ebert-Stiftung, 2011. The study is available at:
http://www.fes.ba/publikacije/2011-03-Skoko-Sto.hrvati.bosnjaci.i.srbi%20.pdf

The Current and Future Political and Military Role of the European Union in Bosnia and Herzegovina

Johannes Viereck

Bosnia and Herzegovina is currently facing one of the most serious crises since the end of its war in 1995, with the fundamentals and the constitutional order of the state at stake. What we are seeing now is perhaps the biggest challenge against the Dayton Agreement since the end of the war. Moreover, almost eight months after the general elections there is still no state-level government and progress towards full Euro-Atlantic integration has come to a complete halt. Much will depend on developments over the coming months.

In this situation, it is also very timely for the international community to take stock of its peace implementation and state-building efforts in BiH. The dynamics of the country's fitful post-war rehabilitation – and the international community's evolving effort to facilitate and support that rehabilitation – are complex but comprehensible.

Bosnia and Herzegovina showed good progress when the Paris-Dayton Accords were made to work. The international community, operating through what I would claim was a dynamic and decisive OHR, prevented abuse of the peace settlement and enforced implementation of its provisions. Where these provisions did not provide solutions for the task of sustaining a modern democracy, the international community sought to broker domestic agreements to amend or expand the post-war settlement.

Five years ago, after a sustained period of success, it was deemed a logical step to hand over responsibility for completing post-war reconstruction and Euro-Atlantic integration to domestically elected politicians. I

think the term used at the time was "from a Dayton agenda to a Brussels agenda."

The circumstances were promising. Refugee return had achieved a momentum that appeared to be unstoppable, several years of real economic growth had begun to lift living standards, and structural reforms – including defence reform, judicial reform and fiscal reform – had started to furnish Bosnia and Herzegovina with the institutions and the capacity to sustain a modern European democracy.

Today, however, most observers would agree that the fundamentals and the constitutional order of the state are repeatedly challenged, where the state institutions, no matter which they are, are constantly challenged and undermined, where parties are unable to reach agreement on key reforms, where eight months after the general election a BiH Council of Ministers has not been formed, and popular outrage over rising crime, corruption, and poverty has brought the entire political leadership into dangerous disrepute.

These developments would be bad enough at a time when governments should be re-doubling their efforts to deliver the deep reform the country needs in order to tackle the serious economic and social challenges facing its citizens, as well as making progress towards EU and NATO membership. However, instead, authorities in Republika Srpska have taken concrete actions, which, as seen from the OHR, represent the most serious violation of the Dayton Peace Agreement that we have seen since the Agreement was signed more than 15 years ago.

The conclusions and the decision on the referendum, which were adopted by the Republika Srpska National Assembly in April, are viewed by the High Rep and the Peace Implementation Council except Russia as a clear breach of the Peace Agreement and most worryingly, they seek to establish a presumption that all laws enacted by the High Representative are in violation of the Peace Agreement. As such, the recent actions by Republika Srpska, if allowed to proceed, would have a major significance on the functionality and sustainability of Bosnia and Herzegovina, and the Peace Agreement would come under a serious

threat. The High Representatives in the past have enacted a significant number of decisions and laws, which are fundamental for Bosnia and Herzegovina. Examples are Bosnia and Herzegovina's passport, flag, national anthem, and the coat of arms. In the eyes of most in the international community – this cannot be allowed to happen.

This disappointing status does not mean that Bosnia and Herzegovina cannot under any circumstances function. Also, it does not mean that the international community must re-engage in the same way as before, or that the country must remain as some sort of international ward.

What it *does* require is the political will of domestic party leaders to compromise and reach solutions, which are truly in the interest of the people. The international community must assist in this but the responsibility ultimately lies with domestic leaders.

Past successes in Bosnia and Herzegovina have had a common trait: when domestic political stakeholders have chosen to utilize the post-war settlement in a constructive way they have achieved significant progress. This was seen for example recently with the visa liberalisation process. We have also been more successful when there has been full consensus within the international community on the way ahead. Conversely, when there has been no consensus and therefore progress has been hard to achieve.

The common theme running through past failures is that when domestic political stakeholders have chosen to use the post-war political settlement as an instrument of obstruction they have brought progress to stand still. This is what we are seeing today.

What the international community must *not* do is try to wash its hands of the problem – because that would be to throw away a valuable investment and replace it with dangerous uncertainty.

Nor should the IC – and especially the European Union – try to pretend that the problem does not exist.

It does exist and the international community – led by the EU – is currently trying to adapt its configuration to enhance its effectiveness and to contribute to solving the problem.

An Effective EU Engagement

This is why some are encouraged by the preparations that are advancing to establish a reinforced European Union presence in Bosnia and Herzegovina. This could – if handled correctly – make political sense. And a delineation of tasks between the EU and OHR is something that could be a positive move. However, as in the past, the key issue will be whether the EU, the OHR and the wider international community share the same goals and can work effectively together.

Some observers are also encouraged by the focus on assembling an appropriate "toolbox" from which the future EU representatives can draw in order to stop a small minority of politicians in Bosnia and Herzegovina from holding up progress for the overwhelming majority of citizens.

However, while it is good to have agreed on a customized toolbox, there must also be readiness to use the tools available if there are clear challenges against the fundamentals of the state. Some EU leaders believe that EU should use restrictive measures now when the state institutions, the rule of law and much of the achievements of the past years of peace implementation are under attack. Personally, I fear that a weak or no response from the European Union would not be to the benefit of anybody – and certainly not to the EU itself.

I also believe that the continued presence of EUFOR with an executive mandate would make sense. Here we will continue to have some convincing to do with the EU member states, which do not see much of a military role for EUFOR in Bosnia. However, EUFOR's presence is also politically important and should continue.

The Limits of Double-Hatting

The size of the OHR – and its budget – has been drastically reduced since 2004. At the same time the profile of the EU Special Representative has risen, as the basic template of domestic political activity has increasingly been that of the Stabilisation and Association Process rather than Dayton implementation.

However, many believe – including the current High Rep and EUSR – that the current double-hatted arrangement has gone as far as it can go and that a fundamental reconfiguration between the two offices is necessary.

In the ideal scenario – one that appeared to be within reach five years ago – separation would have been accomplished through the closure of the OHR when its function was seen to be no longer necessary.

Unfortunately, years of obstruction, reckless nationalist rhetoric, and serious administrative, social and economic crises have meant that progress on the measures set for OHR closure has been stopped and, moreover, demonstrated that the OHR remains a necessary buttress to the political stability and institutional functionality of Bosnia and Herzegovina. In this regard, I am sensing that there is consensus even within the EU now that the OHR must stay for the time being.

It is the hope of many that establishing a reinforced EU presence and maintaining the OHR separately could mean that the two distinct operations could complement each other. The idea is that this combination – distinct but complementary and mutually supportive – would deliver optimal effectiveness. I hope the advocates of this will be proven right and I know that the High Rep looks forward to working closely with the new head of the EU delegation when this appointment is made.

However, speaking here as an observer of the EU, in order for the EU to be successful in BiH it would have to transform itself into a different actor from what it has been until now. It would have to convert from its purely technocratic commission-led mind-set to a more politically orien-

tated foreign-policy actor. It would have to shed what I would call its Brussels centrism and start thinking of its real impact abroad – in this case BiH.

At the very least, the EU will need to clearly assert and focus on the following issues: The EU must insist very vocally that the territorial integrity and the constitutional framework be preserved. The EU must make it clear that only Bosnia and Herzegovina - as one country - has a future in the EU, and that rhetoric about Bosnia and Herzegovina as *"an impossible state"* must stop.

The EU needs to develop a clear set of priorities for the BiH authorities to deal with. Bring down the *"all-is-equal"* demands from thousands of pages to a more manageable, logical and action-orientated few pages. The EU will then need to engage pro-actively and ensure sufficient financial and political resources to facilitate these narrower target areas.

The OHR Focus

Once the EU has reinforced and refocused its presence, the OHR will then be able to focus on implementing its Dayton-related tasks mandated by the Peace Implementation Council – facilitating an acceptable and sustainable resolution to the issue of state and defence property, completing the Brcko Final Award, ensuring the country's fiscal sustainability and supervising the entrenchment of the Rule of Law.

The continuing need for this OHR role has been demonstrated several times just in the last six months.

In March, when the appointment of a government in the Federation was disputed High Rep was forced to intervene and establish a minimum level of legal clarity. If the OHR had not been present and functioning, we might have had two governments in the Federation, each claiming to be legitimate.

In January, the High Rep suspended the application of a law by which the RS authorities had tried to decide the issue of State property unilaterally – a move that would have rendered consensus agreement on this issue impossible.

And today of course we, are faced with the significant challenge to the Dayton-Paris agreement itself through the Republika Srpska's decision to hold a referendum aimed at undoing the state-building efforts and limiting the State's ability to act against organised crime and war criminals.

These are just three cases where the domestic political system – either because of procedural dysfunction (which must in due course be addressed through constitutional change), or through malign political intentions – produced a negative outcome that can, for the time being, only be corrected through external authority, in this case the authority of the High Representative. As things stand, the EU, or BiH for that matter, do not have the appropriate tools to deal with these kinds of difficulties.

The hope is that by implementing its core tasks vigorously the OHR can ensure that the new EU Office can carry out its work in an environment that is institutionally and constitutionally secure, and that this environment – through the successful implementation of reforms that will complete the Dayton settlement – is increasingly receptive to the enormous body of legislation that EU integration entails.

A Massive Pro-Europe Constituency

I mentioned earlier that when domestic political stakeholders have chosen to operate the post-war settlement in a constructive way they have been able to achieve significant progress.

There is a huge constituency in the country that is fully committed to Euro-Atlantic integration - a constituency that is more than willing to embrace the inclusive and consensual politics of the EU, and which is

utterly exasperated with the obstruction that has brought progress to a standstill.

It is important to keep this in mind – because in Bosnia and Herzegovina we are not seeking to impose alien values on an unwilling people.

We are working with four million citizens who understand European values, a majority of whom wants to be part of the European and Euro-Atlantic family.

An Opportunity for the International Community

In this regard, allow me to say a few words on how I think the international community should approach Bosnia and Herzegovina in the future. The overwhelming majority of us agree that the future of Bosnia and Herzegovina is within the European and Euro-Atlantic structures. The EU and NATO, therefore, have an important role to play in Bosnia and Herzegovina in assisting the country to fulfill the requirements for its aspirations to membership in both organizations.

It is important that Bosnia and Herzegovina remains on the international community's agenda until the job is completed. There are some who believe that it is long past time to leave Bosnia and Herzegovina on its own, some talk about international fatigue in Bosnia and Herzegovina. I do not share this view, as it will open the door to state dissolution and renewed chaos. The international community has achieved tremendous results in Bosnia and Herzegovina, however, it is clear from the current political situation that we have not yet achieved a lasting and durable political settlement that would ensure a clear prospect of peace.

Our continued attention on Bosnia and Herzegovina is the way to get to the objective that we all want to reach – where Bosnia and Herzegovina can move towards full Euro-Atlantic integration under its own steam – and that means with full ownership of responsibilities that go along.

The onus clearly lies on domestic politicians to truly acting start in the interest of citizens, and beginning to make the long-awaited reforms needed to get the Euro-Atlantic integration agenda back on track. The international community stands ready to assist in this. The current re-configuration of the OHR and the EU Office – with each of them having clear areas of activity and the resources it needs to do its job – could provide for effective international support. This could open up opportunities for success – for the European Union and the wider international community, as well as for the citizens of Bosnia and Herzegovina.

At the end of my presentation let us remember a few facts: BiH is not a normal EU accession country. In fact, it is a country still steeped in conflict over what it is and what it should become.

In such a political environment, it is more important than ever that we stand together and provide the support for Bosnia and Herzegovina for its citizens to finally overcome this damaging conflict.

As I see it we might have a chance to help BiH get back on track if:

The EU and the US in particular agree on a strategy for BiH, and if the EU and the US agree to implement the strategy.

Talk of closure of OHR and wishing away the problems has been proven not to be a strategy. Loose talk of an enhanced EU office disregarding the design of the Dayton Agreement has proven not to be a strategy. With no IC consensus on strategy in place I believe premature closure of the executive mandates in BiH - OHR and EUFOR – would be risky – and especially for the EU and its foreign-policy ambitions.

BiH is and will remain a crisis-management operation for some time to come. In the current situation, if we do away with our executive mandates and if we cannot come up with a workable and realistic strategy, we will have lost our last remaining ability to manage the situation but we, and not least the EU, will be stuck with the crisis.

Requirements for Preserving Moderate Islam in Bosnia and Herzegovina and Sandžak

Esad Hećimović

There are several important gaps in the understanding of some processes in Bosnia from both, an internal and external point of view. The role of religion and religious officials in Bosnia is one such point of disagreement. This is particularly due to the fact that it regards Islam, the Islamic community, its officials as well as some Islamic groups and organizations.

Usually analysts talk about moderate and radical groups or individuals. Many analyses only distinguish between the „moderate Islam" of the majority and the „radicalism of some smaller groups", without clear definition for what is „moderate" or „radical."

Moderate Islam is under threat in Bosnia and Bosnian Islam is experiencing an identity crisis. According to a view expressed in leaked U.S. State Department cables:

> „The Islamic Community (IC) is on the defensive as Bosnian Islam undergoes an identity crisis. While the scope of the problem remains unclear, there is a general recognition that more extreme believers (foreigners and nationals) are deliberately disrupting Bosnian Muslim communities. Heavy media focus on the issue has sparked a public debate over what it means to be a Bosnian Muslim. Top IC leaders, particularly reis-l-ulema Mustafa effendi Cerić, are under heavy criticism for past efforts to placate both extremist elements and silence their more moderate, secular critics. As public concern mounts over the potential negative impact of an increasingly radical Muslim presence on Bosnia's economic and political

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future, the IC now realizes it can longer avoid confronting the issue."[1]

Islamic leaders like reis-l-ulema Mustafa Cerić use two different approaches when they are addressing Western listeners as opposed to the local public and their followers:

> „Reis Mustafa Cerić, head of the Islamic Community of Bosnia and Herzegovina, continues to shoot from the hip on political matters, this time calling into question the country's multi-ethnic identity. While Islamic Community representatives were quick to dismiss this as a misunderstanding of a call by the Reis for greater national pride in Bosnian-ness, the Social Democratic Party (SDP) and Naša Stranka noted with great concern the Reis' precise wording calling for a 'national Bosniak state.' Cerić once again demonstrates his willingness to use the language of 'peaceful coexistence' to the West, and more Islamic-minded, politically-targeted, and nationalist language among his more conservative followers."[2]

In reality, the major line of separation in the Islamic scene in Bosnia and Herzegovina is not „moderate" or „radical" interpretations of Islam. There is much more debate about political and national issues regarding religion in Bosnia and Herzegovina than about ideological or doctrinal differences.

Key leaders of the Islamic community in Bosnia and Herzegovina and Sandžak are talking increasingly about national identity of Bosniaks in the region. They are commited to build a national identity for Bosniaks as part of one nation in the region of former Yugoslavia.

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[1]   BOSNIA - WAHHABISM THREATENS TRADITIONAL BOSNIAN ISLAM Origin: US Embassy Sarajevo Cable time: 23. March 2007. Source: http://wikileaks.org/cable/2007/03/07SARAJEVO650.html   Accessed 10.09.2011.

[2]   Bosnia - Reis Ceric Calls For "national Bosniak State" Origin: US Embassy Sarajevo Cable time:Tue, 21 April 2009 Source: http://wikileaks.org/cable/2009/04/09SARAJEVO507.html accessed 10. 09. 2011.

In their interpretation, Bosniak identity should be built on two main factors - Islam as their religion and Bosnia as the national state of Bosniaks. There are important Islamic scholars in Bosnia, like Dr. Fikret Karčić, who think that this new focus on the national identity of Bosniaks is a distraction from the main mission of building an Islamic community. Karčić wrote:

> „It is possible to conclude that there are on Islamic alternative scene and diaspora extreme opinions claiming that Islam and secular state and secular laws are not compatible. They are using recognizable vocabulary of extremists groups from Near East about jahilliyyah[3] laws, tagut[4] and his judgments (bad translation of sintagma el-ka nun el-vadi'i meaning secular, positive law) etc. How should the Islamic community react to this challenge? We think there are two ways to react.“

His first suggestion was to change the usual focus of the Islamic community's activities in BiH:

> „1. We should continuously and systematically monitor with the development of the interpretation of Islam among Bosnian Muslims in country and diaspora. We should at this time deliver answers based on science for questions raised, act on authority and knowledge, and build such a reputation among Muslims. We should use those questions as a priority and leave the existing paradigm to focus on policy in BiH and issues which are not the mission of Islamic community (like national issue of Bosniaks and building of national institutions). We do not have the legitimacy to deal with those questions.“

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[3] Jahilliyyah – the state of ignorance of the guidance from God (Sayyid Qutb: „Milestones“ page 5) download from majalla.org/books/2005/qutb-milestone.pdf accessed 27 July 2011

[4] Tagut – mentality of idol worship, violent authority (Fikret Karčić's note)

From my point of view, such national activism is not just a distraction from the main mission of the Islamic community. It is a misleading activity which has a very negative impact on the process of reconciliation and state-building in this region. There is an „explosive mix" of Islam and nationalism in BiH and the Sandžak region in Serbia and Montenegro. It is politically necessary to speak about this problem because it also serves as a platform for some individuals and groups who wish to be the judge of who is a good Bosniak and who is not[5]. The former US ambassador from Sarajevo wrote in a cable to Washington:

> "Amid resurgence over the past two years of politics dogged by nationalist rhetoric, some Bosniak (Muslim) political actors have sought to portray themselves as more capable of protecting Bosniak interests than their opponents. One aspect of this tussle is an increasingly-visible rift in the Bosniak community that centres around what it means to be a 'good' or 'bad' Bosniak. 'Good Bosniaks,' according to this sentiment, are those who espouse conservative political and religious ideals. More moderate and secular ideals are, by implication, held by 'bad Bosniaks.'"

> "Statements from the Islamic Community, particularly its leader, reis-l-ulema Cerić, that label those who criticize Islamic Community as 'Islamophobic' have sharpened this polarization among Bosniaks. Bosnia's largest-circulation and most influential pro-Bosniak daily, Dnevni Avaz, has also increasingly championed 'good Bosniak' causes and unscrupulously attacked Bosniaks and Bosniak institutions (including a rival, more secular Bosniak daily) that disagree with it. This press war, sparked largely by Avaz's business interests, has helped the intra-Bosniak debate gain traction more quickly and more broadly than it might otherwise. Depending on the

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[5] See Wikileaks cable from US Embassy in Sarajevo 09Sarajevo103 created 2009-01-27 09:34 Bosnia – GOOD BOSNIAKS, BAD BOSNIAKS, GOOD MUSLIMS, BAD MUSLIMS

path the debate takes, it has the potential, over the longer-term, to steer Bosniak politics in a more conservative direction, which would complicate efforts to forge the compromises among Bosniaks, Serbs, and Croats necessary to secure Bosnia's future."[6]

From my point of view, it is a mistake to discuss Islam from the point of view of cultural relativity. We should try to find political, social and cultural preconditions for moderate or radical interpretation of Islam.

Our key question is: What is the relation between Muslim identity and Islamic faith? Is it possible to change the identity of any Muslim nation through change of their social and political status? How do changes in social and political conditions affect the identity of Muslim majority nations?

In my point of view, the starting point of this debate is the political role of Islam during the pre-war period, when Bosniaks as Muslims were a national minority in the socialist state. There are three main phases from this period onward:

- Phase 1: The Muslim minority within a socialist state – the Muslims of Bosnia-Herzegovina in Yugoslavia
- Phase 2: The revival of Islamic identity during wartime and after
- Phase 3: The role of religion in building a Bosniak nation as the majority in independent state

Cornelia Sorabji in her doctoral dissertation about "Muslim identity and Islamic Faith in Sarajevo" (1989, Cambridge) established two different types of behaviour in cases where:

- Muslims are a minority, as in the former Yugoslavia

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[6] Ibidem

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"As the major and in some cases (including the Bosnian) the sole source of the minority's cultural specificity, Islam is crucial to that minority's self-definition of identity and thus likely to be instrumental in its political behaviour."[7]

▪ Muslims are a majority, as in Egypt

"This is rarely the case in the Muslim majority society because here Islam is but one of many characteristics which citizens have in common; most Egyptians have Islam in common but they also share a language, a social structure and a common history. Islam is not then crucial (although it may, of course, play a political role) and becomes so only in cases where the Muslim majority finds itself under the domination of foreign, non-Muslim powers."[8]

How and when did this change of status take place? According to French researcher Dr. Xavier Bougarel:

"After the withdrawal of the Ottoman Empire in the late 19th century, Muslims in the Balkans, except in Albania, lived as minorities in countries with Christian majorities. For the first time, it is no longer the case. Muslims are now the majority in two additional states –in Bosnia and Kosovo. This means that most Muslims in the Balkans now live in countries where they are majority of the population."[9]

The changes in status for both Muslims (Bosniaks) and for Bosnia as a state caused a change in the definition for Islamic community of Bosnia and Herzegovina as well:

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[7] Cornelia Sorabji, MUSLIM IDENTITY AND ISLAMIC FAITH IN SARAJEVO Doctoral dissertation Submitted to the University of Cambridge -1988 PH.D. awarded – 1989 page 2

[8] Sorabji 1988 – 1989

[9] Esad Hećimović: Islamska zajednica kao nacionalna crkva BH Dani, broj 620 1. Maj 2009. http://www.bhdani.com/default.asp?kat=txt&broj_id=620&tekst_rb=11 Accessed 10. 09. 2011.

"A Renewal Sabor (assembly) was held in Sarajevo in 1993, which was at that time under siege of Serbian forces, with the intention of re-establishing autonomy in religious affairs among Bosniak people and in their newly recognized motherland of Bosnia."[10]

More information about Renewal Assembly is still possible to be found in testimonies of regional Islamic leaders like the former mufti in Zenica, Halil Mehtić.[11] Jusić wrote in his paper on Islamic community in Sandžak:

"Today's IC of B&H is organized according to the 1997 constitution, which clearly states that the IC is the sole and united community of Muslims in Bosnia and Herzegovina, of Bosniaks outside their homeland, and of other Muslims who accept it as their own (Article I). It is this exact article which creates the legal framework for those who argue that all Bosniak Muslims should be organized in one IC whether it be Sandžak or Bosniak Diaspora in Europe or even the USA."[12]

Today, the definition of the Islamic Community of Bosnia and Herzegovina is primarily national not religious. The reis-l-ulema of Bosnia is now presenting himself as chief mufti for Bosnia, Croatia, Serbia, Slovenia and Montenegro and all Bosniaks anywhere in the world, but he is „destroying his own credibility" among moderate Muslims and the international community, according to US diplomats in Sarajevo:

„Reis Mustafa Cerić, leader of the Islamic Community (Islamska Zajednica, or IZ) of Bosnia and Herzegovina, has made a series of statements in recent weeks that undermine his long-espoused position as a responsible leader of modern,

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[10]   Muhamed Jusić: "The split within Islamic Community in Sandzak" Cobference ISEEF Sarajevo 2009.
[11]   Esad Hećimović: „Hodža u raljama vlasti" Objavljeno u broju 90 BH Dana, 7. decembar 1998. http://www.bhdani.com/arhiva/90/tekst290.htm Accessed 10. 09. 2011.
[12]   Jusić 2009.

"European" Islam. When addressing issues of Wahhabi influence in Bosnia or charges of paedophilia by imams, Ceric has consistently offered a knee-jerk reaction of labelling critics "Islamophobes," whether Christian or Muslim, suggesting that such criticism is itself part of a continuing "genocide," and defending the IZ at all costs. While this tactic may play with a segment of the Islamic Community who remain alienated from liberal Muslims, Croats and Serbs alike, the Reis is ultimately destroying his own credibility among moderate Muslims (who we assess make up the vast majority of Bosniaks) and the international community."[13]

Reis-l-ulema Cerić changed his strategy after the international failure to establish an office of so called European mufti in Brussels. This speech to members of the Association of Sandžaklije in Sarajevo (meaning residents of Sarajevo with personal and family roots from Sandžak) explained his change of strategy. Alija Izetbegović, as an Islamic activist declared the "Islamization of Muslims" as the goal of such activism in his "Islamic declaration." Now reis-l-ulema Mustafa Cerić as national leader declared the "nationalization of Bosniaks" as a more realistic goal. On 20 April 2011 during a 20th anniversary celebration for the Association of People from Sandžak in BiH, Cerić told an audience:

"The late Alija Izetbegović had the ambition of an Islamization of Muslims around the world. Our ambitions are somewhat different, something less. Our ambition is not to Islamize Muslims around the world. Our ambition is to nationalize Bosniaks. I believe and fight for their rights in the Balkans. The symbol of this struggle was my Mufti Muamer Effendi Zukorlić. I'm proud of him and I want to tell you something: I

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[13]   BOSNIA - REIS'ING TOWARD TROUBLE Origin: Embassy-Sarajevo Cable time: 24 Feb 2009. http://wikileaks.org/cable/2009/02/09SARAJEVO226.html Accessed 10.09.2011.

am reis-l-ulema and it is assumed that I should be his superior. But, I follow him as leader."[14]

There are many examples of this new strategy. Religous leaders such as reis-l-ulema Cerić and mufti Zukorlić are now leading the fight for the establishment of a national state of Bosniaks, defined as Muslims. It was described in this correspondance from the US Embassy in Sarajevo:

> „The fact that Avaz (who shows to be supportive of the Ceric) quoted the Reis as calling for a "national Bosniak state", indicates the likeliness that he did in fact use those words. Regardless of how this is statement is "spun," Ceric seems to be banging a very dangerous drum that could easily be perceived by Serbs, Croats and others as support for Muslim dominance within a certain geographic area. Ceric continues down the unconstructive path of catering to the most narrow-minded segments of the Bosniak population, something we have highlighted in previous reporting. His abandonment of political impartiality only serves to detract from the moral authority an institution such as the Rijaset needs to wield in an environment like Bosnia."[15]

The relationship between Cerić and Zukorlić and their impact on the situation in the region was discussed during meetings of the Foreign Ministers of Turkey and Serbia:

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[14] 20 godina Udruženja Sandžaklija u BiH II
http://www.youtube.com/watch?v=R5mdYFoZ8gs
Zukorlić: Autonomija izvesna, Sandžak tesan za Bošnjake http://www.glas-javnosti.rs/clanak/politika/glas-javnosti-22-04-2011/zukorlic-autonomija-izvesna-sandzak-tesan-za-bosnjake
Harun Hodžić: 20 GODINA UDRUŽENJA GRAĐANA PORIJEKLOM IZ SANDŽAKA   http://www.bosnjaci.net/prilog.php?pid=41514
[15] Bosnia - Reis Ceric Calls For "national Bosniak State" Origin: US Embassy Sarajevo Cable time:Tue, 21 April 2009
http://www.cablegatesearch.net/cable.php?id=09SARAJEVO507&q=ceric accessed 10. 09. 2011.

„Discussing earlier Serbian distrust of Turkish involvement in Serbia and Sandzak, Umar said that Belgrade was now more willing to seek Turkish assistance in calming the rival Islamic communities in Sandzak. Umar noted that Davutoglu realized following his visit the sensitive dynamics of the conflict between Zukorlic and Zilkic; he also realized that he could no longer count on reis-l-ulema Mustafa Ceric in Sarajevo (under whose authority Zukorlic falls) to be a positive influence on Zukorlic, because Ceric and Zukorlic were now "playing the same game" of agitating Bosniaks for political gain."[16]

Also, both U.S. embassies in Sarajevo and Belgrade coordinated their reporting and efforts to reach both sides of the divided Muslim community in Sandžak and the rest of Serbia. Reis-l-ulema Cerić has supported only „our brothers in Sandžak", and has not visited the large Muslim community in Belgrade and many other municipalities in Serbia. He is trying to reduce Islamic identity in Serbia on Bosniak identity in region of Sandžak or Islamic identity as religious identity for several national minorities and their communities in Serbia as state to community of Bosniaks in Sandžak region of Serbia. This debate started in 2007 and it is still far from resolution. Some questions were summarized in this cable:

„Serbia's new Law on Religion has brought to the fore long-simmering tensions within Serbia's Islamic community (IC). Serbian Islamic leaders are deep into negotiations over unification, but with separate ideas about where the centralized administrative authority should be based, and about whether they should come under the ultimate spiritual authority of the Supreme Council (Riyaset) of Sarajevo or have independent spiritual authority. We remain engaged with both sides,

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[16] Serbia/turkey: Turkish Fm's Belgrade Visit Heralds New Era In Bilateral Relations Origin: US Embassy Belgrade Cable Time: Tue, 15 Sep 2009 Source: http://wikileaks.org/cable/2009/09/09BELGRADE845.html

counselling dialogue over confrontation", US diplomats in Sarajevo and Belgrade wrote in this cable.[17]

US diplomats also presented information about reis-l-ulema Cerić's attempt to reach Serbian President Boris Tadic and to gain his support for Zukorlić as chief mufti in Serbia:

„During DCM's last visit he (Zukorlic) gave her a copy of a letter signed by Ceric to President Tadic requesting that Tadic acknowledge Zukorlic as Serbia's Chief Mufti. In response to DCM's question, Zukorlic said Tadic had never responded to Ceric, but that he had quietly lent his support by paying a visit on Zukorlic when he visited Novi Pazar during his election campaign.[18]" Actually Reis Ceric tried to introduce himself as negotiator with the president of Serbia in the so-called inter-ethnic debate between Bosniaks and Serbs."

In their comment the about relation between Sandžak and Belgrade, US diplomats wrote:

„Historically a powder keg, Sandžak remains in a slow simmer, intentionally heated by Prime Minister Kostunica's ethnic games. Having long ago given up aspirations of unification with Bosnia-Herzegovina, Sandžak remains a test case for Serbia's respect for minority rights, an exam Serbia continues to fail dismally. Local and parliamentary elections in Sandžak are likely to be as dirty as anywhere in Serbia, thereby requiring special attention. Potential for outside Islamic influence to grow in Sandžak rises in proportion to the degree that the Serbian central government in Belgrade either ignores Bosniak minority rights or continues to manipulate

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[17] Power Struggle Deepens Between Serbian Muslims Origin: Embassy Belgrade Cable time: 2. March 2007 Source:
http://wikileaks.org/cable/2007/03/07BELGRADE288.html
[18] SERBIA: LORD, HOW THIS SANDZAK IS GIVEN TO LYING Origin: US Embassy Belgrade Cable time: 24 Mar 2008
http://wikileaks.org/cable/2008/03/08BELGRADE279.html

intra-Bosniak differences“[19]. They also reported about „violence within Serbia's Muslim community in Sandžak.“[20]

In her dissertation, Sorabji explained the close relation and shared identity of Muslims in Bosnia and Sandžak:

> "In most recent census (1981) 8,9 % of the Yugoslav population described themselves as members of Muslim narod. Of these the vast majority lived within Bosnia-Herzegovina or the Sandžak region. In Ottoman times the latter formed part of the pashiluk of Bosnia and although it is today partitioned between the republics of Serbia, Montenegro and Bosnia-Herzegovina, its Muslims still see themselves as sharing an identity with those of Bosnia."[21]

After the war and dissolution of Yugoslavia we have two different kinds of politics – political and religious. Key political leaders of the Bosniaks in Sandžak (like Sulejman Ugljanin and Rasim Ljajić) have stopped their political activities under the umbrella of Sarajevo.They are now part of the ruling coalition in Serbia. In the meantime, Cerić and Zukorlić are trying to impose a new national and political agenda for Bosniaks in Sandžak.

One example of the coordinated efforts made by Cerić and Zukorlić is their message to Bosniaks in Montenegro[22] . The key focus in this message is their claim that only Bosniaks lack their own national state after the dissolution of the former Yugoslavia. Bosniaks (as Muslims) are now presented by reis-l-ulema Cerić in his statements as the last nation of former Yugoslavia without their own national state.

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[19] Ibid
[20] Violence within Serbia's Muslim Community in Sandzak Origin: US Embassy Belgrade Cable time: 11. 10. 2007.
http://wikileaks.org/cable/2007/10/07BELGRADE1392.html
[21] Sorabji 1988, page 17
[22] Reis Mustafa Cerić and Mufti Muamer Zukorlić: Poruka Bošnjacima Crne Gore
http://www.youtube.com/watch?v=9AfUnDAZ0wg ; 20 godina Udruženja Sandžaklija u BiH http://www.youtube.com/watch?v=R5mdYFoZ8gs

Reis-l-ulema Cerić has made an open call for Bosniak nationalism even during a so-called scientific meeting about Islamic tradition in Bosnia[23]. He blamed secular intellectuals for wanting to keep Bosnia from being a free nation. During the meeting in Sarajevo in November 2007, he said:

> „During 40 years of communism here, our intellectual Bosniaks lost their intellectual freedom, they are feeling better without freedom and they want to recreate it. They lived in that ideology without any risk, but there is no such ideology now. Croats went to their nationalism, Serbs went to their nationalism and these Bosniaks intellectuals are now nowhere. They do not have the courage to emerge with Bosniak nationalism, positive nationalism. They have left the job up to us, the ulema."

The new strategy was presented as a fight for the national rights of Bosniaks in the Balkans. Reis-l-ulema Ceric said to Saff, a magazine established by the Active Islamic Youth organization:

> „We want to send a message to Europe that we have grown to the challenge of our national identity, which is showing itself not just in BiH, but in Kosovo, Sandžak, Montenegro, Croatia and Slovenia. I speak here about Bosniak national identity, which within BiH implies Bosnian state identity. … My meetings with Bosniaks in Kosovo were very emotional. Through that I am thinking in a completely different way about us in BiH and our position in the Balkans. I realized that the Bosniak question in the Balkans is not a religious but a national question. We in BiH must take care of Bosniaks outside Bosnia. BiH still did not realize the importance of its role as national state („matična država") for all Bosniaks outside BiH."[24]

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[23] Zbornik radova naučnog skupa „Islamska tradicija Bošnjaka: Izvori, Razvoj i institucije, Perspektive" page 177, Rijaset Islamske zajednice u BiH, 2008.

[24] „Bošnjačko pitanje na Balkanu je nacionalno, a ne vjersko" interview for Saff, September 2009.

Any such attempt to transform Bosnia and Herzegovina (in whole or in part) into a national state of Bosniaks as Muslims could lead to a prolonged conflict. This new strategy could also change an important part of Bosniaks' identity as European Muslims.

The main dilemma can be defined in this way: Should Bosniaks be recognized and protected as part of a Muslim minority in Europe?[25] Or should Bosniaks enter Europe as a political faction within a state shared with Serbs and Croats, who in turn form two other Christian national identities? Christian Moe wrote:

> "Bosnian Muslims have for some time cast themselves as particularly *European* Muslims, whose local Islamic tradition embodies European multicultural values. To be sure, they identify also with a broader Islamic *umma* and, more intensely perhaps, with a narrower Bosniak ethnic nation, but European-ness is a significant part of their self-understanding. Over the last few years, this European identity has been stressed by Bosnian actors seeking to position themselves in emerging processes of institutionalization and identity-building for Islam in Europe."[26]

Reis-l-ulema Cerić has tried to develop an idea about one Islamic nation for all Muslims in Europe, writing about three different groups: indigenous Muslims; emigrant Muslims; and native Muslims:

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http://www.saff.ba/index.php?option=com_content&view=article&id=329:bonjako-pitanje-na-balkanu-je-nacionalno-a-ne-vjersko&catid=51:intervju&Itemid=82

[25] Lok at paper Mustafa Cerić: The challenge of a single Muslim authority in Europe Izvor: European View (2007) 6: pages 41–48 published 12. 01. 2008 http://www.springerlink.com/content/40280g3825750494/ 10.09.2011.

[26] Christian Moe „A Sultan in Brussels? European Hopes and Fears of Bosnian Muslims" Südosteuropa 55:4, 374–394. 2007.

- Indigenous Muslims are those who have a long historical background in Europe, such as the Muslims of Bosnia, Albania, Kosovo, Macedonia, Bulgaria and so on.
- Emigrant Muslims are those who have migrated to Europe as either students or workers and have settled permanently in all the Member States of the European Union.
- Native Muslims are the children of Muslim emigrants born in Europe, as well European converts who have recently entered Islam.

All these groups have one thing in common – Islam. Reis-l-ulema Cerić wrote that „Muslims in Europe need a single Muslim authority":

> "What is to be done so that the shared values of Islam can become a common ground for all Muslims in Europe? It is now time that we seriously consider a way to institutionalize the presence both of Islam as a universal religion and Muslims as global citizens."[27]

In light of all this, the key requirements for preserving Moderate Islam in Bosnia-Herzegovina and Sandžak include:

- Maintaining the definition of Bosnia and Herzegovina as a multinational state.
- Properly defining the identity of Bosniaks in the Constitution of Bosnia-Herzegovina.
- The definition of national identity in the Balkans should be based on principles and values, not on ethnic origin or religion alone.
- Avoiding the definition of the Islamic Community as a primarily national organization of Bosniaks, which will lead to further conflicts between "Bosniaks as Muslims" and others in the region.

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[27] Mustafa Cerić: The challenge of a single Muslim authority
in Europe Izvor: European View (2007) 6: pages 41–48 published 12. 01. 2008
http://www.springerlink.com/content/40280g3825750494/ 10.09.2011.

The two most important global Islamic movements can influence this debate in Bosnia – the Muslim Brotherhood and the Salafi movement. Key leaders of both groups, such as Yousef al Qaradawi and Salman al Awdah – are already engaged in forums like the European Council for Fatwa and Research, alongside with Islamic leaders from Bosnia like reis-l-ulema Cerić.

In the past, Cerić has played many different political cards: support from Western governments; financial support from Arab rulers like Moamer Gadafi (who made a donation toward the construction of a new Reis headquarters in Sarajevo just few days before the uprising in Libya started); and the „Arab spring", which Cerić claimed was influenced by ideas of Alija Izetbegović and his Islamic declaration.[28]

It is time for him to decide who his friends will be.

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[28]   20 godina Udruženja Sandžaklija u BiH
http://www.youtube.com/watch?v=R5mdYFoZ8gs

The Complicated Relations between Belgrade and Novi Pazar

Izabela Kisić

From today's perspective the issue of Sandžak is nothing new. For two decades it has reflected the attitude of the Serbian government – and, above all, of Serbia's elites – towards the Bosniaks of Sandžak. Over the past ten-odd years official Belgrade (except for some limited initiatives by the government of Zoran Djindjić) has generally ignored the problems plaguing the Bosniak community in Serbia. Faced with such disregard for Sandžak, Bosniaks grew increasingly frustrated.

There are several reasons for the mistrust of Belgrade by the Bosniaks:

- the ambivalent and equivocal attitude of the Serbian elite towards the integrity of Bosnia and Herzegovina, that is, its attitude towards Republika Srpska
- the ambivalent attitude towards Bosniaks themselves (frequent denial of their national identity)
- the belittlement of the magnitude of crimes committed against Bosniaks in the wars of the 1990s
- the rehabilitation of the Chetnik movement of Draža Mihajlović, which was responsible for the mass killings of Muslims during World War II. The democratic regime that emerged from October 5, 2000 has never seriously acknowledged the repression against Sandžak Muslims in the 1990s or made any noteworthy gesture of redress in this context[1].

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[1] The Declaration on Srebrenica, adopted by the Serbian Assembly, according to the words of the chief mufti of the Islamic Community in Serbia Muamer Zukorlić, did not meet the expectations of Sandžak Bosniaks since it used the words "heinous crime" instead of "genocide." Sonja Biserko writes: "The attitude towards Islam and Muslims sharpened with overtones of hostility back in the 1980s in ex-Yugoslavia. That was when Serbian elites started campaigning and exploiting the thesis about 'Islamic fundamentalism which threatens to destroy Yugoslavia'. The campaign itself ultimately prepared the ground for

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Bosniaks also have the perpetual fear that the administrative (municipal) borders within the Sandžak region will be gerrymandered by the announced new legislation on regionalization, with the result of Sandžak losing its identity as a region in which the Bosniaks constitute the ethnic majority. Of course, the change of administrative borders would reflect on election results reducing Bosniak representation at all levels.

The complicated relations between Belgrade and Novi Pazar are aggravated by the fact that Sandžak is one of the most underdeveloped regions in Serbia. The textile and leather industry in Sandžak which flourished during the late 1980s and 1990s has been completely devastated by strong competition coming from elsewhere[2].

The issues of economic development and infrastructure building, of which the Sandžak municipalities are in dire need of, have been completely neglected. Sandžak is one of the poorest regions in Serbia and yet it has one of the youngest populations in the country. In Novi Pazar the number of unemployed is 22 thousand compared to 18 thousand employed. A high level of corruption, getting jobs through bribery and rampant poverty all make for an explosive mix that could lead to the radicalization of youth and their turning to religion.

Serbian minister Milan Marković, in charge of a multitude of portfolios, one of which include protection of human and minority rights, admitted at the beginning of his new mandate (assumed mandate March 15, 2011) that the problem of the Bosniak community represents one of the biggest challenges in the domain of human rights.

The present attitude of official Belgrade towards Bosniaks is best reflected in its treatment of institutions which have increasing influence among Sandžak Bosniaks. These include: the Islamic Religious Community in Serbia, led by Mufti Mummer Zukorlić; the Bosniak National

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genocide in Bosnia and Herzegovina, at the same time making the life of Sandžak Bosniaks unbearable." (ed. by Biserko, Sonja: "Sandžak i evropskaperspektiva", Beograd 2010, p. 9)

[2] According to the July 2009 report by ZFD Forum (Regional Office Novi Pazar) the output on an annual level of small private producers of jeans and textile wear today is only at 5% capacity to what it was during 'the golden jeans days'; ibid.

Council (elected in June 2010); the International University in Novi Pazar, and the latest, the Bosniak Academy of Sciences and Arts.

Even though there is some communication between the representatives of the Belgrade government and mufti Zukorlić, the accumulation of problems between Belgrade and Novi Pazar is a consequence of the lack of understanding of the Serbian state elite for the new, emerging processes in Sandžak and the rejection of the new institutions. The rejection or derogation of these institutions by Belgrade has turned the issue of the cultural and national identity of Bosniaks into a political problem while at the same time elevating Muamer Zukorlić, who is the central figure in this process, into the political leader of the Bosniaks. In this respect, the influence of the Serbian Academy of Sciences and Arts and the Serbian Orthodox Church is still very visible, even in the form of direct pressure on the behaviour of the state regarding the Bosniak issue.

Still, the presence of the religious element has not been a completely new phenomenon among Sandžak Bosniaks during the past two decades. Even though it was never in the forefront, it was nonetheless present among the two main Bosniak political leaders, Rasim Ljajić and Sulejman Ugljanin, who in the meantime have become part of the Serbian political establishment. Namely, in the past both strived to have good relations with Islamic religious leaders and both were frequently seen attending religious services. At the beginning of the 1990s, Ugljanin, Ljajić and Zukorlić were in very cordial relations. During the last local elections in Novi Pazar, Ljajić managed to wrench control of the local government from Ugljanin mainly due to the open support from mufti Zukorlić.

Even though the Bosniaks have two ministers in the Serbian government (Ljajić and Ugljanin), the overall lack of development and poverty in Sandžak have seen no improvement over the past decade. This certainly contributed to the rise of mufti Zukorlić and the religious element.

The Bosniak need for a stronger identity, according to Sonja Biserko
    "is only a logical response to years of discrimination, 'invisible identity', police terror, abductions and executions during the war

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in Bosnia. In the absence of other institutions, the Islamic Community is a key identity-building matrix for the Bosniak community"[3]. Pavel Domonji, expert on minority issues, explains: ,, the (political) nomination of mufti Zukorlić is testimony to the fact that the secular and political identity of the Bosniaks is undergoing a crisis! When a member of the clergy becomes a nominee that means that the secular, political authorities (...) have not been effective (...) and successful enough in meeting certain needs and interests of both Bosniaks and other citizens of Sandžak"[4].

Bosniak members of the Serbian cabinet, Rasim Ljajić and Sulejman Ugljanin are no longer perceived by the Bosniak electorate as their legitimate representatives, but rather as the puppets of Belgrade.

Mufti Zukorlić skillfully exploited the situation in which mainly minister Rasim Ljajić – who during the 1990s carved out for himself the position of a moderate and pro-European Bosniak leader – failed to devote himself more to resolving the problems that preoccupy the constituency he represents. Moreover, in time he became estranged from what was his base, Novi Pazar and Sandžak as a whole, and took over an increasing number of positions offered to him by Belgrade (including the position of chairman of the National Council for Cooperation with the Hague Tribunal – something that must have been exceptionally painful for the Bosniak community given Serbia's general attitude of belittling the scope of war crimes). In the end he severed his last tie to Sandžak by founding the Social-Democratic Party of Serbia with its seat in Belgrade. Bosniaks are no longer the priority of the party's program. During the 2000s, Ljajić became one of the most popular politicians among the Serbs and a member of every Serbian government since 2000.

Sulejman Ugljanin, the other Sandžak political leader, went through different phases. From leader of the Party of Democratic Action (SDA),

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[3]   Ibid. p. 9
[4]   Speech delivered at the Conference: „Sandzak in the Context of Euro-integrations", Novi Pazar, June 18-19, 2010

that is, its Sandžak branch (the seat of the SDA was in Bosnia); coopera-
tion with Slobodan Milošević, to coalition partner in different Serbian
governments after October 5, 2000. His coalition partner and president
of the Bosniak List, Esad Džudžević (a deputy of the ruling coalition in
the Serbian parliament), has announced the possibility of cooperation
with the Serbian Progressive Party (SNS), led by Tomislav Nikolić (SNS
is a milder offshoot of the extreme nationalist Serbian Radical Party),
should the Progressives win the next elections[5].Džudžević has otherwise
joined in the chorus of accusations by Belgrade leveled at Zukorlić by
claiming his actions are leading to the "Jamahirization of Sandžak"[6].

Even though at the moment there are no relevant public opinion polls in
Sandžak, there are various indicators of the increasing popularity of
mufti Zukorlić. One of these is him getting the majority of votes (by the
Bosniak Cultural Community, headed by Zukorlić) at the elections held
in June 2010 for the Bosniak National Council (49%). This spring, when
he was a guest at one of the nationwide TV shows, the streets of Sjenica,
Tutin and Novi Pazar were empty because everyone was in front of their
TVs watching "what the mufti would say". A part of Zukorlić's political
influence will no doubt spill-over into the newly founded political party
– the Bosniak Democratic Community (BDZ) led by Emir Elfić, an
economist and Zukorlić's brother-in-law. The party was founded in De-

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[5]   After the tires of his official vehicle were slashed, Džudžević said he has "frozen" his status
        in the ruling coalition and that he will not vote on legislation proposed by the Serbian
        government. He claims the main reason for this decision "is the complete insensitivity of the
        state authorities to the fact that Bosniaks in Serbia are being denied their basic minority
        rights", something he has written about in his book "The Halting of a Process". (Radio Free
        Europe,
        http://www.slobodnaevropa.org/content/dzudzevic_napusta_vladajucu_koaliciju/24266950.
        html)
[6]   „If after parliamentary elections the Serbian Progressive Party and its leader Tomislav
        Nikolić are in a position to form a government, they will find in the Bosniak List a very
        constructive partner on the issue of minority rights. (…) I'm a very good friend of Toma
        Nikolić (the SNS leader). We talk daily, which was not the case before (between Serbian
        and Bosniak politicians). In principle, it is natural for every minority party to talk to parties
        of the majority nation which have won enough votes to form a government". (Danas, July
        20, 2011,
        http://www.danas.rs/danasrs/politika/bicemo_konstruktivni_partner_naprednjaka.56.html?n
        ews_id=219891)

cember 2010 and is still profiling its identity. Some ten years ago Elfić headed the youth branch of Rasim Ljajić's Sandžak Democratic Party.

In recent years there has also been a tangible weakening of the role and significance of the civil sector in Sandžak, which in turn is a consequence of the weakening capacity of local NGOs. Due to the lack of funding and increasingly smaller foreign donations, Sandžaki NGOs are forced to turn to local and republic-level government funding, which places them in a position of having to adapt to the agendas of certain political options thereby losing some autonomy in their work. In the past, the civil sector in Sandžak played a significant role in developing a multicultural and secular Sandžak.

The Bosniak National Council

The election and constitution of the Bosniak National Council has stirred more problems and generated more misunderstandings than the election for any other Council by an ethnic minority community in Serbia (the Serbian Constitution provides for the formation of "national councils" by ethnic minorities in order to preserve their heritage and culture). The election deeply upset the relations and confidence between the Bosniak community and the government in Belgrade. The problem started in June 2010, while the constant postponement of elections for a new Council preserves the status quo. (The mandate of the "old" Council expired almost three years ago but is still in "session" in a "technical convocation"). By denying the electoral will of the Sandžak Bosniaks, an issue pertaining to the cultural identity of an ethnic community turned into a political problem. Mufti Zukorlić, who came out as the winner of the election for the Council, consolidated his leadership position by constant confrontation with the government in Belgrade. This issue catapulted Zukorlić into the political sphere more than anything else.

The problem began in June 2010 when the government of Serbia rejected to recognize the Bosniak National Council in which the Zukorlić

ticket won in spite of strong government support for the two other tickets led by ministers Ljajić and Ugljanin[7].

Only a day before the newly elected Council was to be constituted, the Ministry of Human and Minority Rights decided to amend some provisions of the relevant bylaw. By doing so, the Ministry seriously breached the electoral procedure[8].

The problem spilled over into the political arena despite the fact that minority councils do not deal with political issues. They are in charge of culture, education, information and preservation of heritage in minority languages and the scope of the official use of those languages.

Mufti Zukorlić's statements in the election campaign for the BNC were interpreted as extremist and anti-Serbian. When the more or less indigenous Bosniak Cultural Community (BKZ) won the majority vote for the Council, the Ministry of Human and Minority Rights tried to reverse this

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[7]   Mufti Zukorlić got a total of 26,212 votes or 48.40% of those who voted, giving it 17 mandates in the Bosniak National Council (BNC).The Bosniak List supported by the SDA of Minister Sulejman Ugljanin won 20,225 votes or 37.35% of the total, earning 13 mandates in the BNC. The ticket Bosniak Revival, backed by the SDP of minister of labor and social affairs, Rasim Ljajić, won 7,717 votes or 14.25% of the total, earning 5 mandates in the BNC. (Data taken from the 2010 Helsinki Committee Annual Report on Human Rights: "Human Rights Reflect Institutional Impotence", www.helsinki.org.rs).

[8]   "The Ministry of Human and Minority Rights scheduled the constitutive session of the BNC in Novi Pazar as late as July 7. In order to secure the full necessary majority, Zukorlić's Bosniak Cultural Community (BKZ) ticket needed only one more mandate (it had 17 out of the required 18) and its deputies arrived on the appointed day. The session was boycotted by the two other tickets, except for two members from Ljajić's Bosniak Revival, Zehnija Bulić and Hidajet Mustafić, who turned up and decided to support the BKZ majority. Thanks to the votes of the 19 present members – 17 from the BKZ and 2 from the Bosniak Revival – the ticket headed by Zukorlić set up the new BNC. (...) The constitutive session consisted of two parts. The first was chaired by Petar Antić, secretary of state in the Ministry for Human and Minority Rights. Antić read out the Rules of Procedure, which had, as mentioned, been amended previously so as to require the presence of two-thirds of all members of the BNC, that is, 23 out of the total of 35 BNC deputies. There were 19 deputies in the room: 17 BKZ and 2 Bosniak Revival candidates. (...) Zukorlić as head of the BKZ ticket then took over the chairmanship of the meeting. He noted that the Rules of Procedure had been amended just prior to the session and that 'this applies only to the Bosniaks (and not to other ethnic minority Councils – the Hungarian, Slovak, etc., all of which had been constituted long since – n.b. I. Kisić) because we're being held hostage by the two ministers and the Serbian government'" (ibid. "Human Rights reflect Institutional Impotence")

outcome through "a dialogue" between all the parties involved. When several attempts to bring all sides under the same roof failed, the Ministry called new elections for the Bosniak National Council and ceased all communication with the legitimate representatives of the Bosniak community in Sandžak.

With this move the government practically blocked the Bosniak community in forming a National Council, while the councils of other minority communities elsewhere in Serbia (Hungarian, Slovak, Roma etc.) were already constituted and fully active in the areas under their competence.

The behaviour of the state regarding the election of the Bosniak National Council was also criticized by practically all independent regulatory and control bodies. The Commissioner for Protection of Equality stated that the right to equality of the Bosniak national minority had been violated in relation to other national minority communities since for the election of other national councils the rule of a two thirds majority for its constitution did not apply. The Protector of Citizens Saša Janković pointed to certain irregularities in regard to the voters rolls, for which the state administration is responsible, in the election of the Council. Rodoljub Šabić, the Commissioner for Access to Information of Public Importance, joined in the criticism since he received several complaints that individual citizens were placed in the voters' roles without their knowledge.

In the meantime, the Serbian government was reshuffled and the incumbent Minister for Human and Minority Rights Svetozar Ćiplić, who symbolized the conflict with the Bosniak community, was dropped (March, 2011). This opened the door for a compromise. Almost immediately after his appointment, his successor minister Milan Markovic arranged a meeting with mufti Zukorlić and the representatives of the other two candidate lists for the Bosniak National Council (the Bosniak List and the Bosniak Revival). A solution to the problem seemed in sight. A postponement of elections for a new council – to which all the parties gave the green light – was the first step in this direction. Then in July 2011 the elections were postponed again – this time indefinitely.

The status quo is most in the interest of the two Bosniak ministers in the government of Serbia, Ljajić and Ugljanin, who would rather have the election for the BNC held simultaneously with the local and republic-level elections. A possible second victory of the Zukorlić ticket for the National Council would certainly weaken and undermine their position at the next elections for local assemblies and the Republic Parliament and undercut their pre-electoral coalition capacity.

Two Islamic Communities

For Muamer Zukorlić and the religious community in Sandžak of far greater importance is the division into two Islamic communities in Serbia dating back to 2007: one led by mufti Zukorlić and the other by reis-l-ulema Adem Zilkić. The one led by Zilkić was formed with the blessing of ex-Premier Vojislav Koštunica "to pacify" the Serbian Muslim community by dividing it. The real power-person behind Zilkić is in fact the Belgrade mufti Muhamed Jusufspahić. The differences between the two communities are political rather than religious. Zilkić's community is favoured by the Serbian government: it is a member of the government-sponsored inter-religious Commission, and is granted all the posts of religious instructors, and other benefits[9].

On the other hand, Zukorlić's community enjoys more popular support among the Bosniak minority, particularly in Sandžak where the vast majority of Bosniaks live. The Islamic community led by Zilkić looks mainly to the Roma for their faithful.

The unresolved problem of the "two Islamic communities" also generates tensions over the issue of restitution of "religious property" nationalized after World War II. The conflict over the so-called vakuf property

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[9]   The Inter-religious Commission is made-up of representatives of the Ministry of Religion i.e. state bodies and religious communities. In this Commission sits a representative of Zilkić's Islamic community but not of Zukorlić's. Also, in the Commission for religious teaching, which determines the election of religious instructors, initally the representatives of both Islamic communities took part, only to have a new one formed by government decree which included only the representatives of Zilkić's Islamic community.

(endowment of Islamic community) has caused incidents characterized by violence, which brought the police out into the streets. When Zukorlić's Islamic community rebelled against the building of a kindergarten on vakuf property in August 2010 (a project financed by the local government) special police forces were sent to Novi Pazar which paraded in anti-riot gear, touting a water canon to boot. In some cases of property disputes belonging to the Islamic community „in principle"(e.g. the conflict over Stara Banja i.e. „Old Spa") Zukorlić's followers clashed directly with Zilkić's and the police had to intervene in separating the two sides.

As with the two Islamic communities, the Serbian state has a similar attitude towards the two universities in Novi Pazar. Even though one of them is private, the state has withheld certain rights to this institution. The state-run Islamic University was established during Koštunica's government. The private International University was established before it and with the support of Zoran Djindjić's government. Accreditation of some courses of the International Islamic University, including recognition of relevant diplomas, was disputed by the government later on. Mufti Zukorlić argues that the state has deliberately opened another university just to undermine the private one.

As in the case of the division between the Islamic communities, it is obvious that the government extends unequal treatment towards the Serbian Orthodox Church on the one hand, and other religious communities on the other. Namely, the Serbian Orthodox Church enjoys the strong support of the state in preserving its unity. It is practically impossible in Serbia to have two Orthodox churches – for example, a Serbian and a Montenegrin one. The Serbian Orthodox Church takes it one step further – it negates the auto cephalic status of certain Orthodox churches outside Serbian state borders, like the Montenegrin and the Macedonian.

The division of two Islamic communities will most likely play an important role in the upcoming elections. While Zukorlić has the backing of Sandžak Bosniaks, reis-l-ulema Zilkić, that is, Belgrade mufti Muhamed Jusufspahić, is counting on the support of Roma Muslims. Even if the Belgrade government was prepared to compromise with Zukorlić's Is-

lamic community, Jusufspahić could blackmail the government with the loss of a part of the Roma electorate.

The Bosniak Academy of Sciences and Arts

The latest bone of contention is the founding of the Bosniak Academy of Sciences and Arts (BANU) at the beginning of June 2011. It was established at the initiative of mufti Zukorlić and the reis-l-ulema Mustafa Cerić (the head of the Islamic religious community of Bosnia-Herzegovina). The Academy was founded in Novi Pazar, but its seat will be in Sarajevo and its purpose is to gather Bosniak intellectuals worldwide[10]. At the Constitutive Assembly held at the International Islamic University mufti Zukorlić said that "BANU is the key pillar for the survival of the Bosniak nation"[11].

Dr. Ferid Muhić, the president of BANU, says that the goal of the Academy is to work on the affirmation "of the most neglected nation" and the strengthening of Bosniak unity. "The only nation to lose, by state decree, the right to a name and a language are the Bosniaks. I grew up as a member of the group known as "(ethnically) undecided". Furthermore, expectations were that that group will begin declaring itself as either Serb or Croat. (…) It was clear that policy was moving in the direction of the disappearance of that group (that nation). Therefore, our main effort will be directed at the affirmation or re-affirmation of the Bosniaks. This is not the coining-up of a new name, but the affirmation of one that was in use for centuries, just as in the case of the name of our language. Our nation was systematically and institutionally erased. 'Bosniakhood' was dying out and the concept of the Bosnian language was being extinguished", Dr. Muhić said[12].

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[10] At the head of the Academy is Dr. Ferid Muhić. So far it has 21 members, amongst them the former member of the Bosnian Presidency Ejup Ganić, philosopher Muhamed Filipović, Lamija Hadžiosmanović, ŠerboRastoder, Mehmed Slezović, etc.

[11] Politika Daily, 09.06.2011

[12] http://www.dnevniavaz.ba/vijesti/teme/39611-prof-dr-ferid-muhic-predsjednik-banu-a-vazan-je-integritet-bosnjackog-naroda.html

Reis-l-ulema Mustafa Cerić, in explaining the goals of the Academy, said:

> "This is a message to them and to Europe that we are a nation which harbours memories of genocide and therefore through institutions, which we will continue to build, we strive for a status of a non-governmental association or an organization which will monitor who says what about us in the Security Council and the UN Assembly, but especially what Belgrade and Zagreb, Brussels or any other destination are saying about us (…)"[13].

The issue of the forming of the Academy has surpassed the issue of Sandžak and Sandžak Bosniaks. Arguments in favour of the founders are that the Bosniaks are the only Western Balkan ethnic group who lack their national Academy. The Academy of Sciences and Arts of Bosnia-Herzegovina gathers scientists and artists from all the three nations (Bosniaks, Croats and Serbs), while the other academies in the region give precedence to the dominant nationality and are tied to the creation of the nation state (the Serbian, Croatian, Montenegrin academies of sciences and arts). Therefore, the Bosniak Academy cannot be seen outside this particular context, taking into account, of course, all the serious drawbacks of such a 19th century concept.

Official Belgrade and Serbian cultural institutions reacted to the forming of the BANU with the same nationalistic template already seen in the 1980s and 1990s. In this case, it is obvious that the Serbian Academy of Sciences and Arts (SANU) exerted pressure on the Serbian government to condemn the formation of the BANU. Initially, state bodies reacted very negatively and, according to Radio Free Europe, directly at the request of the Serbian Academy[14].

In their initial reactions, two Serbian government ministers, Milan Marković[15] (human and minority rights) and Žarko Obradović[16] (educa-

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[13]   http://www.politika.rs/rubrike/Kultura/Zukorlic-osnovao-BANU.lt.html
[14]   RL/RFE, June 10, 2011
[15]   The minister for Human and Minority Rights and Local State Government Milan Marković initially told Radio Television Serbia (RTS) that the founding of BANU is a political act at

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tion) sharply condemned the founding of the BANU as a political act which violates Serbia's legal system. Also, the Republic Prosecutor's Office, according to spokesperson Tomo Zorić, is following the work of mufti Zukorlić and will react if they assess there are elements of criminal action.

However, minister Marković later met with mufti Zukorlić and seriously revised his initial statement probably to calm the situation. He stated that in Serbia the association of citizens is free "and that the BANU was formed as an association of citizens." As Marković said:

> „There's no doubt that in this matter there is something of Zukorlić's (flamboyant) style – the name itself and the fact that the BANU is line with a policy which to a good degree provokes different reactions. But I really think that it is not such a big issue which will create problems. The government in Belgrade will not take any action to aggravate the existing problems in Sandžak."[17]

The Serbian Academy gave a short official note that "the state adopted a law on SANU as the only state-sponsored and highest scientific and art institution in Serbia and therefore it is up to it to sanction violation of the law." The president of SANU Nikola Hajdn commented on the founding of BANU as "a disgrace" and "not worthy of discussion".

Serbian academicians seized the opportunity to renew the unfounded accusations of Sandžaki Bosniak separatism. Vasilije Krestić, Serbian historian, nationalist and an influential political figure during the 1980s

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odds with Serbia's legal system and will in no way contribute to resolving the real problems of the citizens of Sandžak. "National minorities in Serbia have a high degree of guaranteed rights, but the establishment of institutions of this type is not one of them, for which there is neither need nor capacity", Marković said. RTS, June 10, 2011.
http://www.rts.rs/page/stories/sr/story/125/Dru%C5%A1tvo/906644/Osnivanje+BANU+politi%C4%8Dki+%C4%8Din.html)

[16] According to Obradović: "in this case it is important to know that according to the law this is illegal, and then depending on what they do, each (state body) will find their part in what to do" (RL/RFE, June 10, 2011).

[17] www.b92.net/info/vesti/index.php?yyyy=2011&mm=06&dd=24&nav_category=206nav_id =521016

and 1990s, assessed that the founding of BANU is the first step towards "independence and the separation of Sandžak from Serbia". According to Krestić, "academies of sciences and arts are among the basic elements of statehood". He called upon the state to take "lawfully prescribed measures" and if it fails to do so this will be proof of its weakness and the beginning of the disintegration of the country". Having gone through the experience of the disintegration of ex-Yugoslavia, academician Dragoslav Mihajlović, lay out a strategy, which the state should adhere to,. „The respective state bodies should react but with great tact. It would not be good to make an uncontrolled move because the Bosniaks will invoke the violation of their rights.[18]

Immediately after the founding of BANU, the regular annual SANU assembly was held, attended by representatives of government and religious institutions, including the Serbian Patriarch Irinej. One of the main themes at the assembly was the "decentralization of science", that is, the establishment of SANU branches throughout Serbia. It is precisely this decentralization of science which gives SANU its national character. This trend began at the height of the war in 1992 with the closing down of the Vojvodina Academy of Sciences and Arts (VANU) and its reorganization into a branch of SANU in Novi Sad. On the basis of a new Statute of the Autonomous Province of Vojvodina, VANU was re-established in 2003 but SANU refused to recognize it.

Many Serbian members of the SANU still strongly deny the existence of the Bosniak nation. Zoran Kovačević, president of the SANU branch in Novi Sad, comparing the situation in Vojvodina (to Sandžak) "and how functional i.e. dysfunctional VANU and the branch of SANU are", says that this is a consequence of the federalization of the state, that is, the regionalization which is being announced. Academician Čedomir Popov is of the view that the formation of the BANU is a response to the globalization being imposed by force. In that kind of situation, every nation

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[18]   Cited according to Bisevac, Safeta: "Izmedjuakademika i fudbalera" in Helsinki Charter, 151-152, May-June 2011, p. 45

(every ethnic group) wants to organize itself institutionally, and this is especially true of synthetic and self-styled nations[19].

Contrary to these views is the fact that the founding of cultural, scientific and art establishments with the objective of preserving cultural identity is expressly allowed by the law on the protection of the rights and freedoms of national minorities (article 12)[20]; as well as the Law on National Councils (general jurisdiction, article 10).

Journalist Safeta Biševac, an expert on Sandžak matters, says that the first law carries no provisions on how to deal with someone "who dares to establish another academy in whatever form." It is clear that SANU is "the highest scientific and artistic institution in the Republic of Serbia, it *is* the state academy and I cannot envision how it can be threatened by some BANU?! (…)" Sandžak certainly has serious problems, but they do not, even in Zukorlić's case, include separatist or fundamentalist tendencies. I think it has much more to do with a power struggle plain and simple. On one side you have ministers Sulejman Ugljanin and Rasim Ljajić, who want to retain power and the comfortable position of the political representatives of Sandžak Bosniaks which they've held for the past 20 years, and on the other side you have mufti Muamer Zukorlić who would, with the help of certain political parties, take over that power[21].

Bosniak leaders who are turned towards Belgrade but still have aspirations towards the Sandžaki electorate do not reject the existence of an institution like the BANU, nor do they claim that it is illegal. What they cannot accept is that the idea came from mufti Zukorlić.

Esad Džudžević, president of the Executive Committee of the Bosniak National Council (BNC) in its current, „technical convocation" and a deputy in the Serbian parliament, considers the founding of the Acad-

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[19] Politika Daily, 09.06.2011, http://www.politika.rs/rubrike/Kultura/Zukorlic-osnovao-BANU.lt.html

[20] The law was published in the Official Gazette of the FR Yugoslavia, no.11/2002; after the dissolution of the FRY, the law was taken over by the Republic of Serbia

[21] Danas Daily, June 15, 2011

emy a legitimate idea and project, but what he disputes is that the BANU „affirms and promotes the clerical and religious element of the Bosniak nation." Spokesperson of minister Ljajić's party, Mirsad Jusufović, does not deny that Bosniaks should have their academy of sciences and arts. "But the way Zukorlić is going about it is not the right way. Politics and politicians should stay away from these things. It should be left to top scientists and intellectuals. Jusufović points out that "as far as I know, there is no consensus on the issue within the Bosniak intellectual community, so that I see the establishment of the BANU as just another in a series of private institutions of mufti Muamer Zukorlić"[22].

In Belgrade, the founding of the BANU was supported only by the progressive Liberal Democratic Party (LDP), which in its political message always stresses human and minority rights, regional relations based on equality and admitting to crimes against non-Serbian populations during the wars across former Yugoslavia. In a joint statement Kenan Hajdarević, LDP parliamentary deputy from Sandžak and Enes Curić, the manager of the party in Novi Pazar, stated that (the founding of the BANU) „is a very important event." They express surprise at the negative reactions of some Bosniak representatives saying „such reactions would be more appropriate for vehement Serbian nationalists like Dobrica Ćosić." They also express surprise at views that see the establishment of the BANU as a violation of the law which must be sanctioned since it involves the forming of parallel institutions, at the same time forgetting that BANU is not a state institution but the institution of a national community. „It is also interesting to point out that those who speak of and condemn parallelism (in the case of the academies) are the very ones who are the ideologues of the parallel Islamic community and National Council", say Hajdarević and Curić and appeal to the Serbian state to accept Bosniaks as their citizens[23].

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[22] Danas Daily,
www.danas.rs/dodaci/sandzak/stub_identiteta_ili_nova_institucija_za_osporavanje.42.html?news_id=217573

[23] http://www.danas.rs/dodaci/sandzak/stub_identiteta_ili_nova_institucija_za_osporavanje.42.html?news_id=217573

Conclusions and Recommendations

Unless a real dialogue between Belgrade and Novi Pazar is instigated and open issues are resolved in the foreseeable future, incidents and radicalization of the demands by the Bosniak community are not to be ruled out. At this point, continuation of dialogue depends on the government in Belgrade. Sandžak is not a hotbed of a possible armed conflict.

Mufti Muamer Zukorlić is the one who profits the most from the unresolved issues between Belgrade and the Bosniak community because in the existing situation he manages to impose himself as the authentic voice of the interests of Sandžaki Bosniaks. The newly established political party in Sandžak – the Bosniak Democratic Community (BDZ) led by Emir Elfić, mufti Zukorlić's close associate – probably will benefit from Zukorlić's political standing.

Islamo-phobic media campaigns whereby the entire Bosniak nation was presented as an enemy of the Serbs and Sandžak as a region with separatist ambitions, are a matter of highest concern. Even so, some government officials are telling international community representatives that "a white" al-Qaeda is active in Sandžak. So far, state bodies have not produced any substantial evidence for such a claim.

The political demands of Sandžak Bosniaks have multiplied in conjunction with the Belgrade-mounted interference to cause division and in response to it. Some recent Bosniak demands include: the status of a constitutive nation for Bosniaks in Serbia and autonomy for Sandžak (according to the South Tyrol model entailing trans-regional cooperation). Some threaten that Sandžak could even secede from Serbia if Republika Srpska secedes from Bosnia-Herzegovina. This is an unlikely scenario. In Sandžak there are no separatist aspirations. The Serbian elite in Belgrade use media to perpetrate this idea of Sandžak separatism.

Permanent tension in Sandžak brought about the internationalization of the issue. The international community has increased its presence in Sandžak. The Friends of Sandžak Club was established – representatives

of major Belgrade-based embassies, such as the American embassy, are in its membership.

Though in direct communication with mufti Zukorlić for years, foreign ambassadors have avoided him at the time the Belgrade-Novi Pazar tensions reached their peak. Only recently, in the past two-three months, have they begun to discreetly contact him and his followers again. Early in 2011 a delegation of the US Embassy in Belgrade paid a visit to the disputed Bosniak National Council but did not meet with the mufti. Given that mufti Zukorlić has become a significant political player in Sandžak, it is difficult to circumvent him as an interlocutor.

Creating the conditions for investment (above all foreign), a precondition of which would be pacifying political tensions through dialogue, would prevent the further radicalization of Sandžak. Creating new jobs and the education of young people would draw attention away from radicalization among the Bosniak youth.

Since it's a pre-election year, one can expect that during the autumn of 2011 we will see further radicalization not only in the relations between Belgrade and Novi Pazar, but amongst the Bosniak leaders themselves. The radicalization will be a function of attracting disaffected voters from all sides. It is likely that Bosniak political leaders Ljajić and Ugljanin will strive to cut as favourable deals as possible with the Belgrade parties so that they could stay in the Serbian government after the next election. Mufti Zukorlić and his "exponent" party, the Bosniak Democratic Community (BDZ), see their advantage in the constant rise in ratings amongst the Sandžak electorate. So it wouldn't be surprising if the government (ruling coalition) tried to find a compromise with Zukorlić so it could get the Bosniak vote.

Taken as a whole, Sandžak Bosniaks have so far proven to be a pro-European electorate. Hitherto they have always voted for democratic and pro-European options. Just as they have stood up for the change of the Milošević regime of October 5, 2000, they wholeheartedly supported the Coalition for Europe in the 2008 parliamentary elections.

PART 3:

CHALLENGES IN THE „SOUTH" OF THE WESTERN BALKANS

Possible Implications of the Dialogue Pristina-Belgrade on Regional Stability – A Kosovo-Albanian View[1]

Krenar Gashi

On September 9, 2010, the General Assembly of the United Nations (UNGA) unanimously adopted a resolution sponsored by Serbia and the European Union (EU) member countries, which opened the path for a fresh dialogue between Kosovo and Serbia. The resolution acknowledged the content of the advisory opinion of the International Court of Justice (ICJ) in respect to Kosovo's declaration of independence being in accordance with international law, and welcomed the readiness of the European Union (EU) to facilitate a process of dialogue between the parties.[2] Serbia agreed on the text of the GA-Res 64/298 due to pressure from the EU. Although not a binding document, this resolution was taken seriously by both countries, which had failed to reach an agreement over Kosovo's political status in 2006-2007. The EU's involvement in the dialogue, and the discourse promoted by Brussels that this process will be a gateway for eventual integration of Kosovo and Serbia into the bloc, created sustainable hopes, albeit a fair dose of criticism by radical political forces in both countries.

The EU appointed Mr. Robert Cooper to serve as EU facilitator of the dialogue. At the same time, both Kosovo and Serbia formed their negotiation teams, constituted high-profile representatives. Kosovo's team is chaired by Ms. Edita Tahiri, deputy prime minister, while Serbia's is chaired by Mr. Borislav Stefanović, secretary in the Foreign Ministry.[3] The first round of talks, which took place in Brussels on March 8, 2011, was rated by the EU as both productive and constructive, with parties

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[1] This article was completed in July 2011.

[2] United Nations General Assembly Resolution 64/298, September 9, 2010

[3] EU-facilitated dialogue between Serbia and Kosovo: A positive start, EU11-088EN, (March 9, 2011) http://www.europa-eu-un.org/articles/fr/article_10780_fr.htm accessed on June 9, 2011

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committing to continue the process.[4] In the first four meetings in Brussels, representatives of Kosovo and Serbia discussed civil registry, cadastral records, telecommunications, energy issues and the freedom of movement of their citizens.[5] To this date, the dialogue has continued with more meetings, which for the public were more or less of the same nature, characterised with general statements to the media and with no details disclosed.

The beginning of the dialogue was not only seen as a great step towards normalisation of relations between Kosovo and Serbia, but also as a great example on how to begin the last phase towards long-term stability in South-East Europe. Following a decade of armed conflicts and another decade of hostility, Kosovo and Serbia are closer than ever before to resolving the last puzzle in the Balkans. The normalisation of relations between the two countries, notwithstanding the disputes over sovereignty, would send a strong signal to other countries in the region - especially Bosnia and Herzegovina and Macedonia - that tensions and conflicts in this region belong to a closing chapter of history.

An added value to the dialogue is that it represents a unique chance for the EU to reshape its foreign policy towards its immediate neighbours. The enlargement process, which was the EU's safe and comfortable foreign policy for years, is no longer applicable as the process has silently been put on hold. By providing successful guidance towards normalisation of relations between Kosovo and Serbia, the EU would not only justify its involvement in the region, but would also clarify the prospects of the countries of South-East Europe for much aspired Euro-Atlantic integration.

Furthermore, this dialogue and especially its potential productivity could immediately influence Macedonian-Albanian relations in Macedonia and would halt the growth of the idea of Kosovo's unification with Albania. If successful, the dialogue would indicate further regional and interna-

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[4] Ibid
[5] EU-Facilitated dialogue between Serbia and Kosovo: a productive meeting, EU11-178EN, (May 18, 2011) http://www.europa-eu-un.org/articles/en/article_11054_en.htm accessed on 10, 2011

tional integration of Bosnia and Herzegovina, which, it is argued, could lead to easing recently intensified inter-ethnic tensions there. It would definitely lead towards a more reconciled Western Balkans.

However, the beginning of the dialogue also revealed certain obstacles, which if not resolved, will hinder the whole process and will send a destructive signal for peace and stability in the region. This article will take a look at the emerging challenges of the dialogue, starting from the very beginning of this process, which was initiated in a hastened and unprepared way. It will look at the political situation in both countries, will argue that the lack of a consensus within the EU to treat Kosovo and Serbia equally is damaging the process, and will attempt to argue how this dialogue will affect the overall stability in the region, by analysing the involved parties.

The Troubled Facilitator

When it comes to important issues in the EU foreign policy, the geopolitical necessities and foreign and internal policies of each of the member countries are those that prevail. The political game is a strictly inter-governmental one, meaning that all decisions have to be supported by member states, with Brussels' institutions playing a facilitating role at best.[6] The Lisbon Treaty has not changed this, and many argue that in fact it was never intended to do so. From the beginning of the process that eventually led to the new compact, there was consensus among member states that this fundamental part of the European order should not be changed.[7] In this spirit, the involvement of the Brussels institutions, namely the European Commission (EC) in the dialogue process between Kosovo and Serbia is of a technical nature at best.

This limitation brings the EU institutions to the point of having no unique policy for the dialogue. This comes mostly, but not entirely, as a

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[6] Techau, Jan: The Five Structural Problems of EU Foreign Policy. In: Security and Politics in Asia and Europe, Panorama, 02/2009, p.73-83
[7] Ibid

consequence of the fact that when it comes to Kosovo, there is no EU. There are 22 member countries that recognised Kosovo's independence and five member countries of the EU that did not.[8] This fact alone makes it difficult for the EC as a facilitator of the dialogue to treat Kosovo and Serbia equally in this process. As a solution, the EC expects the dialogue will eventually lead to a "one click solution," a term used off the record in the diplomatic discourse of Brussels, referring to a solution the EU may apply upon accession of Serbia and Kosovo. This would envisage eventual joint accession of two countries in the EU, at the same time, in order to avoid the necessity of formal recognition of Kosovo's independence by Serbia, but also avoid a situation when Serbia would veto Kosovo's accession.

Consequently, the EU is pushing an agenda for the dialogue that focuses on the so-called technical issues, namely issues between Kosovo and Serbia that would be easier to resolve, whilst remaining neutral on the political status of Kosovo. This lack of a unique voice and a clear policy puts the EU in a difficult position. The general perception in Brussels is that the dialogue would begin with easy topics, and once some agreements are reached and the level of trust between two parties increases, it would slowly shift towards more sensitive topics.[9] In other words, the EU has no policy on the dialogue, but rather sees it as a process that would eventually develop itself into a policy.

This bare framework of the dialogue set by the EU is favouring Serbia vis-à-vis Kosovo at the negotiating table. Firstly, the list of topics that is brought to the negotiating table consisted of issues for which Kosovo is not required to be a signing party. The first topics that were discussed were civil registry and cadastral records, which were taken away by the Serbian administration when withdrawing from Kosovo in 1999. This gesture itself was in violation of the UN Security Council Resolution 1244 (SC-Res 1244) and it takes only the political willingness of the Serbia government to return the copies or original registries to Kosovo.

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8   Kosovo is not recognised by Spain, Greece, Slovakia, Romania and Cyprus
9   Personal interviews with senior officials of the European Commission and Members of the European Parliament, Pristina and Brussels, March – June 2011.

Telecommunication and energy issues represent a more serious violation of SC-Res 1244, as Serbia has reinstated a partial energy grid system and its mobile telephony operators. These actions violate a set of Kosovo legislation, which is based on SC-Res 1244, and was promulgated by the UN Interim Administration Mission in Kosovo (UNMIK) between 1999 and 2008.

This choice of topics, which is de facto putting margins to the dialogue process, is followed by diametrically opposite stances of both parties, which not only have not moved from their initial positions, but have been keen to flaunt these positions given any opportunity. Whilst Serbian authorities claim that the dialogue will eventually lead to more political talks and potentially discussions over Kosovo's status, their Kosovar counterparts firmly reject this and went as far as calling the conclusions a de facto recognition of Kosovo by Serbia. This premature behaviour of the parties has been going on and off throughout the whole process.

The EU was neither prepared nor ready for this dialogue. Having in mind that both parties had diametrically different stances on most of the issues and that the genesis of these issues was political, a technical approach to the dialogue is way too optimistic. In this article it will be argued that none of the parties, and not even the facilitator, have played fair and balanced in the dialogue game. This unfair and hastened process, along with an unclear path for the process, has created a reasonable fear that the dialogue might well fail.

The (In)dependent Kosovo

Kosovo was not ready to start the dialogue with Serbia in March 2011. The country was just out of a long and exhausting election process and was facing severe internal political disputes. On December 12, 2010, early national elections were held, which followed a series of institutional crises. The election crisis was sparked by resignation of former President Fatmir Sejdiu after the Constitutional Court ruled he had violated the country's constitution.

As a consequence, the governing coalition between Mr. Sejdiu's Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK) of the Prime Minister Hashim Thaci was broken. A no-confidence vote brought the government down and dispersed the Parliament.[10] The election campaign was intensive and hostile. The elections themselves were characterised with multiple problems and systematic fraud.[11] Manipulated voters' lists, multiple voting and ballot stuffing were witnessed by both local and international observers.[12] The authorities, in their attempt to save the process, organised repetition of voting in three municipalities, and two voting stations in two other municipalities. A new election campaign of three days was announced. Since the preliminary results were already published, the repetition of elections fused the tensions between the parties.[13] Several political parties questioned both the legitimacy and legality of the elections.

On February 22, amidst fierce public debate, the new government was voted in the Parliament. The election of the government followed the election of Behgjet Pacolli, a controversial businessman and leader of New Kosova Alliance (AKR) as President of the Republic. Mr. Pacolli's AKR reached an agreement with Mr. Thaci's PDK to form a governing coalition. Because the coalition lacked a majority of the elected seats in Parliament, it could be reached only with the help of 20 reserved seats for representatives of the national minorities. The coalition agreement also envisaged that Mr. Pacolli would be elected President, which eventually happened in the third round of voting in the Parliament, and only after an interference of the US Ambassador to Kosovo, Christopher Dell. Ambassador Dell was heavily criticised for his interference and for pressuring MPs to alter their vote and elect Mr. Pacolli.[14] A few weeks later

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[10]   Kosovo's Parliament Disperses, the Parliament of Kosovo Official website
       http://www.assembly kosova.org/?cid=1,128,3502, accessed on June 30, 2011
[11]   Ejupi, Burim and Qavdarbasha Shkamb: Kosovo National Elections 2010 – Overview and
       Trends, KIPRED, Pristina, April 2011
[12]   Ibid
[13]   Ibid
[14]   MEP criticizes US ambassador in Kosovo SMS affair, EU Observer, March 4, 2011,
       available at http://euobserver.com/24/31926, accessed on June 30, 2011

the Constitutional Court ruled his election as unconstitutional.[15] Although the ruling did not break the coalition between PDK and AKR, it caused another small institutional crisis and intensified the political hostility.

Without a President at the office and with a government coming out of disputed and controversial elections, Kosovo was asked by the EU to proceed fast in appointing a negotiating team for dialogue with Serbia. The opposition parties in the Parliament were seeking to have a political consensus regarding the dialogue, insisting for the Parliament to be the decision-making body, and not the government.[16] Sensitive issues from the Kosovo-Serbia war were emerging, such as the fact that Serbia did not apologize for the victims and the damage it caused, or the fact that Serbia continues to sponsor parallel institutions of intelligence and security in northern Kosovo, which is interpreted as territorial claim against the new country.

The governing coalition initiated a resolution in the Parliament, which would give the green light for the government to engage in a dialogue with Serbia and draw the so-called "red lines" that should not be crossed by the Kosovar negotiating team. At the same time, the opposition parties in the Parliament were trying to pass a resolution that would forbid the government to engage in this dialogue.[17] The Parliamentary debate was heated and full of cross-accusation between political parties.

In fact, the government decided to engage the Parliament into this issue only pro-forma, as the negotiating team led by Deputy Prime Minister Edita Tahiri, including a senior political adviser to the Prime Minister Thaci, was already in Brussels. It was not certain that the government-

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[15] Judgment in Case No. KO 29/11 applicants Sabri Hamiti and other deputies, Constitutional Court of the Republic of Kosovo, March 30, 2011, available at http://gjk-ks.org/repository/docs/ko_29_11_agj_om_ang.pdf, accessed on June 30, 2011

[16] Kosovo Opposition Wants Voice In Pristina-Belgrade Talks, Balkan Insight, March 1, 2011, Accessed through Euro Asia Review, at http://www.eurasiareview.com/01032011-kosovo-opposition-wants-voice-in-pristina-belgrade-talks/, accessed on June 30, 2011.

[17] Kuvendi diskuton për dialogun Kosovë – Serbi (The Parliament discussed Kosovo-Serbia dialogue) Telegrafi, March 7, 2011, at http://www.telegrafi.com/?id=2&a=13280, accessed on June 30, 2011

sponsored resolution would pass in the Parliament, as some MPs of the ruling coalition were also having doubts about the dialogue.[18] This avoidance of the Parliament was widely criticised by the media and the civil society.

The position of Kosovo vis-à-vis the EU as the facilitator of the dialogue, but also vis-à-vis Serbia, was very much dependent on advices provided by the EU itself. Even three years after declaration of independence, Kosovo political leaders reaffirmed that they remain very much dependent on the support and guidance of the international community. The influence that the US Embassy in Pristina has on Kosovar public opinion was also used, with the US strongly supporting the dialogue as it was proposed. In this spirit, the demands of Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy, were blindly followed, while the internal political uncertainty was brutally ignored.

As a consequence of all this, public opinion in Kosovo was shaped very much against dialogue with Serbia. The choice of topics that was presented to the dialogue added to this negativity that was taken further on by mainstream and alternative media. The government's inability to accurately convey the progress of the dialogue to Parliament, the public, and the media just added to the overall situation and weakened its already damaged reputation. By the beginning of summer 2011, it was obvious that the government did not have the needed support and legitimacy to carry on with the intensified dialogue process.

The Janus-Faced Serbia

The International Court of Justice advisory opinion on Kosovo's declaration of independence did not change Serbia's stance towards Kosovo. The country still engages in a heavy diplomatic fight to prevent Kosovo's further recognitions by other countries. Additionally, Serbia con-

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[18]   Personal interview with two Kosovo MPs from the PDK, Pristina, July 2011

tinues to support parallel structures in Kosovo.[19] These structures include not only administrative, health and education institutions, but also those of interior and intelligence. In other words, Serbia's policy is to destabilise security situation by all means in order to maintain the status quo and prevent Kosovo's development and its integration in the international community. But at the same time, the country aspires to join the EU and is promising engagement and normalisation with Kosovo.

This Janus-faced approach has become vividly apparent since the beginning of the current dialogue. At the same time that the head of Serbia's negotiating team, Mr. Borko Stefanović, and his Pristina counterpart, Ms. Tahiri, were engaged in a dialogue, the Deputy Prime Minister and Minister of Interior of Serbia, Ivica Dačić, was promoting the old but still active policy of partition of Kosovo.[20] Dačić spoke as the second person in the government cabinet, thus his statement is considered as an official statement of the government. The policy of partition had become official in Serbian national elections of December 12, 2011, when Serbia's President Boris Tadić clearly distinguished Kosovo Serbs living in the north of the river Ibar from those living in the south. Mr. Tadić called on Kosovo Serbs from northern Kosovo to boycott the Kosovo elections, while saying that those in the south could do as they wish. This policy was enforced by the situation in the ground in northern Kosovo, where Kosovo authorities have no control.

The parallel structures of Serbia, especially those operating in northern Kosovo, intensified their activities with the beginning of the dialogue. After having managed to close down the District Courthouse in the ethnically divided city of Mitrovica in April 2011, members of these structures occupied the Minor Offence Courthouse in northern town of Zubin

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[19] For 2010, the budget for Serbia's parallel structures in Kosovo was EUR 42 Mln. For more information see Gashi, Krenar: Decentralisation in Kosovo – Functioning of Serb-Majority Municipalities, KIPRED, Pristina, July 2010.

[20] Partition of Kosovo only solution, minister says, Zeri Daily Newspaper, Pristina, May 15, 2011, found at B92, http://www.b92.net/eng/news/politics-article.php?yyyy=2011&mm=05&dd=15&nav_id=74342, accessed on June 30, 2011

Potok.[21] Increasing activities of the parallel structures were in the same line with Serbia's official policy.

What stopped this policy from being implemented with full speed is the current government's agenda of priorities, which consists of planning the future whilst remaining in power. Furthermore, only 30% of Kosovo Serbs live in the north, while the other 70% of them living in the south are strongly opposing partition as an option.

Due to the upcoming Parliamentary elections in Serbia scheduled for spring 2012 and the Presidential elections later on, President Tadić feels comfortable playing with two highly important issues for the electorate in Serbia: EU integration and Kosovo. Thus, it suits Serbia to have the option of a partition of Kosovo open, especially since there were no clear voices from the European leaders telling Serbia it must choose between Kosovo and the EU.

A hindering factor for Serbia's policy was the ICJ's advisory opinion itself. Following this defeat in the world's court, Serbia switched from using SC-Res 1244 as a legal instrument for its policy to violating this important resolution. The ICJ's advisory opinion was also reaffirmed in the GA-Res 64/298, where the first clause acknowledges the content of the advisory opinion, of July 22, 2010, which said that Declaration of Independence of 17 February 2008 did not violate general international law.[22]

The upcoming elections, the political rhetoric and lack of courage to deal with the "lost Kosovo" are three important factors that determine Serbia's leadership behaviour. So far, President Tadić has played brilliantly in keeping all the options open whilst holding and slowly squeezing all the ties. This multidimensional trait of Serbia is being well tolerated by

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[21] Serb Parallel Structures Occupy Court in Northern Kosovo, Kosovo Daily Newspapers on April 25, 2011, found at SEE Times, http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2011/04/26/nb-02, accessed on June 30, 2011

[22] Summary of the Advisory Opinion 2010/02, Accordance with international law of the unilateral declaration of independence in respect of Kosovo, ICJ, July 22, 2010, p.8

the EU leaders, who would see any open opposition to Serbian policy on their part as a direct threat to President Tadić and his pro-European coalition, potentially putting them out of power. In the meantime, the Belgrade government continues to hinder the dialogue process by intensifying its support for the parallel structures and by keeping northern Kosovo as a hostage to the process, in order to be able to "get something from Kosovo" for the domestic audience.

Unequal Treatment

The EU is not expecting to enlarge further than Croatia for at least the next eight years.[23] This has left Brussels with an unequal balance of sticks and carrots they can offer to Western Balkan countries. Given this situation and the fact that not all countries of the bloc recognise Kosovo's independence, the EU as a supranational institution is not treating Kosovo and Serbia equally in the process. Thus, not only does the EU have no policy regarding the dialogue, but it also it is unable to treat the parties equally when it comes to facilitating the process.

The five non-recognising members, and especially Romania and Cyprus, are actively engaged to opposing Kosovo's European future.[24] As a consequence, Kosovo has no clear path towards EU integration. It remains the only Western Balkan country whose citizens cannot travel visa-free to the EU countries and has no proper guidance when it comes to liberalisation of the visa regime. Due to the same lack of unity within the bloc, Kosovo is very far away from engaging in any contractual agreements with the EU.

Serbia, on the other hand, is likely to receive its candidacy status by the end of the year.[25] Having delivered all wanted war criminals, with timing that looked very much planned, Serbia's path to the EU is not only

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[23]   Personal interview with a senior official of the European Commission, Brussels, April 2011
[24]   Personal interview with a European diplomat, Vienna, June 2011
[25]   Ibid

clear but also quite certain. The country received visa-free travel for its citizens and is already benefiting from the pre-accession period.

If we look for a carrot and stick policy of the EU towards the two countries, it is easy to conclude that the EU has only carrots for Serbia and only sticks for Kosovo. By ignoring Serbia's attempts to destabilise the situation in Kosovo by sponsoring parallel structures especially in country's north, the EU is legitimizing Serbia's partition policy, or at least not doing anything to suppress it. Furthermore, it is rewarding Serbia for not being "a very bad guy" in the region.

The EU Rule of Law mission in Kosovo – EULEX – is also contributing to the unequal treatment. The mission, ever since it was established, has been reluctant to act equally throughout the territory of Kosovo, treating the northern part different from the rest of the country. Initially, the mission did nothing to restore rule of law in the north, a crucial step of which would have been to reinstate the local courthouse in the city of Mitrovica. Indeed, the head of this mission, Xavier de Marnac, stated that the mission could not act in the north without a prior political agreement between Kosovo and Serbia.[26] Such a statement not only overestimates the ongoing dialogue in Brussels, but it is also in violation of international documents on Kosovo, including SC-Res 1244, which defines Kosovo as a single territory and a single customs zone.

Conclusions

The unequal treatment of the parties by the facilitator is jeopardizing the whole dialogue. This especially, since the role of the EU is not merely the one of a facilitator, but also the role of an arbiter in the whole process. Due to the fact that the parties have not moved much from their initial positions, it is the duty of the facilitator not only to facilitate the meetings, but also to draw conclusions from them. Thus, there are no

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[26]   Pa marrëveshje politike s'ka kthim të gjykatësve në veri (Without a political agreement there won't be a return of judges in the north), Zeri Daily Newspaper, April 18, 2011, available at http://www.zeri.info/artikulli/1/1/23719/marnhac-kodin-e-thyen-edhe-shqiptaret/, accessed on June 30, 2011.

agreements reached in this dialogue, but rather a list of conclusions based on chosen topics, which are drafted by Robert Cooper and his team, trying to reflect a virtual concession of both parties.

The idea that the biggest challenge of the dialogue was to get the parties engaged in this process was wrong. Instead, the biggest challenge will be to keep parties sitting around the same table. With no carrots for Kosovo and no sticks for Serbia, the EU is missing the glue for this dialogue, which would oblige parties to engage in continuous talks. Furthermore, the implementation of the conclusions reached from the dialogue will be impossible without having both carrots and sticks for both parties.

The EU integration as a policy to spur the dialogue is not sufficient, especially not for Kosovo for whom the EU accession is a blurry vision in the distance. With a stagnated economy counting 45% unemployment and 15% of the population living in extreme poverty, the last thing Kosovars will tolerate is an endless dialogue with Serbia that will bring no direct benefits for them. Thus, an anti-dialogue wave in Kosovo is not only possible, but it's already happening, and it may eventually cause Kosovo to withdraw from the dialogue.

The situation will be more or less the same in Serbia once the country receives the status of a candidate for EU membership. Since it will be put in a waiting room for quite some period of time, Serbia may as well give up of the dialogue with Kosovo.

With Presidential elections in Kosovo and Parliamentary elections in Serbia scheduled to take place in 2012, the parties are very likely to be reluctant to engage in fruitful dialogue and to reach any further compromise. When this is combined with the lack of clear policy from the EU, it becomes even more possible for this dialogue process to fail. Such a failure would be not only a grand-scale failure of the EU in the Western Balkans and a blow to its foreign policy credibility in general, but could also shut down the hopes that were raised for positive byproducts of this dialogue in neighbouring countries.

Possible Effects of the Upcoming Dialogue between Belgrade and Pristina

Dušan Janjić

At the beginning of the dialogue, it looked like both Belgrade and Pristina were moving towards a more pragmatic policy (Predrag Jureković, pg. 57). Both sides were demonstrating readiness to talk and to readdress the responsibility for the outcomes towards the EC. It seemed that both sides were ready to propose some solutions for each of the 22 discussed topics, but not to decide on a final solution. On the other hand, EC's facilitator did not come out with concrete proposals for resolving the discussed topics. This became apparent with the issue of customs stamps when Pristina refused "UNMIK Kosovo Customs" stamps, and opted for the stamps which read "The Republic of Kosovo Customs", insisted.

At same time, Belgrade, refused "The Republic of Kosovo Customs" stamps and suggested the stamps which read "UNMIK Kosovo Customs". Finally, when Belgrade's team in Brussels agreed to the stamps which read "Republic Customs" as a compromise solution, the Serbian government in Belgrade rejected it. Throughout the dialogue, the EC facilitator was not doing enough to prevent the dialogue from blocking. As a matter of fact, the meeting, which was supposed to resolve the dispute with customs stamps, being an issue of high priority within the dialogue according to the EU, was twice delayed and finally scheduled for the end of October.[1]

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[1] The fact that Kosovo and the EU were both interested in resolving this issue in order to reduce illegal trade, collect more revenues for the Kosovo's budget, and thus reduce transfers from the EU, has created close relationship between the Government in Pristina and the EU bureaucracy on the spot. Belgrade has neglected this fact and pursued the maintenance of status quo in the north of Kosovo, which involves a strong influence of some groups which are profiting from current absence of the rule of law. This led to further escalation of political and even armed conflicts in the north of Kosovo in July 2011.

We witnessed a direct contact between Serbia and Kosovo when Mr. Borislav Stefanović, leader of Serbia's negotiating team visited Pristina, which was not expected according to the majority of analytics.

However, it was expected that the Belgrade – Pristina dialogue was going to be long and difficult, but at the same time constructive and politically explosive and risky.

This dialogue should be a two-track process:

The first track is between Belgrade and Pristina, and the other between Kosovo Serbs and Pristina. The dialogue between Belgrade and Pristina has been opened and facilitated by the European Commission, on the basis of the Resolution of UN General Assembly, of September 9, 2010. This is a Serbian-backed compromise resolution that opens the way for dialogue between Belgrade and Kosovo[2]. This dialogue should cover the issues such as travel documents, car registration plates, missing persons, transportation, police cooperation, judiciary, trade, and so on. Also, the resolution welcomes the European Union taking the lead in mediation efforts between Serbia and Kosovo's ethnic Albanian leadership. These are the first talks between the two sides since Kosovo declared independence from Serbia in 2008. The resolution also acknowledges the advisory opinion of the International Court of Justice (ICJ) of July, saying that Kosovo's declaration of independence violated no laws.

The dialogue between Kosovo Serbs and Pristina has not been open yet but should be as soon as possible, in spite the fact that this second track is limited to internal issues of Kosovo. Such dialogues include the consolidation of new Serb-majority municipalities or the protection of freedoms and rights of the Serb community.

Although the dialogue between Belgrade and Pristina officially addresses technical issues, it is not possible to separate technical from po-

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[2]   The text of the resolution was a compromise introduced by Serbia to replace a hard-line draft that called for the condemnation of Kosovo's unilateral declaration and to demonstrate reopening the talks on Kosovo's status.
        The earlier text was deemed unacceptable by the United States and many EU-member states that have already recognized Kosovo's independence.

litical and status issues. In realty, technical issues are strongly connected with unresolved Kosovo's crisis and the first meetings suggested that the separation of technical issues from political and status issues is very difficult. This will be an almost impossible mission. Likewise, travel documents, car registration plates and customs are technical but also political and especially status related issues.

The way in which the European Commission is going to facilitate the dialogue is questionable.

First, the lack of an official agenda of the dialogue is further complicating already complicated Kosovo issues. As a matter of fact, the lack of an official agenda makes it even more difficult to define a model for engaging the Kosovo Serbs.

Second, European Commission is using Serbia's EU candidate status and Kosovo's visa liberalisation as carrots to make progress. Promised carrots are attractive for both countries with a small difference. In the case of Serbia, EU candidate status is an objective set by DS and current ruling coalition as a top promise to the electorate during the last elections, which has to be delivered. However, the EU carrot is not so fresh for the Serbian public anymore. On the other hand, visa liberalisation is still attractive for both politicians and citizens of Kosovo.

An additional problem is arising from the fact that the EC selected "visible progress in the dialogue" as a criterion (benchmark) for rewarding the negotiating sides.

It seems that EU facilitation with so many obvious shortcomings cannot bring much success. A successful dialogue will require the development of an agreed agenda, benchmarks and timetable for progress reporting.

The difficulties of dialogue reflect the complexity of the Kosovo crisis itself. Today's Kosovo has become a synonym for political, social and security risks. In the recent history, Serb-Albanian relations are marked by confrontations, which reveal numerous characteristics of ethnic conflict. The conflict itself is over the status of Albanians and control over

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the territory of Kosovo. The order in Kosovo was not based on the rule of law, but on the balance of fear: either fear of the revenge ("vendetta"), which is especially widespread within the Albanian community, or fear of state sanctions. Serb-Albanian relations in Kosovo are established according to the domination model. Both communities seek to institutionalize their domination (Janjić: 2004, 4).

The years of the international presence in Kosovo is characterized with *de facto* independence of Kosovo from Belgrade, and in the years after unilaterally proclaimed independence of Kosovo over 70 countries recognized it as an independent state, pushing Kosovo near de *jure* independence (Deda, Ilir, pp. 171, 172). Officially no proclaimed goal of building a new national state is close to be achieved (Marmsoler, Karin pp. 181, 182). But, the international community's officially proclaimed goal of having a stable, democratic and multiethnic Kosovo has not yet been achieved.

The future of Kosovo is still uncertain and the future position of Serbs and other "non-Albanians" is unfavourable. It is certain that the existing crisis and the new attempt to solve the crisis by defining the future status of Kosovo will be followed by many problems and security risks. Therefore, Kosovo symbolizes an example of Balkanization rather than a successful peace mission.

The question of status still causes deep divisions: the Serbs and Serbia claim that Kosovo is still a part of Serbian territory and ask for full compliance with UNSC Resolution 1244, according to which UNSC has the power to define a new status; Albanian leaders do not give up independence and target their voters by developing the election strategies on the promise of independence.

Negotiations about practical issues are the only way towards the solution of many problems and making conditions to overcome the problem of future status. This takes time and active participation of Belgrade and Pristina, and support of the international community. A meeting held in Vienna on October 14, 2003, showed how difficult it was to start a dialogue. There were no direct talks in Vienna. To be more precise, there

were no talks at all. Each side expressed its opinion and decided to implement an old agreement: to continue the work of the Working Groups in charge of communication, energy, return of displaced and missing persons. Although not very effective, the meeting in Vienna was a very important event as it confirmed that the solution cannot be found without negotiations. The meeting showed that in future more efforts should be made in replacing conflict inspiring actions (there were many of such actions both by SGSR and UNMIK, Albanian leaders and representatives from Belgrade), by conflict solution policies.

Summarizing all proposals and options, and respecting the reality of the Kosovo crisis it can be said that UNSC will in the second half of 2005, or the beginning of 2006, set the date for beginning of negotiations on the criteria for defining the future status of Kosovo. At the same time, it can be expected that the EU will take over the functions from UNMIK, and that EU and NATO will establish joint command over KFOR. It seems that the idea of a new status of Kosovo as a provisional solution through "conditional independence" within the so called European future is becoming a reality (*Balcer, 2003: 59*).

The status issue is a key for the settlement of the Kosovo crisis. It is an important element of peace stabilization. The state – building process is a part of peace stabilization, but it does not necessarily need to be so. In the case of Kosovo, this was not the proclaimed goal of the NATO intervention against Serbia, i.e., FRY. However, the presence of the international peace keeping mission (UNMIK) *de facto* separated Kosovo from Serbia. Since the beginning of Michael Steiner's term of office as Head of the UN Mission to Kosovo, the Mission was officially under his mantra "standards before the status", and exclusively oriented towards building Kosovo as an independent and autonomous country, or the "separation of Kosovo from Serbia", as the Serbs and Serbia see it.

The Decision adopted by the United Nations Security Council (UNSC) on October 24, 2005 to initiate the "Kosovo status process" has marked the beginning of a new phase in the Balkans. The process in which the future Kosovo status will be defined includes *Talks about the future status* which were held in Vienna, *conducted by Martti Ahtisaari in con-*

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certed efforts with UNOSEK and his deputy, the Austrian Albert Rohan and assistant Frank Wisner. Right after the negotiations on the future Kosovo status in Vienna March 10, 2007 and Ahtisaari's decision to send "the best proposal so far", as he himself described it, to the UN, the activities aimed at finding the solution to Kosovo's status and addressing the problems caused by the Vienna negotiations were intensified.

Ahtisaari's *Comprehensive proposal* was not the end of this phase of the process. Small scale wars concerning resolutions between the USA and the EU on the one and Russia on the other side escalated so that a Russian veto to the American-European proposal became a possibility. However, it is already clear that Ahtisaari's mission did not make the Kosovo status definition process any easier.

In attempting to remove the difficulty that the blockade to a solution to the status issue of Kosovo caused within the UNSC, Washington decided to put pressure on the EU to recognise the unilateral declaration of independence by Kosovo, thereby creating a new reality which would ease the realisation of the idea of an independent Kosovo. This objective is set out in the Council joint action 2008/124/CFSP of 4 February 2008 on the European Union Role of Law Mission in Kosovo, EULEX Kosovo.

In coordination with Washington and Brussels, Kosovo's parliament declared Kosovo's independence on February 17 2008. In the declaration, amongst the rest, it says: "This declaration reflects the will of our people and it is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement.

The Constitution (April, 2008) defines Kosovo as an independent country which recognises democratic principles and enforces the Comprehensive Proposal for the Kosovo Status Settlement, which was formulated under the mediation of Martti Ahtisaari. It envisages the control of sovereignty in order to enter into the international alliance, and calls for NATO to remain in Kosovo (Kosovo's Status, 2008, 11).

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Kosovo and the Kosovo crisis, and ultimately Serbia entered a new phase in 2008. This phase can be characterized as "two states on one territory" and according to many parameters it starts to resemble, for example, the Middle East and the relations between Israel and Palestine, or the problems between the Turkish Republic in Northern Cyprus and Cyprus. It is certain that this phase will last and can end in different ways.

Belgrade has built the following three expectations into its policy in regard to the status of Kosovo:

First, the deceleration of the process of recognition of Kosovo is expected. This expectation was partly realized. However, the total number of states which recognized Kosovo is far bigger than expected by Serbia's authorities;

Second, Belgrade was hoping that after the opinion of the International Court of Justice a new negotiation process would be opened with Kosovo, but has not defined a comprehensive exit strategy, or "Plan B", in regard to the attitudes: "Kosovo is Serbia", and a constitutional definition on "highest possible autonomy";

Third, the expectation that the issue shall be transferred from the political to the legal level was realized, but it was not utilized in order to achieve political consensus and develop a long-term strategy to manage the Kosovo crisis. On the contrary, the action of Serbia's authorities was internally inefficient, and the public lost interest in Kosovo. This, in turn, stimulated and deepened the political disunity regarding the Kosovo issue in internal politics.

The current political and security situation in Kosovo is stable. However, this does not mean that there is rule of law. These are the particular security risks in Kosovo:

- Strong coupling of organized crime and parts of the Kosovo authorities, the overall political elite, and parts of the international mission

- Corruption is strong in all levels of society, including all national communities
- The judiciary is inefficient and corrupt, and completely unprepared to organize trials against Albanians for war crimes
- Freedom of public information is publicly declared, but in reality there is no media which is free from the influence of political parties. The endeavours of the political leaderships to control public information include control over of websites and opinion polls.

The main weak points of the Kosovo situation are:

- Great economic backwardness and underdevelopment, high levels of unemployment and widespread poverty
- Kosovo is an ethnically divided society in which the Serb and Albanian communities demonstrate their capabilities to live parallel lives, and in which there is no program or organized effort to find a more effective model of institutional cooperation and inter-ethnic reconciliation.

All this creates a favourable environment for corruption, for the strengthening of organized crime as well as the danger of increased socially, politically and religiously motivated extremism and terrorism. Therefore, for a long time to come, the inter-ethnic relations shall present a serious threat to security and peace in Kosovo.

Looking for the answer on the Kosovo status issue, the situation of the Serb community in Kosovo should be a focal point of the dialogue. The objectives should be to define the Serbs' role in Kosovo's political process.

From a Serbian point of view, it is difficult to define a model for Serb community's engagement. In reality, Serbs in Kosovo are divided and incapable of taking any political action apart from individual demonstrations and security provocations. Political leaders of Serbs in Kosovo continue to be at odds, even in regard to the issue of participation in Kosovo institutions. The majority of ordinary Serb citizens do not trust the local Serb politicians or Belgrade. However, they trust Pristina and

the international community even less. This turns them into static rather than active political actors. The result is that Serbs have not joined Kosovo institutions, not even the KPS or KBS. However, this does not prevent numerous Serbs working in these institutions, without the consent of Belgrade. Despite this, however, two Serb parties participate in the work of the Kosovo Parliament.

The Kosovo Serb community is fragmented not only by a multitude of political parties with conflicting objectives but also of institutions. It is represented by two sets of local institutions: Serbian institutions and Kosovo bodies. The former are supported by Belgrade while the latter by Pristina and the international community. The Serbian institutions resulted from the Serbian 2008 elections held in Kosovo in response to Kosovo's declaration of independence. The Serbian institutions in the Serb-controlled north operate unhampered and are in effect the only existing institutions, but their operations in the rest of Kosovo, where Kosovo bodies operate effectively, are limited. The Serbian institutions have successfully thwarted Pristina's efforts to establish its institutions in the north.

The Serbian institutions also include service institutions: education, healthcare, and post- telecommunications. But unlike the political institutions, the service institutions, which exist since 1999, have been operating effectively and do not represent any threat to Kosovo Serbs' interests or to Kosovo's bodies. They should be supported until an overall Belgrade-Pristina agreement is reached.

The situation on the ground suggests that this institutional political parallelism harms the Kosovo Serbs' interests, but the involved actors are reluctant to consider phasing out parallelism. The existence of two sets of local institutions is becoming problematic in the Serb-majority municipalities in the south. Kosovo Serbs should gather around one set of institutions, those that are more effective and phase out the others.

The Serb community hesitates to fully participate in Kosovo's institutions. Participation ensures the Serb's representation in Kosovo's institutions but also confers legitimacy upon those institutions, prompting

some to equate participation with recognition of Kosovo's independence. By contrast, a boycott conforms to the policy of non-recognition but leaves the Serbs out of the decision-making process, increasing their isolation in enclaves. The third, and present, option—participation by the approximately 60,000 Serbs in the south and boycott by the approximately 40,000 Serbs in the north—ensures representation of the Serbs in the south but leaves out the Serbs in the north, widening the Serb north-south divide and reinforcing the idea of partition, popular among the Serbs living compactly in the north but opposed by the scattered Serb municipalities in the rest of Kosovo (CIG, pp. 5).

After Kosovo's declaration of independence in 2008, Belgrade severed its communication with Pristina, organized local elections in Kosovo, and established its own institution. It also "punished" those Serbs who deviated from this policy. Belgrade has since made three major policy changes:

- it has resumed communication with Pristina through a dialogue on "technical" issues
- it no longer sanctions those who vote, run for office, and join Kosovo's institutions
- it has abolished a number of local institutions in Kosovo's municipalities without substantial Serb population and decreased its social assistance to Kosovo Serbs.

Despite these policy modifications, Belgrade opposes the Kosovo Serbs' participation in and engagement with Kosovo's institutions, until a solution to the Kosovo status dispute is found. The Kosovo Serbs in the south have 'deviated' from this policy, turning in large numbers to vote in Kosovo's 2009 local and 2010 parliamentary elections (Kosovo's Status, 2008, 16).

The Kosovo Serbs in the south support Belgrade's position of "non-recognition" but not that of "non-cooperation." They believe there are models that allow for "cooperation without recognition" and for "accepting but not recognizing" Kosovo's institutions. This approach entails that the Serbs take part in institutions, including police, judiciary, and public

administration, but do not recognize Kosovo's sovereign prerogatives, such as borders and state symbols.

The Kosovo Serbs in the north are not expected to modify their strategy. Effectively running their own institutions, they have no incentives to change course.

Kosovo Serbs have two types of parties: Belgrade-based and Pristine-based parties. The former are powerless branches with almost no decision-making power, while the latter are independent but are not recognized by Belgrade and by a portion of the Kosovo Serb population. This makes it difficult for them to claim wide legitimacy and operate in areas - the Serb-majority municipalities in the north - where Belgrade-based parties have a political monopoly. The relations between these two types of parties and the institutions they manage are tense. Policy and ideological differences and their aggressive competition for a relatively small number of votes have resulted in the fragmentation of the Kosovo Serb political spectrum.

After the last Kosovo election, Serb political party consolidation and coordination is needed. Indeed, political stage in Kosovo (as in Serbia, also) is in a moving or fragmentation and regrouping:

- Party officials and members of Parliament move from one party or caucus to another,
- New parties are being formed, after the split or disappearing of some party,
- Parties continue to be identified with their leaders, rather than programs (Alex)

The politics of the Serb parties is about:

- Power
- Political choice: To join Kosovo's institutions or to boycott them and strengthen the Serbs' so-called parallel institutions connected with Belgrade.

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To make a choice for Serbs in Kosovo is not an easy job. The political and institutional conditions in Kosovo are not in a favor of the Serbs' community. That is calling for following actions:

- Bringing the political uncertainty of Serb community to a lower level (or on the end).
- Develop a solution for North Kosovo (Daxner pp. 43).
- Finding practicable management solutions for the international presence in the post status period which will prevent "rivalry" between UN and EU presence in Kosovo (Jurekovic pp.55).

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Challenges for the Implementation of Rule of Law in Kosovo

Alessandro Rotta[1]

Introduction

This short contribution aims at exploring and unwinding the main challenges in implementing the rule of law in Kosovo, by taking a close look at the performance of local and international institutions in the field. Starting from enlarging the perspective on the rule of law, in order to show its complexity and its interrelation with close and distant historical legacies, with formal and informal power structures and societal dynamics, and the evolving features of crime phenomena, it moves to address more specifically the challenges Kosovo faces in the fields of law enforcement. These are partly related to a weak domestic response and to deficiencies in the justice (mostly) and police services. The role of the EU rule of law mission, EULEX Kosovo, is then analysed to assess to what extent EU-led efforts fill the gap between challenges in the field and weakness of domestic response. The main approach chosen by EULEX, as the most sustainable mid to long term strategy to improve standards and capacities by rule of law institutions, is to monitor, mentor and advise them, while retaining limited executive powers. There is therefore a significant paradigm shift in the role of internationals in the rule of law field in Kosovo, letting a clear primacy to local actors in dealing with the main challenges. The interrelation of rule of law issues with wider and more complex dynamics (political, economic, societal) means that besides improvements in law enforcement standards, more comprehensive changes and transformations are needed in order to modify the current state of play. This brings the ball back the in the court of the international community, mostly the European Union, not so much to

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substitute domestic efforts in implementing the rule of law but rather to assist and guide such efforts and to offer an anchoring to international mobility, social change and normalisation of the political framework.

1. The Rule of Law in Kosovo: Widening the Perspective

Rule of law challenges in Kosovo are traditionally presented as a catalogue of shortcomings and deficiencies by relevant domestic and international institutions. At the same time, threats to law and order are often termed in general and unspecified terms, defining Kosovo as flagellated by pervasive "organized crime" and "corruption", without further investigating how such phenomena interact with the wider social fabric and more general political processes, to which extent they were shaped and contributed to shape institutional patterns and how they flourish in and nurture in the dire economic conditions of Kosovo.

Crime and Kosovo represent an easy association in the public discourse, both locally and internationally, and stepping up efforts at fighting organized crime is recurrently indicated as a priority by successive EC Progress reports.[2] The image of a lawless Kosovo may be misleading: violent crime rates have significantly and consistently lowered since 1999.[3] What is more concerning, rather than the volume and nature of illicit trade and traffics, is the capacity of criminal entrepreneurs, in Kosovo as elsewhere, to influence social and political processes, to steer economic dynamics as well as to divert funds aimed at reconstruction and stabilization. As it was the case of Italian organized crime in the 1990s, also in the Balkans, following improved and successful efforts at law enforcement, often coordinated regionally and internationally, a switch to low profile can be observed, with criminal cartels avoiding widespread use of violence and submerging into the society, in order to

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[2] See the conclusions on Kosovo from the EC Progress report 2011, extract from the Communication from the Commission to the European Parliament and the Council "Enlargement Strategy and Main Challenges 2011-2012", COM(2011)666final
http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_conclusions_en.pdf

[3] International Crisis Group: The rule of law in independent Kosovo, Europe Report N°204, 19 May 2010,
http://www.crisisgroup.org/~/media/Files/europe/balkans/kosovo/204%20The%20rule%20of%20Law%20in%20Independent%20Kosovo.pdf , p.1.

become invisible and gain space for illegal operations.[4] Success in crime is also increasingly marked by the ability to reinvest in licit activities, with Kosovo providing several opportunities for money laundering. The typical transformative dynamics, leading organized crime to progressively reinvest illicit profits and legalize its activities, have been accelerated in the Balkans and Kosovo by their unfolding simultaneously with processes of states dissolving and re-building.

Corruption is widely perceived as posing a major threat to rule of law in Kosovo, but is also often ill defined, colloquially used as a synonymous for various other problems, such as unemployment, or as a blunt instrument in the political struggle.[5] Kosovo ranks 110 out of 178 countries in Transparency International Corruption Perception Index, with a score of 2.8 (on a 0 to 10 scale with 0 indicating high corruption and 10 marking the absence of corruption).[6] According to the Kosovar Democratic Institute, 73% of Kosovo respondents to Transparency International's Global Corruption Barometer 2010 believe that corruption has increased from 2007 to 2010 and see institutions, political parties, the judiciary and the parliament as the most corrupt.[7]

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[4] Albertini, Matteo: The Adriatic Connection: Mafia links from Italy to the Western Balkans (1 June 2011), balkanalysis.com, http://www.balkanalysis.com/serbia/2011/06/01/the-adriatic-connection-mafia-links-from-italy-to-the-western-balkans/ accessed on 2 October 2011.

[5] "Despite regular invocations of corruption by Kosovars and internationals alike, details about its scope and structure remain sketchy, limiting the understanding of its consequences for political and economic development", Kosovar Stability Initiative: Untying the Knot. The Political Economy of Accountability and Corruption in Kosovo, June 29, 2010, http://iksweb.org/Photos/Publikimet/Images/Zgjidhja_e_Nyj%C3%ABs/enuntying_the_knot.pdf., p. 3.

[6] "The Corruption Perceptions Index (CPI) ranks countries according to perception of corruption in the public sector. The CPI is an aggregate indicator that combines different sources of information about corruption, making it possible to compare countries", Transparency International: Corruption Perceptions Index 2010, http://www.transparency.org/policy_research/surveys_indices/cpi/2010/results , accessed on 2 October 2011

[7] Transparency International: Kosovo: level of corruption increased for Political Parties, the Judiciary and the Parliament, http://www.transparency.org/news_room/latest_news/press_releases_nc/2010/2010_12_09_kosovo_gcb10

The main concerns in the fight against corruption are related to the public procurement officers, to the influence of political parties in appointing the boards of publicly owned companies, and on the poor funding and support for anti-corruption authorities. A limited capacity to prosecute corruption and adjudicate corruption cases, particularly high level ones, completes the picture.[8]

Anticorruption legislation has been upgraded but often lacks supporting elements such as codes and standards. While some bodies, such as the Kosovo Anti-corruption Agency (KACA) have shown a strong institutional performance other key pillars of the Kosovo's integrity system, such as the parties and the business sector are assessed as weak, and "neither political, social, economic nor cultural factors are supportive of integrity, accountability and transparency."[9]

To look only at crime and corruption phenomena may however lead only to a partial understanding of the rule of law phenomenon. Old and recent legacies may partially enlighten the interpretation of the rule of law in today's Kosovo. A long tradition of a distant, official authority cohabiting with closer, informal powers dates back from the Ottoman Empire. More recently, Serb rule during the nineties contributed to shape a notion of rule of law as an alien concept, as the legal framework served the needs of daily oppression whereas legitimacy was attributed to parallel, self governing structures.

Historically, in Kosovo as elsewhere in the Balkans, illicit traffics acted as a link between local, rural realities and the dynamism of global trade, facilitating the access of market practices to secluded areas and often propagating a model of social mobility and advancement. More recently, illicit trades represented a source of financial support for arming guerilla movements.[10]

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[8] Kosovar Stability Initative: Untying the Knot, p.22-23
[9] KDI, Transparency International Kosova: Assessment of Kosova Institutional Integrity, 2011, http://www.kdi-kosova.org/publications/NIS2011en.pdf
[10] Strazzari, Francesco: The Decade Horribilis. Organized Violence and Organized Crime along the Balkan Peripheries: 1991-2001. In: Mediterranean Politics, Vol. 12, no. 2, July 2007.

After the conflict, a shadow economy emerged composed of different varieties, partially overlapping: organized crime; corruption, fraud and nepotism in business and public life; and the survival economic strategies of the population at large.[11] Such shades of gray cannot clearly be rubricated as criminal, however they mean that almost the all population is exposed to a wide array of illicit or para-legal practices, making the dividing line between legal and illegal more blurred and leading to a fundamental separation between legality on the one side, and social legitimacy on the other.

The way the political system works, where ruling parties are often seen as patronage networks building consent through distribution of privileges, and cement their political success through availability of economic resources, networks of militants and influence over election administration, poisons the public space, weakens citizenship and ultimately, erodes equality and the basis of the rule of law.[12]

It is at the same time very clear that under this complex and multifaceted interpretation and understanding of the rule of law, the response can only be equally transversal and multifaceted to be fully sustainable.

2. Challenges: A Weak Response

Factors outlined above draw a complex picture and should help to understand why improving the rule of law in Kosovo is a daunting task. Identifying weaknesses in the domestic response to rule of law challenges, the institutional and operational limits and problems by police and judiciary is a relatively easier task.

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[11] Pugh, Michael: Crime and Capitalism in Kosovo's transformation, paper at ISA conference, Hawai, March 2005, p.4.

[12] See Youth Initiative for Human Rights: State of Constriction, Governance and Free Expression in Kosovo, 24 May 2010,
http://ks.yihr.org/public/fck_files/ksfile/STATE%20of%20CONSTRICTION.pdf , and
Briscoe, Ivan and Price, Megan: Kosovo's New Map of Power, May 2011, Netherlands Institute of International Relations Clingendael,
http://www.clingendael.nl/publications/2011/20110503_cru_publication_ibriscoe.pdf.

Kosovo Police is generally considered to be a modern police force, displaying capacities and standards in line with when not higher than its counterparts in the Balkan region. Recently formed, well trained, it enjoys a general respect by the population and a reputation for integrity. This has been also proven by the ongoing takeover of new, demanding tasks since 2008. Through a carefully phased process, KFOR is handing responsibility over security and controls of Kosovo borders over to Kosovo Police. The process was completed in 2009 for the border with Albania and then extended to the border with the former Yugoslav Republic of Macedonia, and with Montenegro in 2011. Not less importantly, KP took the responsibility of securing religious and cultural heritage sites over from KFOR, a role which has clear implications in terms of possible reconciliation among in communities as most of these sites are part of the rich religious patrimony of the Serb minority. KP recently completed an overall organizational restructuring which was in large compliance with indications from the international community.

In general, it can be said that KP has a proven ability to perform regular policing tasks, whereas it still lacks the necessary capacity and tools for tackling more sophisticated forms of crime. What still appears to be missing is a proactive investigative culture, making full use of intelligence-led policing, and a functioning witness protection system.[13] Other concerns, not directly related to the agency's performance, are linked to the political motivation of key appointments.

Justice definitely enjoys a worse reputation than police and is often pointed at as the weakest element in the Kosovo rule of law system, and weaknesses of the judiciary have been indicated as the major impediment for citizens and businesses to see their rights enforced in courts.[14]

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[13] A complete and accurate assessment of progress in the field of policing is provided by the last EULEX Programme Report (2011), which presents developments in the rule of law during the last year as well as trends since EULEX first took a picture of the rule of law system in 2009. EULEX: Programme Report. Bolstering the Rule of Law in Kosovo: a Stock take, http://www.eulex-kosovo.eu/docs/tracking/EULEX%20ProgrammeReport%202011.pdf

[14] "It is all but impossible for citizens and domestic and international corporations to enforce their rights in courts", p. International Crisis Group: The rule of law in independent Kosovo, p. 3.

Problems identified range from courts inefficiency to vulnerability of judges and prosecutors to political or other forms of interference in cases and case related situation. Limited prosecutorial capacity, coupled with an imperfect cooperation among prosecutors and problems with court efficiency police are held to making criminal justice a fragile triangle. [15] According to the latest EC Progress Report "the judicial system is still weak. Interference in the workings of justice persists, endangering its independence and impartiality. Improvements are needed in the efficiency of court proceedings and enforcement of decisions".[16]

Good news are that the gloomy state of justice is bound to improve following the completion, between 2010 and 2011, of a number of key processes, including the approval of legislation to reform the court system, the strengthening of institutions such as the Kosovo Judicial Council and the Kosovo Prosecutorial Council, and the completion of the vetting and reappointment process for Kosovo judges and prosecutors. This should allow for a fresh start, even if the benefits of such progress may take some years to be felt.

A different set of issues relates to an incomplete legal framework, with gaps and holes often concerning key elements of an effective fight against organized crime, such as witness protection, confiscation of illegally gained assets, lawful interception. Under the pull of the EC progress report, a number of key laws have been adopted, including a revised criminal code, however new adoption of new legislation often seems to follow a tick-the-box logic, leading to hasty drafting, poor quality of laws and ensuing difficulties in implementation.[17]

3. The Role of EULEX

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[15] KIPRED: The Fragile Triangle, Police, Judges and Prosecutors Coordination during criminal proceedings response in Kosovo, February 2010, http://www.kipred.net/web/upload/The_Fragile_Triangle.pdf

[16] European Commission: Kosovo 2011 Progress Report, p. 13, http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf

[17] European Commission: Kosovo 2011 Progress Report.

The relevance the EU assigns to the need of improving the rule of law in Kosovo is highlighted by the deployment, to this aim, of its largest civilian mission, EULEX Kosovo.[18] Launched in February 2008, the Mission aims at helping Kosovo justice, police and customs to achieve progress towards sustainability and accountability, to develop as multiethnic organizations and to be free from political interference, while adhering to internationally recognized standards and the best European practices. Upon its deployment, the Mission conducted a thorough radiography of the Kosovo rule of law system, identifying its strengths and weaknesses[19] and later designed, in close co-operation with local counterparts, a series of targeted actions to tackle the main deficiencies and help moving rule of law from its current state to a desired end state, as defined by EULEX aims and objectives. Remedial actions were developed with and are implemented by Kosovo Police, judges, prosecutors and customs officers with the daily support of international EULEX colleagues, who sit in the same offices (according to a co-location principle). The Mission supports organizational change in target institutions by adopting a mainly co-operative approach by monitoring, mentoring and advising the Kosovo counterparts.[20] A partial exception to this logic is represented by the executive powers the Mission retains in some areas, such as organized crime, war crimes, inter-ethnic crimes and property issues, sectors in which it was assumed that either no local capacity was existing, or was not sufficiently developed (e.g. on witness protection), or where it could be foreseen that local authorities could lack political will (e.g. war crimes). In such areas, EULEX prosecutors can initiate autonomous investigations, assisted by EULEX Executive Police Department.

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[18] With around 1700 international staff and 1100 local staff EULEX alone counts more personnel than all other EU missions launched in the framework of the Common Security and Defence Policy (CSDP).

[19] The first screening was reported in EULEX's first Programme Report, EULEX: Programme Report 2009, July 2009, http://www.eulex-kosovo.eu/docs/Accountability/EULEX-PROGRAMME-REPORT-July-2009-new.pdf

[20] The monitoring, mentoring and advising (MMA) methodology and the Programmatic Approach represents one of the most innovative features of EULEX; there are two different types of MMA, the more structured one guided through successive Programme reports and MMA action fiches, whereas EULEX staff also conducts daily MMA.

Relations with Kosovo local authorities and public opinion do not seem to reflect EULEX ambitions and EU financial and human investment in the mission. The launch of the Mission was complicated, politically, by the issue of EULEX positioning vis-à-vis Kosovo status, and technically by the need to rely partially on handing over of assets and offices from UNMIK. A European mission in the field of the rule of law and in the framework of the then European Security and Defense Policy (ESDP)[21] was part of the overall concept of supervised independence proposed by the UN Special Envoy on Kosovo Ahtisaari. According to Ahtisaari Comprehensive Status Proposal (CSP), in the newly configured international presence in Kosovo, the EU would have both the political primacy, through the EU Special Representative double-hatted as International Civilian Representative, and the lead on rule of law issues.[22] This was reflected in the assumptions by the European Union Planning Team (EUPT), which paved the way to EULEX and designed the mission around the principle of local ownership. When the CSP did not replace the UN Security Council resolution 1244 as the main international legal framework on Kosovo, EULEX had to repackage itself under status neutral terms, in order to receive a green light by the UN Security Council, be transferred competences in the rule of law area, deploy in Serb majority areas and keep non-recognizing member states happy. Kosovo authorities were obviously unhappy about EULEX status neutrality, and remarked that they invited the Mission according to CSP terms, as reflected in Kosovo constitution, and EULEX chose to rely on competing and complementing legal bases. Such a compromise allowed the Mission to become operational and to deploy, co-locating its staff alongside local colleagues.

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[21] ESDP was re-branded CSDP after the entry into force of the Lisbon Treaty

[22] According to the CSP "the European Security and Defence Policy Mission shall monitor, mentor and advise on all areas related to the rule of law in Kosovo. It shall have the right to investigate and prosecute independently sensitive crimes, such as organized crime, inter-ethnic crime, financial crime, and war crimes. In addition, it shall have limited executive authority to ensure Kosovo's rule of law institutions are effective and functional, such as in the areas of border control and crowd and riot control" see United Nations Security Council: Report of the Special Envoy of the Secretary General on Kosovo's future status, http://www.unosek.org/docref/report-english.pdf

Three years on, a mixture of high expectations, misunderstandings about the Mission mandate (focused on assisting and mentoring local capacities to fight organized crime rather than tackling it directly) led to a controversial relationship with the Kosovo public at large, while investigations touching upon government members and former KLA fighters, the signature of a police protocol between the Mission and Serbia and different views on how to tackle the situation in the Serb-run north of Kosovo made also EULEX relations with Kosovo leadership often uneasy. EULEX can claim substantial progress in its MMA activities, impressive figures in terms of cases dealt by its prosecutors and judges, important results in key sectors such as forensic medicine and the identification of remains clarifying the fate of missing persons. However, one of the most relevant achievements, especially in light of the "cultural" and "sociological" aspects of the rule of law highlighted above, is to have attacked the culture of impunity by investigating and sentencing serving politicians, former KLA fighters and prominent crime figures. This is to be seen as a major step in order to establish the principle that all are equal in front of the law, which in turn should serve to restore confidence in the rule of law system.

While the EULEX concept of operations revolves around MMA, which occupies most of the Mission's staff and energies, its executive powers continue capture most public attention, both from those who would like to see the Mission more active in tackling high scale corruption and organized crime and from those who feel threatened by EULEX investigations or fear an attack to the legitimacy of the KLA struggle.

4. Rule of Law in the North, or the Challenge of Territorial Continuity

The issue of northern Kosovo tends to be presented also as rule of law issue, highlighting how the presence of pervasive crime and the absence of properly functioning law enforcement institutions represent a fundamental obstacle to its development and integration into the rest of Kosovo.

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"Like Kosovo as a whole, the North suffers from a reputation for anarchy and domination by gangsters and corrupt politicians. And as in the rest of Kosovo, the reputation is largely false. Crime rates are similar and within the European mainstream"[23].

The main concerns are actually related to fuel smuggling, and to the disproportionate influence of criminal entrepreneurs who skilfully take advantage of geopolitical specificities and uncertain tax and economic regimes in the north to enrich and gain leverage in local politics and society.[24]

Kosovo Police, mostly Kosovo Serbs, are present in all northern municipalities, even if they respond to EULEX rather than to Pristina's chain of command. EULEX has reopened the Mitrovica District Court, which had been attacked and closed in the wake of Kosovo's independence, and has operated it with international judges and prosecutors, prioritizing most urgent cases and filling a gap in terms of law enforcement and human rights of those who were detained but could not be tried. EULEX has also manned until last summer the two border-crossing points in the north, while not collecting custom duties there, as there was no agreement on where the duties levied should be allocated, with Pristina maintaining they should be channelled through Kosovo's consolidated budget. However, Belgrade and local Serb communities oppose this.

In Pristina's view, the main issue has long been the absence of clear signs that rule of law institutions in the north are its own, so the absence of local judges in the Mitrovica District Court and of Kosovo Customs officers at the Gates. EULEX has also been criticized for not providing enough support to Pristina's institutional projection into the north. On the other hand, EULEX has always maintained that its mandate is to improve the rule of law, also in the north, which should go to the benefit of the everyday life of all citizens, irrespective of the community they

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[23] International Crisis Group: North Kosovo: Dual Sovereignty in Practice, Europe report, 14 March 2011, http://www.crisisgroup.org/~/media/Files/europe/balkans/kosovo/211%20North%20Kosovo%20---%20Dual%20Sovereignty%20in%20Practice.pdf , p. 2.

[24] Ibidem

belong and detached from any discussion over status and sovereignty. However, this point, consistent with the Mission's mandate and consistently followed up in the Head of Mission's intent and priorities and its actions, does not sell well in northern local communities, who have problems in seeing rule of law improvements as neutral but rather perceive those as a vehicle of the unwelcome advancement and penetration of Pristina institutions to the north.

The issue of the north has moved to a higher gear in Summer 2011. Frustrated with lack of implementation at northern gates of its ban on Serbian goods (which was introduced as a reciprocity measure following several years of Serbia's banning Kosovo goods and Serbia's failure to accept Kosovo Customs stamps also through the EU led dialogue), in late July Pristina sent its special police forces to regain control of the two northern gates. In separate incidents, one Kosovo police officer was shot dead and one of the gates was set on fire by local Serb thugs.

Following an agreement on Kosovo Customs stamps, and based on a plan coordinated between the Kosovo government and international institutions (unlike July unilateral actions by Pristina), the two northern gates are currently secured by KFOR and manned by EULEX, with a minimal presence of Kosovo Police and Customs officers. Roadblocks have been erected by local Serbs to impede access to the gates and a number of by-pass routes have been created along the green border. Belgrade and local Serbs resent the presence of Kosovo Customs officers at the gates, which the international community sees largely in compliance with Kosovo being, also under UNSCR 1244, a single Customs zone. Furthermore, border post arrangements are not currently part of the current EU led dialogue and the international community urges local Kosovo Serbs to dismantle roadblocks and restore freedom of movement, for the benefit of both internationals and local population. Freedom of movement is also considered essential by EULEX to finalize investigations and conduct arrests against those responsible for July events and other criminal activities.[25]

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[25]   This is the situation at the time of closing this contribution (13 October 2011).

Clearly, rule of law and the fight against organized crime are key priorities in northern Kosovo but are part of a larger picture. The European Commission invited Kosovo authorities to launch a comprehensive agenda for the north.[26]

5. Conclusions

Improving the rule of law in Kosovo is not an impossible task, as shown by successful organizational change in and promising progress by relevant agencies and institutions assisted and guided by international missions and assistance. However, it would be naive to assume that rule of law is a neutral and merely technical issue, which can be tackled in isolation from the wider institutional, political, economic and societal context of Kosovo.

Beside the technical aspects and the performance of the police and judiciary, the sociology of the rule of law and of power in Kosovo needs to be taken into account. Additionally, wider transformations and improvements in the quality of democracy, social life, freedom of media, as well as enabling economic conditions need to take place for rule of law improvements to be sustainable.

A virtuous circle can be imagined whereby a more effective police and justice services, less prone to political power, can act and protect journalists against threats and intimidation, thus guaranteeing the freedom of expression. At the same time, better rule of law conditions can make Kosovo a more attractive environment and destination for much needed foreign direct investments. Important economic investments coming from abroad would also have a positive effect by possibly emancipating local work force and citizens from their dependence on public sector employment and opportunities, which in turn is a vehicle of political patronage.

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[26] See Communication from the European Commission

However, for the moment it is rather political, economic and social environmental conditions limiting rule of law progress than rule of law improvements creating the ground for positive change.

Most of the responsibility for improving the situation is in Kosovo's hands, and should progress hand in hand with Kosovo becoming a more mature polity and society. However, the international community and, chiefly, the EU, still retain some important levers and can offer a useful shore for local efforts, by targeting assistance, reviewing international missions according to evolving conditions on the ground and allowing more breathing space to Kosovo's society through community programmes and visa liberalization.

NATO's Unfinished Business in Kosovo

Dennis Blease[1]

Background

When NATO launched air strikes against Yugoslavia on 24 March 1999, it was with the avowed intention of preventing a humanitarian disaster in Kosovo.[2] Putting to one side for now the debate over the legitimacy of NATO's military intervention, its subsequent justification under the banner of the 'responsibility to protect' argument, and the efficacy of its actions in preventing that humanitarian disaster,[3] it was clearly a war that NATO was ill-prepared to fight. Dana Allen suggests that NATO had achieved a consensus…" to threaten airstrikes and, if necessary, to carry out that threat ..."[4] but there was little appetite for a ground campaign. Although General Clark, the incumbent SACEUR, was well aware that the use of ground forces, or at least the threat of their use, was an essential complement to airpower, both NATO Secretary General Solana and US President Clinton had ruled out such an option at an early stage in the campaign.[5] In the event, Milošević's stubborn reluctance to return to the negotiating table, the increased pace of ethnic cleansing in Kosovo, and a fragile consensus to maintain Alliance unity, forced NATO mem-

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[2] NATO's view of events is contained on their website: NATO's role in relation to the conflict in Kosovo (15 July 1999). http://www.nato.int/kosovo/history.htm , accessed 15 May 2011. For other, but similar, perspectives see: Pond, Elizabeth: Endgame in the Balkans - Regime Change, European Style. Washington D.C. 2006, pp. 103-104. Malcolm, Noel: Kosovo - A Short History. London 2002 (Second Edition), pp. xxxvi-xxxvii. Allin, Dana: NATO's Balkan Interventions. London 2002, pp. 59-60.

[3] For a brief treatment of these issues, see: Blease, Dennis: Lessons From NATO's Military Missions in the Western Balkans. In: Connections - The Quarterly Journal, Summer 2010, pp. 6-9.

[4] Allen, op cit, p. 61.

[5] Kaplan, Lawrence: NATO Divided, NATO United. Westport 2004, p. 126.

bers to allow a build up of its troops in neighbouring Macedonia in preparation for whatever was to follow.[6]

Throughout May and early June 1999 a flurry of diplomatic activity took place as representatives of Russia, the US and the EU attempted to broker a deal to end the war.[7] After considerable compromise on all sides, a package was presented to Milošević that included the deployment into Kosovo of a NATO peacekeeping force under a UN mandate and the withdrawal of all Serb military and paramilitary forces. Kosovo would, *pro tem*, remain part of Serbia with its future status to be decided at a later (and undisclosed) date. After some last minute wrangling, Milošević eventually agreed to the terms on 3 June 1999 and the Yugoslav and NATO military negotiators met two days later to plan the Serb withdrawal.[8] The Kumanovo Military Technical Agreement was signed on 9 June 1999[9] and NATO's bombing stopped the following day with the passing of UN Security Council Resolution 1244 (1999) in New York.[10] On 12 June 1999 NATO deployed into Kosovo some 30,000 troops[11] under the command of NATO's ACE Rapid Reaction Corps (ARRC).

When NATO began the bombing three months earlier, the deployment of such a force was not even an option. Neither was it anticipated that NATO would still have forces deployed in the Province a dozen years later. Ironically, the same could be said of NATO's presence in Afghanistan or potentially even Libya. It is not the purpose of this paper to dwell on NATO's military intervention in Kosovo, but rather it is intended to

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[6] A detailed treatment of the ground forces debate can be found at: Kaufman, Joyce: NATO and the Former Yugoslavia - Crisis, Conflict, and the Atlantic Alliance. Lanham (Maryland) 2002, pp. 192-199.

[7] The main negotiators were former Russian Prime Minister Viktor Chernomyrdin (Russia), Deputy Secretary of State Strobe Talbot (US) and Finnish President Martti Ahtisaari (EU).

[8] Kaufman, op cit, pp. 197-199.

[9] See: http://www.unmikonline.org/Pages/kumanovo.aspx, accessed on 19 May 2011.

[10] UNSCR 1244 (1999) can be found at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement, accessed 19 May 2011.

[11] An additional 20,000 troops followed shortly afterwards, so that Kosovo Force (KFOR) comprised slightly over 50,000 troops at its peak. See: http://www.nato.int/kosovo/history.htm, accessed 15 May 2011.

examine its role there today. This paper will therefore discuss briefly some legacy issues from the past and their impact on NATO's role in Kosovo. Next, it is intended to examine some of the key challenges facing NATO as it seeks to fulfil its mandate and finally the concluding paragraphs will seek to draw together those areas and make some recommendations for the future.

The Legacy of the Past

There is a philosophical argument that the future is pre-determined by the past. One does not necessarily need to subscribe to this concept of determinism[12] in order to recognise that certain historical events and ethnic paradigms within the former Yugoslavia still shape attitudes and actions in Kosovo today. Even the renowned historian Noel Marshal begins his magisterial work 'Kosovo - A Short History' with the often-quoted remark: "The Yugoslav crisis started in Kosovo and will end in Kosovo."[13] This is not to argue that current actors are completely captive of the myths and perceptions of their history but it would certainly be true to assert that they are influenced by them and that to instigate a change in direction requires a paradigm shift of considerable proportions. In order to put the remainder of this paper in some form of context, it would therefore seem to be helpful to highlight three key legacies from the past.

Let us start with the Kosovo-Albanian perspective. To most impartial observers, but especially to the more partial Kosovo Albanians, the actions of the Milošević regime during the 1998-1999 conflict were regarded as both abhorrent and grotesque.[14] As the distinguished German diplomat, Wolfgang Ischinger, said in an interview in March 1999: "In

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[12]   For a definition see: Lacey, A. R: A Dictionary of Philosophy. London, 1976, pp. 71-74.
[13]   Malcolm, op cit, 'Introduction', p. xliii.
[14]   e.g. Weller, Marc: Negotiating the Final Status of Kosovo - Chaillot Paper No 114. Paris 2008, pp.15-16. And, Holbrooke, Richard: Russia's Test in Kosovo. In: Washington Post, 13 March 2007. Available at: http://www.washingtonpost.com/wp-dyn/content/article/2007/03/12/AR2007031200972.html, accessed 10 March 2011.

this day and age, we cannot let this kind of atrocity happen in Europe."[15]
The evidence of extra-judicial killings and the wholesale displacement
of nearly three quarters of a million Kosovo Albanians to neighbouring
countries[16] are still fresh in most minds. The one exception seems to be
in Belgrade, where the political leadership are currently focussed on
European Union membership, and they tend to airbrush out these incon-
venient facts from all discussions of Kosovo.[17] Nonetheless, many
would argue, including Tony Blair in his 1999 Chicago speech,[18] that by
their actions Serbia forfeited all claim to govern Kosovo and the people
of Kosovo.[19] Certainly the Kosovo Albanians determined at that stage (if
they had not already done so[20]) that they would never again be subjected
to Serbian rule.[21] Therefore any attempt by Serbia, or the international
community, to return to the *status quo ante* would be doomed to fail.

The other side of this coin is Serbia and constitutes the second legacy.
The battle of Kosovo Polje in 1389[22] is an essential element of Serbian
mythology and still resonates with Serbs today. This, combined with the
mystical link between the Serbian Orthodox church and the 'holy' land of

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[15] As quoted in: Pond, Elizabeth, op cit, p. 104.
[16] Judah, Tim: Kosovo - What Everybody Needs to Know. Oxford, 2008, pp. 88-90.
[17] Gowan David: Kosovo's Moment, Serbia's Choice. In: Survival, 50:2, p. 6.
[18] Blair, Tony: Doctrine of the International Community. A speech delivered to the Economic
      Club of Chicago on 24 April 1999. Website:
      http://www.number10.gov.uk/archive/2003/01/doctrine-of-the-international-community-
      2441999-1297, accessed 22 April 2010.
[19] See also the commentary at: Sunday Times: Freedom for Kosovo: Trouble in the Region.
      Sunday 17 February 2008. Website:
      http://sundaytimes.lk/080217/International/international0001.html
      accessed 17 May 2011.
[20] The KLA's agenda was undoubtedly independence well before 1999. See: Glenny, Misha:
      The Balkans - Nationalism, War and the Great Powers, 1804-1999. New York 2001 Edition,
      p.656
[21] In reality the thrust of the Kosovo Albanians' strategy at Rambouillet was to secure inde-
      pendence in either the short or the long-term. As Judah points out, the US Secretary of
      State, Madeleine Albright, made it clear to the Kosovars that she would support the term
      "the will of the people" in the accord and that such a term (given the demography of Kos-
      ovo) would mean independence. See: Judah (2008), op cit, pp.85-86.
[22] Judah, Tim: The Serbs - History, Myth and the Destruction of Yugoslavia. Padstow 2009
      (Third Edition), pp. 28-32.

'Kosovo and Metohija', is well documented[23] and is a powerful symbol of Serb nationalism.[24] The Serbian Foreign Minister, Vuk Jeremić, articulated these ideas recently in an interview with the German periodical, Der Spiegel, when he stated: "Kosovo has deep historical and spiritual meaning for the people of Serbia. In a certain sense, it is our Jerusalem."[25] He is also rumoured to have said that no Serbian politician could give up Kosovo and expect to be re-elected.[26] Whether this comment is true or not, is immaterial. It does seem to indicate, however, that it is not just the Serbian nationalists like Šešelj and Kostunića who are captives of the history, mythology and political rhetoric of Kosovo, it is also the more centrist politicians, such as Tadić and Jeremić.

The contrasting *Weltanschauung* from Belgrade and Pristina set the scene for a complete impasse during the Kosovo's Future Status negotiations led by President Martti Ahtisaari in 2006-2007. Ahtisaari neatly summarised the situation in his covering letter to the Comprehensive Proposals in March 2007:

"For over a year, I have led the political process envisaged in resolution 1244 (1999), exhausting every possible avenue to achieve a negotiated settlement. *The irreconcilable positions of the parties have made that goal unattainable*. Nevertheless, after almost eight years of United Nations administration, Kosovo's status must be urgently resolved. My recommendation of independence, supervised initially by the international community, takes into account Kosovo's recent history, the realities of Kos-

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[23] The 'heavenly state' of Serbia is well covered by: Judah, 2009, op cit, pp. 43-47. The religious symbolism and link to Kosovo is referred to by: (1) Glenny, Misha, op cit, p11. (2) Cohen, Lenard: Serpent in the Bosom - The Rise and Fall of Slobadan Milošević. Boulder, 2001, p.4. (3) Judah, 2008, op cit, pp. 18-29.

[24] An example of the depth of this feeling can be found on the Serbian website, 'Crucified Kosovo and Metohija', which is at: http://www.crucified-kosovo.eu/, accessed 10 April 2011.

[25] The interview can be found on Der Spiegel's website: Kosovo is Our Jerusalem, 31 May 2010 - http://www.spiegel.de/international/europe/0,1518,697725,00.html accessed on 15 April 2011.

[26] As relayed by a UN official 2 February 2007.

ovo today and the need for political and economic stability in Kosovo."[27]

Ahtisaari's proposals then stalled in the UN Security Council with Russia (and to a lesser extent China) opposed to any solution that was not agreed upon by both parties. The subsequent 'coordinated independence' of Kosovo in February 2008 was an attempt to break that deadlock. Serbia's political response to the declaration, which was described by the Economist periodical as 'foreign policy on steroids', [28] has continued the Mexican stand-off between Belgrade and Pristina. This situation could best be described as a classic 'prisoner's dilemma', much beloved of game theory and social scientists.[29] One of the few incentives to cooperation in such a situation is a powerful exogenous leader (for example the European Union) that exercises both incentives and disincentives over both parties and therefore ensures restraint on both sides and ultimately cooperation. Perhaps the single most hopeful sign of progress is the start of direct talks between Belgrade and Pristina on 8 March 2011[30], which are being facilitated by the EU.[31] Let us return to that idea later in the paper.

The third legacy to bear in mind is that the international community's rule in Kosovo since 1999 has never completely encompassed Kosovo north of the river Ibar. Similarly, neither has that of the Provisional Instruments of Government. The so-called 'parallel structures' have effectively ensured that the three northern municipalities and the northern part

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[27] UNSC Letter (S/2007/168) dated 26 March 2007 at: http://www.unosek.org/docref/report-english.pdf. (Emphasis added.)

[28] Economist: Serbia's busy foreign policy. 22 October 2009. Found at: http://www.economist.com/node/14710896, accessed 10 April 2011.

[29] Milgrom, Paul: Axelrod's The Evolution of Cooperation. In: RAND Journal of Economics 15, no. 2, 1984, pp. 305–309.

[30] South East European Times: Belgrade, Pristina launch new talks. 9 March 2011, at http://www.setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/03/09/feature-02, accessed 10 April 2011.

[31] Whether both sides are willing participants is, of course, a moot point, but the pressure exerted by the EU is a key element of achieving cooperation in the situation of a 'prisoner's dilemma'.

of Mitrovica have remained integrated into Serbia.[32] Not only has there been fierce resistance, both active and passive, from the majority Kosovo Serb population in that area to any 'foreign' (including Kosovo Albanian) oversight,[33] there seemed also to be a lack of will on the part of both UNMIK and NATO to enforce central administration from Pristina.[34] It is therefore not surprising that the parallel structures thrived in the North, in the same way that they thrived amongst the Kosovo Albanians after the loss of their autonomous status in 1989 - it was the pragmatic means of survival for the population. Since the declaration of independence in 2008 the International Civilian Office, EULEX and the new Government of Kosovo have also been unable to place their imprimatur on the population and processes in the North.[35] As a particularly damning ICG report suggests: "As long as Serbian money sustains their way of life, Northerners have little incentive to compromise."[36] Former UN official, David Harland, also suggests that:

"As the UN drew down in the north, Pristina and its international ally, the International Civilian Office, failed to replace it, leaving a vacuum which was often (if sometimes reluctantly) filled by Serbia. When Pristina blocked agreement on the operation of courts in the north, Serbia appointed judges on its own. When the flow of electricity from the south to the north was cut, Belgrade connected the north to the Serbian grid. When Pristina disman-

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[32]   Brisco, Ivan and Price, Megan: Kosovo's New Map of Power - Governance and Crime in the Wake of Independence (Clingendael Institute Report). The Hague, 2010, pp. 38-40.

[33]   Tansey, Oisín and Zaum, Dominik: Muddling Through in Kosovo. In: Survival, 51:1, 2009, p. 13 - 20.

[34]   For example see the next section on the background to Camp Nothing Hill in Leposavić.

[35]   Venton Suroi draws attention to the dilemmas involved in his excellent paper: Suroi, Venton: The Unfinished State(s) in the Balkans and the EU - The Next Wave. In: Rupnik, Jacques (Ed): The Western Balkans and the EU - 'The Hour of Europe' (Chaillot Paper 126). Paris, 2011. Available at: http://www.iss.europa.eu/uploads/media/cp126-The_Western_Balkans_and_the_EU.pdf, accessed 1 June 2011.

[36]   ICG: North Kosovo - Dual Sovereignty in Practice. Europe Report No 211, 14 March 2011, p.i. Available at: http://www.crisisgroup.org/en/publication-type/media-releases/2011/europe/North_Kosovo_Dual_Sovereignty_in_Practice.aspx, accessed 23 March 2011.

tled Serb mobile-phone networks south of the Ibar, the Serbs dismantled Albanian networks in the North." [37]

The intransigence of the Kosovo Serbs north of the River Ibar is in stark contrast to those in the southern enclaves who..." have in increasing numbers found ways of engaging pragmatically with Kosovo institutions, relying on them for services, applying for Kosovo official documents and accepting Kosovo (as well as Serbian) salaries."[38] The practical realities of life have left them with little choice but to engage with Kosovo society and governance.

The Impact on NATO

So where does this leave NATO? From a high-water mark of 50,000 troops, Kosovo Force (KFOR) has now just over 6,000 troops, provided by 31 countries (23 NATO, and eight non-NATO). Since the NATO intervention in June 1999, its main task has been to maintain a safe and secure environment and ensure freedom of movement.[39] This task has been relatively successful with two notable exceptions. The first was in the immediate aftermath of the intervention when there was a wave of retribution inflicted on the Kosovo Serbs as some three quarters of a million Kosovo Albanians returned to their burnt out villages and destroyed crops.[40] The second, and far more shameful lapse, was during the riots of March 2004, where some 19 civilians died, several thousand Kosovo Serbs, Ashkali and Roma were driven from their homes, and a number of Serbian Orthodox monasteries were damaged. The overall commander of NATO forces in the Western Balkans, Admiral 'Grog' Johnson, took the unprecedented step of likening the Kosovo Albanian actions to 'ethnic cleansing'.[41] The ICG also made the quite credible

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[37] Harland, David: Kosovo and the UN. In: Survival, 52:5, 2010, pp. 93.
[38] ICG: Serb Integration in Kosovo - Taking the Plunge. Europe Report No 200, 12 May 2009.
[39] Information taken from the NATO website:
      http://www.nato.int/cps/en/natolive/topics_48818.htm, accessed on 20 May 2011.
[40] Blease, op cit, p.7
[41] BBC: Kosovo clashes 'ethnic cleansing', 20 March 2004 available at BBC website:
      http://news.bbc.co.uk/1/hi/world/europe/3551571.stm, accessed 10 May 2011.

claim that on ...“ the night of 17 March UNMIK and KFOR came within a hair's breadth of losing Kosovo."[42] Part of the problem for NATO stemmed from individual countries' caveats on the use of their forces[43] and partly from weak leadership. Much was learnt as a result of this humbling experience and this has benefitted future NATO deployments, not least in Afghanistan.

In line with the different *Weltanschauung*, the perception of security and security issues varies to some extent according to the community that is asked. In broad terms the majority Kosovo Albanian population have consistently placed a high level of trust in KFOR, whilst the Kosovo Serbs have been more ambivalent.[44] Attitudes to freedom of movement reflect this same split with the minorities, in particular Kosovo Serbs, expressing concern over travelling outside their communities.[45] Interestingly, there is a growing improvement in Kosovar perceptions of public safety and security and this includes those of Kosovo Serbs. In October 2009 some 89.3% of respondents to a survey (and 70.5% of Kosovo Serbs) described their neighbourhood as 'Very Safe' or 'Somewhat Safe'.[46] As Higate and Henry rightly argue, such perceptions can be volatile and subject to swift change.[47] Nonetheless, the trend is definitely upwards and it has allowed KFOR to draw down its troop levels and

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[42]   ICG: Collapse in Kosovo. Europe Report No 155, 22 April 2004. Available at:
       http://www.crisisgroup.org/en/regions/europe/balkans/kosovo/155-collapse-in-kosovo.aspx,
       accessed 10 April 2011.
[43]   This has been a long standing issue for NATO and has been acknowledged as such by the
       NATO Secretary General. See Press point with NATO Secretary General and the Special
       Representative of the UN Secretary General in Kosovo on 17 September 2004 at:
       http://www.nato.int/cps/en/natolive/opinions_21149.htm?selectedLocale=en, accessed 20
       May 2011.
[44]   Forum for Civic initiatives and Saferworld: A Matter of Trust - Public Perceptions of Safety
       and Security in Kosovo 2009/2010, dated November 2010, p. 16 and p. 19 Available online
       at:
       http://www.saferworld.org.uk/downloads/pubdocs/A%20matter%20of%20trust_ENG_WE
       B.pdf, accessed 24 April 2011.
[45]   Cleland Welch, A, Kondi, S, Stinson, D, von Tangen Page, M, (Eds): Kosovo Internal
       Security Sector Review. Pristina 2006, p.21 Website:
       www.ks.undp.org/repository/docs/ISSR_report_eng_ver2.pdf, accessed 19 May 2011.
[46]   Forum for Civic initiatives and Saferworld, op cit, pp. 7-9.
[47]   Higate, Paul and Henry, Marsha: Insecure Spaces - Peacekeeping, Power and performance
       in Haiti, Kosovo and Liberia. London 2009, p. 166, footnote 22.

hand over tasks to the local authorities. This includes gradually handing over responsibility for border security[48] and also for security at certain sensitive cultural sites such as Orthodox monasteries.[49] These are just the sorts of transfer envisaged in Ahtisaari's Comprehensive Proposals.[50]

One area that poses a particular security risk for KFOR as a result of the legacy issues mentioned earlier is the situation to the north of the River Ibar. Until 2005 there was a Belgium detachment permanently based at Camp Nothing Hill in the Northern Municipality of Leposavić. Although small, it served as a permanent political reminder that the land was under the jurisdiction of UNMIK and KFOR, it allowed KFOR to dominate the surrounding area, and it served as a forward operating base for reinforcements in the event of problems on the Administrative Boundary Line (ABL)[51] or if the bridges over the Ibar were blocked for any reason. Belgium withdrew its forces from the Camp at the end of 2005 in order to collocate them with the French forces in Southern Mitrovica.[52] There is no evidence to suggest that HQ KFOR in Pristina ever considered the strategic importance of the camp and the small military presence.[53] Indeed, it was only when a member of NATO attached to President Ahtisaari's staff began asking questions about the military presence in the north that the importance of the base registered. But even then, there seemed to be an attitude that it was all too difficult to change. Ultimately

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[48] Responsibility for policing Sector 1of the Kosovo border with Macedonia was handed over to the Kosovo Police on 22 January 2011. See:
http://www.nato.int/kfor/docu/inside/2011/01/i110131a.htm, accessed 18 May 2011.

[49] For an explanation of this role see the report on the NATO TV Channel (19 April 2011) and published online 16 May 2011: http://www.natochannel.tv/?uri=channels/381662/1337774, accessed 19 May 2011.

[50] For border control - Annex VIII, Article 1,1. For security of culturally sensitive sites like Orthodox monasteries - Annex V, Article 3.1.1. The 'Comprehensive Proposals' are available at: http://www.unosek.org/docref/Comprehensive_proposal-english.pdf, accessed 10 May 2011.

[51] The name for the Kosovo border with Serbia under UNSCR 1244 (1999).

[52] Belgium did not withdraw their forces completely from KFOR until 3 March 2010. See: http://www.aviationweek.com/aw/blogs/defense/index.jsp?plckController=Blog&plckScript=blogScript&plckElementId=blogDest&plckBlogPage=BlogViewPost&plckPostId=Blog%3A27ec4a53-dcc8-42d0-bd3a-01329aef79a7Post%3A3507c606-7cfc-4a44-bc4a-2c0259d9758c, accessed 10 March 2011.

[53] The short-term nature of most the KFOR deployments (e.g. four months for French and Belgian troops) militates against this sort of strategic thinking.

Ahtisaari wrote to the NATO Secretary General raising his legitimate concerns. The imminent arrival of the letter spurred KFOR into action and a plan was devised to re-establish Camp Nothing Hill and man it with troops from across the Province on a rotational basis. This began in June 2006[54] with two week troop rotations that then became the four week rotations that they are today.

Current Challenges Facing NATO in Kosovo

Let us turn now to the current challenges facing NATO in fulfilling its mandate in Kosovo. There are a myriad of contrasting ones, each with variable geometry, and each dependent upon the deeds and responses of others, but this paper will focus on just three of them: NATO's other competing priorities on the security agenda; institution building and security sector reform (SSR); and the long-term political settlement for Kosovo.

Competing Priorities on NATO's Security Agenda

The first, and probably the most strategic challenge for KFOR, is that Kosovo has slipped down the priority list within the international community, and particularly at HQ NATO in Brussels, where it is now barely on anybody's agenda.[55] The recent, and ongoing, financial crisis has forced the nations to take a long hard look at their discretionary expenditure and most are in the process of reducing their contributions to defence and security, and thus to NATO. The latest figures for 2010 show that only five countries out the 28 member Alliance meet the target of 2% of GDP for their defence expenditure: Albania, France, Greece,

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[54]   Details of the re-establishment of the Camp can be found in the KFOR Magazine, Chronicle, dated June 2006, pp. 16-17: http://www.nato.int/kfor/chronicle/2006/chronicle_06/chronicle_06.pdf, accessed 10 March 2011.

[55]   This was the author's personal reflection from interviews conducted with NATO officials at HQ NATO Brussels over the period 9-11 May 2011.

UK and the US.[56] In order to cut back on costs, both the civilian and military structure within NATO are undergoing some fundamental downsizing.[57] Inevitably this consumes enormous energy, not only in attempting to create a new and appropriate organisational design, but, as one senior member of the International Staff wryly observed, in protecting their own livelihood.[58]

In the meantime the cost in both 'blood and treasure' in Afghanistan continues to preoccupy both the NATO staff and the nations. Notwithstanding some very real progress NATO has made in developing the Afghan National Army (ANA) and the Afghan National Police (ANP),[59] these are still early days. It takes time to develop and nurture military and police leaders, who will be able to sustain the security gains made by NATO. With the recent death of Osama bin Laden, there are already suggestions from several nations that they could begin the drawdown in Afghanistan earlier than the 2014 deadline.[60] This has created enormous alarm amongst the NATO military whose surge strategy there relies heavily on large troop levels in order to create the security space to develop sustainable Afghan security forces. Ultimately these are political decisions but they carry more risk than hitherto.

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[56] NATO Press Release PR/CP(2011)027: Financial and Economic Data Relating to NATO Defence dated 10 March 2011. p.6. Available at: http://www.nato.int/nato_static/assets/pdf/pdf_2011_03/20110309_PR_CP_2011_027.pdf, accessed 10 March 2011.

[57] For more details see the relevant 'Backgrounders' from the NATO Defence Ministers Meeting in Brussels on 8-9 June 2011 on the NATO website: http://www.nato.int/cps/en/natolive/events_74946.htm?selectedLocale=en, accessed 13 June 2011.

[58] A view offered by a senior NATO official interviewed in Brussels, 9-11 May 2011 (Interview N7).

[59] Caldwell, William: NATO Training Mission - Afghanistan. Chatham House Event 12 April 2011. Transcript available at: http://www.chathamhouse.org.uk/files/19116_120411caldwell.pdf, accessed 14 April 2011.

[60] This was particularly evident in the US as opined by a senior NATO official who had recently visited Washington - interview Brussels, 9-11 May 2011 (Interview N12). But also in the UK: Daily Telegraph: David Cameron: begin troop withdrawal from Afghanistan now, 11 May 2011. Available at: http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8508331/David-Cameron-begin-troop-withdrawal-from-Afghanistan-now.html, accessed 12 May 2011.

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If NATO's security agenda was not sufficiently busy, recent events in North Africa and the Middle East have also captured the attention of Alliance members, and this has culminated in a rather Manichean decision[61] to launch Operation Unified Protector in Libya.[62] Although a senior NATO official claimed that this operation is not diverting operational resources from other ongoing tasks,[63] it is inevitable that political attention and political capital will be undoubtedly focused on this sensitive conflict, and probably to the detriment of other important issues such as Afghanistan and Kosovo. Furthermore, it will only be a matter of time before the Alliance faces up to the question of what to do next in Libya. Whilst many member nations would prefer not to address the issue at this stage for fear of sending ill-conceived political signals,[64] discussion will soon need to be held in order to decide whether to offer security assistance to any fledging Libyan government and, if so, what type.[65] As the author of this article has stated previously: "It should be self-evident that any military intervention must bring with it responsibilities for the aftermath: in effect state-building."[66]

Although previously the NATO Secretary General would routinely mention the KFOR mission in post-summit *pointe de presses,*[67] these had the

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[61]   A thoughtful piece on the limits of intervention, with specific reference to Libya, can be found at: Cowley, Jason: Tony Blair, J S Mill and a Warning on the Limits of Intervention. In: New Statesman, London 28 March 2011, p. 17. Text available at: http://www.newstatesman.com/uk-politics/2011/03/war-mill-leone-intervene-iraq, accessed 4 April 2011.

[62]   NATO official texts, multimedia updates and background material on Operation Unified Protector can be found on the NATO website at: http://www.nato.int/cps/en/natolive/71679.htm, accessed 23 May 2011.

[63]   Interview Brussels 9-11 May 2011 (Interview N8).

[64]   The view of a senior NATO official, interviewed in Brussels, 9-11 May 2011 (Interview N12).

[65]   In circumstances like this, it has become accepted practice that the military planners at SHAPE, and more subordinate levels, begin to undertake 'prudent military planning' in order to be poised to deliver military advice when requested by the political staff in Brussels. The same sort of 'prudent planning' does not occur within the International Staff at HQ NATO Brussels until specifically tasked by the nations, normally after a discussion in the North Atlantic Council (NAC) and after a formal decision has been taken.

[66]   Blease, op cit, p. 10.

[67]   e.g. (1) Meeting with EU Leaders in Hungary on 23 February 2011 - see: http://www.nato.int/cps/en/natolive/news_70768.htm?selectedLocale=en, accessed 14 April 2011. (2) NATO Foreign Ministers' Meeting in Berlin on 14 March 2011 - see:

appearance of being reassurances that it had not been forgotten. A trawl of statements since the start of Operation Unified Protector contains no such reassurances. The mission in Kosovo still has a vital role to play in maintaining security within the country, as well as providing a stabilising presence for the region. It would appear that keeping it a priority on NATO's security agenda will be a Sisyphean task.

Institution Building and SSR

The second major challenge for NATO is the ambiguity and political sensitivity surrounding KFOR's new institution building and SSR mandate. In the 2007 Comprehensive Proposals NATO was given the role of the International Military Presence (IMP), which included a continuation of the 'safe and secure environment' task in Kosovo. Unlike UNSCR 1244 (1999), however, it was in support of the Kosovo institutions and only until such time as those institutions were capable of assuming responsibility for the security tasks.[68] As a result of disagreement within the Security Council, the Comprehensive Proposals were then not enshrined in a new UNSCR and, as a result, the precise nature of NATO's mandate was less clear-cut. Following Kosovo's declaration of independence on 17 February 2008, the Alliance reaffirmed that KFOR should remain in Kosovo on the basis of UNSCR 1244, and, then in June 2008, NATO Defence Ministers agreed to take on some new tasks in Kosovo,[69] which were ."... to support the development of professional, democratic and multi-ethnic security structures."[70]

These 'new tasks' were both developmental and advisory in nature (classic SSR tasks) and included assisting in the 'standing down' (in other

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http://www.nato.int/cps/en/natolive/opinions_72413.htm?selectedLocale=en, accessed 14 April 2011.

[68] Article 1.1b, Annex XI of the 'Comprehensive Proposals.' Available at: http://www.unosek.org/docref/Comprehensive_proposal-english.pdf, accessed 10 May 2011

[69] As explained by the NATO Secretary General at a press conference during the NATO Defence Ministers meeting in Brussels on 12 June 2008. Available at: http://www.nato.int/docu/speech/2008/s080612b.html, accessed 12 March 2011.

[70] Quote taken from the 'NATO's Role in Kosovo' on the NATO website available at: http://www.nato.int/cps/en/natolive/topics_48818.htm, accessed 12 March 2011.

words disbanding) of the Kosovo Protection Corps (KPC), the 'standing up' (establishment) of the Kosovo Security Force (KSF) and the establishment of a 'civilian-led body' (a ministry) to oversee the KSF.[71] The tasks were to be implemented in close coordination and consultation with the relevant local and international authorities.

It is worth remembering that the Alliance takes decisions on the basis of consensus, so one dissenting voice can block anything. In the case of Kosovo, four Alliance members[72] did not support the country's declaration of independence for various domestic reasons and thus those members could have refused to change NATO's previously agreed mandate. In the event a combination of skilful diplomacy, a visceral call for Alliance unity, and careful word-crafting, led to an agreement on KFOR's 'new tasks'. Unfortunately the excellent work of the NATO International Staff in Brussels was not necessarily reflected further down the chain of command and difficulties soon began to emerge on the ground. As KFOR was obliged to continue to operate under UNSCR 1244, the view of certain KFOR-contributing countries was that it should act in a strictly status neutral manner. It was a view that would seem to run counter to the thrust of the 'new tasks'. An indication of the resulting imbroglio is provided by Ade Clewlow, who wrote two very critical papers accusing some KFOR staff from the nations that opposed independence for Kosovo of obstructing progress. He claimed that other KFOR staff became confused as to what their actual mandate was and became increasingly circumspect and narrow in their interpretation of their operational direction.[73]

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[71] In the original draft of the Comprehensive Proposals that were shared with both Pristina and Belgrade, it was stated that the KPC were to be 'disbanded'. Unfortunately this word did not have a direct equivalent in Albanian apart from something along the lines of 'to destroy'. It was therefore decided to use the more neutral term 'to dissolve' as a linguistic compromise in both the main chapeau and Annex VIII. The use of the rather clumsy terms 'standing down' and 'standing up' were then adopted by NATO, presumably for similar reasons. Some NATO nations were also loath to use the term 'ministry', although that was clearly the role of the civilian body.

[72] Greece, Romania, Slovakia and Spain

[73] (1) Clewlow, Ade: The Kosovo Protection Corps - A Critical Study of its De-Activation as a Transition (NUPI Report - SIP No 4). Oslo 2010. Available at : http://english.nupi.no/Publications/Books-and-reports/2010/The-Kosovo-Protection-Corps.-A-Critical-Study-of-its-De-activation-as-a-Transition,accessed 23 March 2011. (2)

This rather schizophrenic approach is less obvious today thanks mainly to changes in leadership, the departure of some of the countries opposed to independence and a better degree of continuity. The Military Civilian Advisory Division (MCAD) in HQ KFOR, which deals with KSF issues, and the NATO Advisory Team (NAT), which deals with Ministry issues, appear now to be functioning well.[74] Nonetheless, there are some potential pitfalls in the future. The Government of Kosovo enshrined the detail of the Comprehensive Proposals in their law and they have an expectation that the activities, timetable and processes in the Proposals will be followed by NATO, including the gradual handover of security tasks from KFOR to the appropriate Kosovan security institutions. On 23 May 2011 the Minister responsible for the KSF, Agim Çeku, and the Commander of the KSF, LTG Sylejam Selimi, visited HQ NATO Brussels with the specific intention of ensuring that there was not an expectation gap between Kosovo and NATO. Minister Çeku outlined his six priorities (that have now become six core objectives) for the KSF,[75] and stressed his desire for the KSF to take part in NATO operations and eventually become a member of PfP.[76]

To their credit the NATO staff seem to have a similar view to Minister Çeku but there is a recognition that there will need to be some careful handling of the non-recognising Alliance members and perhaps an inno-

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Clewlow, Ade: Kosovo's Security Transition - A Critical Study into the Establishment of the Kosovo Security Force (NUPI Report - SIP No 13). Oslo 2010. Available at : http://english.nupi.no/Publications/Books-and-reports/2010/Kosovo-s-Security-Transition.-A-Critical-Study-into-the-Establishment-of-the-Kosovo-Security-Force, accessed 23 March 2011. There is a need to add one further comment as a codicil to Clewlow's remarks. Whilst the author of this article recognises the stresses and strains that were evident in the circumstances depicted in the two papers, and believes them to be completely credible, he has not been able to triangulate the data fully with other sources.

[74] The view of a senior NATO official interviewed in Brussels, 9-11 May 2011 (Interview N6).

[75] These are available on the KSF Ministry website at: http://mksf-ks.org/?page=2,163, accessed 24 May 2011 and a report from the meeting is at: http://mksf-ks.org/?page=2,24,323, accessed 24 May 2011. It is interesting to note that there was no such acknowledgement of the visit on the NATO website - possibly in deference to the non-recognising Alliance members.

[76] Conversation with NATO official 6 June 2011.

vative interim step before PfP is offered.[77] One possible option could be some form of 'Tailored Cooperation Programme' (TCP) that was previously offered to both Bosnia and Herzegovina and Serbia before they were accepted for PfP membership. This would allow access to the highly successful NATO SSR-related programmes and then only at a later stage the political symbolism of PfP membership. It would also sit comfortably with NATO's new partnership policy that was endorsed at the Foreign Ministers meeting in Berlin on 15 April 2011.[78] The key to the further development and effectiveness of Kosovo's security institutions, however, would be membership of PfP - but that is likely to remain a significant challenge for NATO to finesse in the short-term.

Politics, Power and Possible Partition?

The issue of Kosovo's sovereignty is undoubtedly a 'wicked problem' - not 'wicked' in the sense of malevolent but in the sense of 'vicious' or 'tricky', and a problem that is not perhaps open to rational or Weberian resolution. Like most societal problems there is no definitive formulation, no apparent iterative approach, no enumerable supply of potential solutions, and probably only a 'least worst' solution. Ultimately, their resolution relies upon an elusive political judgement that the proposed solution is 'good enough'. Unfortunately, this does not necessarily take into account possible unintended consequences.[79]

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[77] At this stage of its development, the tasks of the KSF remain very similar to those of the KPC, although it is an armed force, whilst the KPC was not. Once the KSF has achieved Full Operational Capability, then the range of tasks open to it will gradually increase in order for it eventually to take responsibility for the tasks currently performed by KFOR. There is still some residual sensitivity from certain Alliance members with regard to offering it PfP membership, which will need to be finessed.

[78] New NATO Partnership Policy entitled "Active engagement in cooperative security: a more efficient and flexible partnership policy" and endorsed by NATO Foreign Ministers in Berlin on 15 April 2011. Available at: http://www.nato.int/nato_static/assets/pdf/pdf_2011_04/20110415_110415-Partnership-Policy.pdf, accessed 1 May 2011.

[79] A brief extrapolation from the broader 'wicked problem' theory contained in: Rittel, Horst and Webber, Melvin: Dilemmas in a General Theory of Planning. In: Policy Sciences 4 (1973), pp. 155-169.

The resolution of the above 'wicked problem' comes down to the politics of the situation in Kosovo and the political judgement of the stake-holders. In the earlier section on the 'Legacy of the Past', it was attempted to highlight the irreconcilable differences in *Weltanschauung* between the Kosovo Albanians and the Kosovo Serbs (as well as the Serbs in Serbia proper). Of course, these two (or three) parties are not the only stakeholders. NATO, the EU, the UN, various regional actors, as well as numerous countries around the globe perceive themselves to have a stake in the matter.

But where does this leave NATO? Whilst it continues to play a major role in Kosovo, it was, and always has been, a role that is of secondary importance to the political role of others. KFOR's troops have been able to hold the security ring whilst the UN, EU, OSCE and the bilateral partners in Pristina were generally considered more important in creating the longer-term sustainability of a westward-looking democracy. This is not to de-value or demean what NATO has achieved. It is merely to stress that its political and institution-building role has been relatively understated. From COMKFOR in Pristina to the NATO Secretary General in Brussels there are three intervening levels of command, each with their own views and each ready to provide political and military direction to the NATO forces in the field. KFOR has a small political advisory staff, but there are severe limits on what they or COMKFOR are allowed to say and do, and they face the personal wrath of an irritated Secretary General if they step outside their narrow political lanes. This lacuna has led to a lessening of NATO's political influence within both Kosovo and the Western Balkans Region as a whole. As Patrick Keller points out, however:

> ."…as the experience in Kosovo, Afghanistan, and Iraq demonstrates, stabilizing missions are often far more ambitious and complex than limited war-fighting missions and involve their own peculiar pitfalls. Most notably, NATO cannot afford to

rely on military power alone but must provide political solutions."[80]

Whilst KFOR troops are a visible demonstration of 'hard power', state and institution building associated with NATO's 'new tasks', as well as the need to be well-poised to influence and deal effectively with the uncertainties of Northern Kosovo, demand a much more active use of 'soft power'.[81] If NATO HQ Brussels is reluctant to provide COMKFOR with a more political mandate, then responsibility should fall on the Secretary General and the International Staff (IS). Currently the IS has three main policy Divisions working in the Region: Political and Security Policy (PASP), Defence Policy and Planning (DPP), and Operations. Although there is obviously a degree of coordination, no one division has the lead, so it is inevitable that there is a degree of stove piping. In the Caucasus and Central Asia, this has been overcome by appointing one of the Deputy Assistant Secretary Generals (DASG) as a Special Representative of the Secretary General with cross-cutting responsibilities for the two regions.[82] Such an appointment for the Western Balkans would undoubtedly provide a much needed focus for NATO's activities in the Region and would raise its political engagement in Kosovo at a time of considerable political uncertainty.[83] It would also allow direct and appropriately senior engagement with NATO's main international partner, the European Union. The senior official specifically responsible for the Western Balkans in the new European External Action Service is Miroslav Lajčák, the former High Representative for Bosnia Herzegovina.[84]

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[80]   Keller, Patrick 'The Future of NATO: Between Overstretch and Irrelevance', American Foreign Policy Interests, 2007, 29:3, pp. 207 - 217.

[81]   An excellent explanation of soft and hard power and their interplay can be found in: Nye, Joseph: Soft Power - The Means to Success in World Politics. Cambridge 2004, pp 1-32.

[82]   Until recently the Special Representative was Bob Simmons and from December 2010 it has been James Appathurai. For the background on the appointment, see: http://www.nato.int/cps/en/SID-33099863-EAEA781C/natolive/topics_50101.htm?selectedLocale=en, last accessed 18 May 2011.

[83]   This idea was floated to a senior NATO official who agreed that such an appointment was needed but that the NAC was not particularly enamoured with the thought of more Secretary General Special Envoys and thus the recommendation would face obstacles. E-mail dated 22 May 2011 (copy held by author).

[84]   His formal appointment is Managing Director for Russia, Eastern Neighborhood and the Western Balkans in the EEAS.

The final political challenge for NATO in Kosovo is the *de facto* dual sovereignty north of the River Ibar between Kosovo and Serbia.[85] As stated in the section on the 'Legacy of the Past', KFOR has never had a particularly robust presence in the north. The ICG has recently suggested that whilst KFOR was previously seen by the Kosovo Serbs in the North ."... as the ultimate guarantor of security, it is now viewed more suspiciously [than hitherto] due to the expansion work underway at the Nothing Hill Camp near Leposavić."[86] KFOR's forces have also had a fairly uneasy relationship with both entities in the divided town of Mitrovica. The Byzantine complexities inherent in the situation around the Ibar River were never fully understood by NATO troops and this was certainly not helped by a rapid rotation of units and brigades on four-month tours. Continuity was thus broadly absent and any sense of cultural or historical understanding was at best a chimera.

This leaves the Alliance pondering, what next? In reality very few commentators would be prepared to speculate definitively on any specific outcome in Northern Kosovo. It is possible that the current 'soft' partition could be reinforced with a 'hard' partition. This would not seem to be the current *public* position of the Belgrade government, which has gone out of its way to forestall any crisis that might hinder its integration into the European Union. Nonetheless, there has been an undercurrent of discussion for well over a year that Serbian officials are looking for some form of territorial adjustment as a means of closure.[87] Recently the Serbian Deputy Prime Minister and Minister of the Interior, Ivica Dačić, has publically advocated such a solution, albeit dividing Kosovo between Albania and Serbia.[88]

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[85]   ICG: North Kosovo - Dual Sovereignty in Practice, op cit, p.i.
[86]   Ibid, p.13.
[87]   For example: (1) Economist: The Border Question, 3 June 2010. Available at: http://www.economist.com/node/16283317?story_id=16283317, accessed 19 March 2011. (2) Balkan Insight: Ghost of Partition Haunts Kosovo-Serbia Talks, 18 May 2011. Available at: http://www.balkaninsight.com/en/article/idea-of-kosovo-partition-back-in-the-air, accessed 18 May 2011.
[88]   This was during an interview for the Serbian weekly newspaper Nin and reported in Balkan Insight. Available at: http://www.balkaninsight.com/en/article/dacic-calls-for-kosovo-to-be-devided-between-albania-and-serbia , accessed 1 June 2011.

The announcement of the ICJ ruling in July 2010[89] that Kosovo's declaration of independence was not illegal had much less impact on this situation than anticipated. Serbia appeared to be stunned by the ruling as it then left them with few policy options. One of them might be partition. Florian Bieber has recently suggested that behind closed doors, Serb officials have become the main supporters of such a policy.[90] Intriguingly, the ICG has also begun to think the unthinkable. It has consistently supported the Ahtisaari Comprehensive Proposals and declared that partition would be too dangerous with obvious consequences for Republika Srpska, the Preševo Valley and the ethnic Albanian areas of Macedonia. So it was with deliberate intent that it suggested in a report in August 2010 that a land swap between Belgrade and Pristina might be a possible solution to the current impasse.[91] Clearly attention would need to be paid to a number of additional issues , not least the water supplies from Gazivode Lake, the status of the Serbian Orthodox monasteries, and the new minorities created by any territorial exchange. If both countries could deliver their respective public opinions, it might offer a 'least worst' solution to this particular 'wicked problem'. It would, however, probably require some international assistance, possibly through the current EU facilitated Belgrade-Pristina talks, as well as a political judgement on both sides that it was in their long-term interests to reach agreement. In the current circumstances this is by no means a certainty.[92]

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[89] ICJ: Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion) of 22 July 2010. Available at: http://www.icj-cij.org/docket/files/141/15987.pdf, accessed 20 March 2011.

[90] Bieber, Florian: The Western Balkans After The ICJ Opinion. In: Rupnik, Jacques (Ed): The western Balkans and the EU - 'The Hour of Europe'. ISS CHaillot Papers, 1 June 2011, p. 135. Available at: http://www.iss.europa.eu/uploads/media/cp126-The_Western_Balkans_and_the_EU.pdf, accessed 1 June 2011.

[91] ICG: Kosovo and Serbia After the ICJ Opinion. Europe Report No 206, 26 August 2010. Available at:http://www.crisisgroup.org/~/media/Files/europe/206%20Kosovo%20and%20Serbia%20after%20the%20ICJ%20Opinion-1.pdf, accessed 20 March 2011, pp. i-ii.

[92] In a 2010 Gallup survey some 90% of Kosovo Albanians said they opposed partition, as did 93% Kosovo Serbs. The figure was much lower in Serbia - 35% opposed. Gallup Balkan Monitor: Insights and Perceptions - Voices of the Balkans. 2010 Summary of the Findings, Brussels 2010. Available at: http://www.balkan-monitor.eu/files/BalkanMonitor-2010_Summary_of_Findings.pdf, accessed 20 March 2011.

It is not the purpose of this paper to provide a fuller treatment of the issue of Northern Kosovo or possible partition, but it is important to stress that NATO should remain actively engaged politically in the debate in order to be prepared militarily for the eventual outcome. As the ICG has correctly pointed out, there is little appetite for the use of force such as that which accompanied the re-taking of the Mitrovića courthouse in 2008,[93] but there remains pressure for the EU and NATO to establish firm control in the North.[94] If, as is suggested by Abramowitz and Hooper,[95] this course of action is highly unlikely, then NATO needs to pay more attention to the alternatives and prepare for them.

Conclusions and Recommendations

The improving security situation on the ground in Kosovo has allowed NATO to reduce its troop levels during the past year. Nonetheless, this paper has argued that NATO continues to face some significant challenges in fulfilling its mandate. The origins of some of these challenges lie in both the perception and reality of history, as well as in events and pressures outside Kosovo, either within other countries in the Region, in the capitals of certain Alliance members, in the UN or in HQ NATO itself. The blocking of the Ahtisaari Comprehensive Proposals in the UN Security Council is a prime example of external actions that subsequently created ambiguity and complexity for NATO and its role in Kosovo.

This paper sought to highlight just three of the main challenges facing NATO. First, Kosovo has slipped down the security agenda in NATO as the organisation and its member states face a multitude of other priorities from economic pressures to operations in Afghanistan and Libya. Sec-

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[93]   ICG: Kosovo and Serbia After the ICJ Opinion, op cit, p. 24.
[94]   For example (1) ICG: North Kosovo - Dual Sovereignty in Practice, op cit, p. 13 & 16. (2) Balkan Insight: EULEX Must Extend Control in Kosovo, 31 October 2008. Available at: http://www.balkaninsight.com/en/article/eulex-must-extend-control-in-kosovo, accessed 5 November 2010.
[95]   Abramowitz, Morton and Hooper, James: Settling the Balkans. The National Interest, 7 July 2010. Available at: http://nationalinterest.org/commentary/settling-balkans-3651, accessed 13 May 2011.

ond, the absence of a replacement for UNSCR 1244 (1999) and the decision by four Alliance members not to recognise Kosovo's independence, have created uncertainty and political sensitivity for KFOR in the conduct of its 'new tasks' assisting the KSF and its ministry. This has been further complicated by a potential gap in expectations between Kosovo and NATO over these tasks. In order to bridge that gap and assist with the development of Kosovo's security institutions, it is recommended that NATO should offer Kosovo membership of PfP but with an initial first step of a 'Tailored Cooperation Programme' (TCP). This would ensure early access to the highly successful NATO SSR-related programmes and then only at a later stage the political symbolism of PfP membership. The third major challenge faced by NATO is its current lack of political engagement in both Kosovo and the wider Region. Whilst KFOR troops are the embodiment of 'hard power' in Kosovo, the state and institution building associated with NATO's 'new tasks', as well as the need to be well-poised to influence and deal effectively with the uncertainties of Northern Kosovo, demand a much more active use of 'soft power' by NATO. It is recommended that one of the DASGs from NATO's International Staff be given cross-cutting responsibilities for Kosovo and the Western Balkans in order to bring more political coherence and focus to NATO's role.

In the 1940s Theodore Geshkoff wrote that: "[t]he Balkans are usually reported to the outside world only in time of terror and trouble; the rest of the time they are scornfully ignored."[96] This seems applicable to the approach of the international community, and particularly NATO, over the past few years. There is a need to reverse this trend and bring the full range of NATO's 'soft power' tools to bear on the unfinished business of Kosovo. The three recommendations made in this paper will assist in that process.

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[96] As quoted in Glenny, op cit, pp. 662 and in Kavalski, Emilian: The Balkans after Iraq ... Iraq after the Balkans. Who's next? In: Perspectives on European Politics and Society, 2005, 6: 1, pp. 103 - 104.

The Role of Islam in Post-War Kosovo

Xhabir Hamiti

The fuse of Balkan wars, in the last decade of the 20th century, was ignited by the Serbian regime and orchestrated by the ultranationalist Slobodan Milošević, initially in Slovenia, followed by Croatia, Bosnia and Herzegovina and finally Kosovo, under his ultra extreme slogan "Serb land is wherever there's a Serb grave".

The citizens that survived these wars are suffering the consequences even presently as we speak while the trauma and grief of losing their loved ones will surely remain engraved in their memories and souls for quite a long time.

The role and the influence of other religions in maintaining the regional and European peace and coexistence are inevitable and crucial. Islam is the belief- religion of the vast majority of Albanians, but also of other ethnic communities living presently in Kosovo, such as Turkish, Bosniak and Roma community, therefore, in this context, the role, weight but also the orientation of Muslims of this country is probably righteously viewed with more interest by many factors, both internal and external.

1. Composition and Percentage of Muslims in Kosovo

It is estimated that about 90% of the Kosovo population presently adheres to Islam, the Sunni branch, who follow the teachings of the Hanafi School of jurisprudence which, as a Islamic religious branch is the most prevalent throughout the Islamic World. At the same time it is acknowledged as the most liberal and most rational of all other Islamic religious schools in general.

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Apart from Sunni, approximately 5% of Muslim believers in Kosovo are followers of the mystical Sufi order, otherwise known to us as the "Dervishe orders"[1].

In general Islam and Muslims are not a rather new phenomenon in Kosovo, similar to many other countries in the Balkans and beyond.

Based on the history, the journey of Albanians with Islam as their spiritual religion is not something new, but rather a reality that stems from the depths of earlier centuries.

Elements of Islam among the Albanians can be traced back to the 10th and 11th century of our era, through the occasional contacts with Muslim merchants who at that time carried on their trade with their ships, through the Adriatic Sea from Andalusia (Spain) and from Cyprus through the Mediterranean Sea[2]. As of 1389, after the Ottoman Empire started invading the Balkan lands, Islam begins to expand rapidly within and outside the Albanian territories.

2.   Religious Tolerance, a Long-age Attribute of Albanians

No war on religious grounds was ever reported between the Albanians. While defending their nation from the enemy, Albanian Muslims, Catholics and Orthodox have always acted as one body and one mind, under the slogan: "We are a demos with three religions, but only one nation, one language, one Sun, one motherland and one God!". This was the appeal transmitted constantly to Albanian nation by the Albanian theologists: Muslims, Catholics and Orthodoxes.

In this context I can add that, from the suppression of the Kosovo autonomy by the Serbian regime in 1989 until the beginning of armed war in Kosovo in 1997-1999, nearly a decade, the Islamic Community, which

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[1]   H.T Norris, " Islam in the Balkans", pg. 271
[2]   Nexhat Ibrahimi , "First contacts of Islam with Balkan nations in the pre-Ottoman period", (Kontaktet e para të slamit me popujt e Ballkanit para sundimit osman) Skopje, 1997.

continues to represent Islam in Kosovo, has never, throughout the entire period of peaceful and military resistance, used the Islamic religion against the Serb occupation regime in Kosovo, but instead lined-up alongside the aspirations of Kosovo citizens under the slogan: *"people are, so are we (Muslims) led by ICK"[3]*.

ICK's official line, historically has maintained and cultivated very good relationships with the Catholic Church of Kosovo[4], while the Serbian Orthodox Church, influenced by the Serbian politics, has constantly avoided the interfaith meetings, intended to restore peace, respect and security among the Kosovo citizens that were organized by locals and internationals, both prior to and after the war[5].

3. Damaging of Orthodox Churches in 2004, a Tendentiously Designed Plan

The events that occurred on March 17, 2004, when revolting people burned down and destroyed several Serbian churches in Kosovo, has proven to be of a nationalist nature rather than motivated by religion or Islam.

It's a very interesting fact that key perpetrators who ignited the fuse were not known at the time when the events of March 17, 2004 occurred, and remain unknown to date.

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[3] Rexhep Boja, "For a better future" (Për një të nesërme më të mirë) , Pristina, 2003, pg. 43.

[4] Both religious institutions of Kosovo, namely the Islamic Community and the Catholic Church have became part of the Kosovo Albanian movement and worked jointly toward unification of all Albanians regardless of their religious differences.

[5] Provocations on religious grounds against Albanians were launched by the Serbian Orthodox Church and the Serbian Academy of Sciences long before the armed conflict in Kosovo, saying that Albanians were Turks, Muslim fundamentalists, Muslim terrorists, opponent of Western civilization, etc. These provocations on religious grounds by the Serbian regime have materialized in the early stages of war in Kosovo, where hundreds of Islamic religious cults had became targets of heavy artillery of Serb police and army.
The Serbian Archibishop in Kosovo, Mr. Teodosije, in a mass held in the town of Prizren on the ocassion of Easter, compared Prizren to Jerusalem or Istanbul of the Serbian nation. (Daily news : " Koha ditore", April 25, 2011).

These events have been strongly condemned by all local and international mechanisms and by the Muslim community of Kosovo itself[6].

However, it is an interesting fact that the damaging of Orthodox temples has been used by the Serbian Orthodox Church and the Belgrade politics to harm the Albanians[7]. This was done by using these unfortunate events as an important argument in the world stage to rebuke Europe and USA, following their military intervention in Kosovo in 1999. The purpose of this was to abort its support for the establishment of the state of Kosovo, which they constantly called "a fundamentalist state in the heart of Europe and a threat to European values"[8].

Nonetheless, the past and modern history has entered in its archives the opposite of the Serbian claim and allegation. This is due to the fact that the Albanians, both Muslim and Catholic, have for centuries long safeguarded and protected the Orthodox monasteries throughout Kosovo and all Albanian lands where they have existed, and they have never fought against an enemy in the name of any religion.

In more than 500 years under the Ottoman rule, Muslim and non- Muslim Albanians have never damaged Orthodox churches in Kosovo, although they possessed the strength and power to do so for a long period of time.

The same behaviour and consideration vis-à-vis the orthodox cult eventuated during the recent war in Kosovo. As an illustration, I would like to draw upon the case of the Orthodox monastery in Deviq, region of Drenica, Municipality of Skenderaj, which, for 18 consecutive months was under the control of KLA soldiers. It was never threatened nor dam-

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[6]   Following the events that occured on March 17, Government of Kosovo allocated millions of Euros for rehabilitation and restoration of Orthodox Churches in Kosovo.

[7]   The heads of the Serbian Orthodox Church have often been in the frontline of Serb nationalism throughout the entire territory of former Yugoslavia.
(Helsinki Committee for Human Rights in Serbia, The Serbian Orthodox Church in new Serb Identity, Belgrade (2006)

[8]   Following the events that occured on March 17, 2004, the Serbian Orthodox Church published the book called "Crucified Kosovo" (Raspeto Kosovo) , using it as a tool to urge the world not to support the establishment of an independent state of Kosovo.

aged by KLA forces. However, after the war ended, when the latter was placed under the supervision of international peacekeeping forces, suddenly the monastery came under attack and was damaged by people whose identity remains a mystery to date.

4.   The Role of Islam and Muslims in Kosovo after the 1999 War

Islam in Kosovo maintains a organizational hierarchy in an institutional form for decades, or said more precisely since 1947.[9] Until the beginning of the Kosovo war in 1997 the Islamic religious life experienced no interruption, albeit at times it faced various challenges and successive obstructions by the communist system.[10]

After the end of the war in 1999, the institutional organization of Islamic religious life in Kosovo has resumed its work above the same pre-war foundations and institutional structures. However, much greater difficulties were encountered due to substantial damages caused to its infrastructure by the infernal war led by the Serb army.

Over 218 of 600 mosques and temples in total were damaged and destroyed throughout Kosovo during the 1998-99 war, including many monumental buildings, of over 400 year-old rare architecture.[11] The devastating hand also didn't spare the headquarters of the Islamic Community of Kosovo in Pristina which, together with its century-old archives, was captured by flames. Ashes were all that was left behind as a memory of the past.

Horizontally, the ICK carries out its religious activities, same as before the war, through 24 regional administrative Islamic councils, the

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[9]   Srdjan Barišić, " Institutionalization of Islamic Communities after the breakup of SFR of Yugoslavia, "Philosophy and Society II", (2008) , pg.118- 125 .

[10]   As of December 11, 1993, the Islamic Community of Kosovo has acted independently from all religious institutions of former Yugoslavia. (Islamic magazine : " Dituria Islame", Issue No.54, Pristina, January, 1994)

[11]   Mosques and temples devastated during the war have been restored mainly thanks to the government and non-governmental organizations from different countries, mainly Islamic, but also Western countries and contributions of local believers. Kosovo has 731 mosques.

mosques, the secondary religious school- Madrasah, the Faculty of Islamic studies as well as the written and electronic media.

The Islamic Community of Kosovo, headquartered in Pristina, maintained the primacy for organization of Islamic religious life after the war in Kosovo. Currently, this does not apply in such an exclusive manner as before the war. After 1999, many humanitarian organizations and various NGOs in Kosovo, in addition to their aid and post-war recovery activities, such as helping the country to recover from the aftermaths of the war, also carried out religious activities in forms and manners that often contradicted with the Islamic tradition and religious culture in Kosovo as well as the ICK management and organizational structure[12].

In this context, it is worth noting that, apart from humanitarian organizations carrying out Islamic religious activities in Kosovo, after the war, various Western charities with new religious spirit were also installed. These were unknown to our country and the region prior to 1990 and after 1999, and their activity persists hitherto.

Kosovo has been run by the United Nations Mission Interim in Kosovo (UNMIK) in the period from 1999 to 2008, a mission reserving the legitimate right to register, legalize or deny legalization of any organization. This meant that the supervision and control, both by the locals and ICK, was out of question.

During the UN administration, ICK has continued its regular work, albeit, without any institutional or material support, and without a clear legal status. Thus, 3 years following country's independence, a vacuum accompanying this community.

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[12] The Islamic Community of Kosovo works according to its internal regulations, which rely on the religious principles of the Sunni- Hanafi School of jurisprudence, the circumstances where it operates and in compliance with the domestic law.
ICK status has been an obstacle for some new, post-war religious schools, which were introduced in our country through the above organizations or by individuals and certain groups of people.

Despite the difficulties coped with throughout this period, the Islamic Community of Kosovo has played a positive, not to say a key, role in maintaining the peace and religious co-existence in Kosovo. In terms of political developments in general, the ICK kept a distance while not leaning towards any political party in the country. Whereas, in addition to relations established with Islamic religious organizations throughout this period, ICK had also established contacts and good relations with many institutions, both in Europe and the United States. Furthermore, it has never emerged with negative attitudes against progressive democratic values in the country.

5. The Trends of Islam in Post-war Kosovo

Islam and Muslims of Kosovo, represented by the Islamic Community of Kosovo, are still pursuing their traditional way of interpreting the teachings of Islam, far away from any vague, radical or extreme elements.

However, one must admit that in addition to the liberal line pursued by the Islamic Community of Kosovo, in terms of the transmission of Islam, we have also came across small groups of people, called du'at-missionaries. They share the view that all what has ICK done and is currently doing for Kosovo Muslims is insufficient. These individuals are mainly former students who have completed their studies in the Arab and Islamic countries, and who were directly or indirectly affected by the interpretative forms of Islamic teachings, as well as the culture in countries where they have spent parts of their lives during these studies.

The words or terms: wehabi and selefi, were unknown for Kosovo society until the end of the War in 1999.

The attempts, by some individuals and groups to change the way or the form of the interpretation of Islam within the Muslim Community in Kosovo have proven to be unsuccessful.

The young generation of Muslims, in addition to written literature, also uses web applications currently available to everyone. These are mainly

Islamic websites, videos and movies, which surely have an influential role on the people browsing and following them. The quick access to information and events at the local, regional and global level, has contributed to the fact that the Kosovo Muslims are not any longer unexposed to the diverse views and opinions about Islam and Muslims around the world.

6. Some of the Challenges and Requests of the Muslim Community in Kosovo

Relations between state institutions and the ICK are at a proper level although these relations aren't legally accommodated to date. No pronounced collision was observed so far, apart from some tense cases when some Muslim girls were expelled from elementary and secondary schools for several consecutive years due to the fact they were wearing headscarves.

In all the above mentioned cases, the ICK and other Islamic-oriented organizations in the country have called for honouring the freedom of each and to abort the practice of banning the students from attending school due to their religious belief. The latter is considered to be a fundamental right of each individual.

In response to this request, the Ministry of Education of Kosovo has pledged to review its own legal framework related to this issue. This was necessary in order to avoid discrimination of each individual on religious grounds by even reviewing the Constitution of the Republic of Kosovo itself[13].

Due to the lack of space needed to perform religious rites, the construction of a large Islamic centre in Pristina remains a constant request of ICK after the war. This necessity especially arises during major Islamic ceremonies, such as Friday Prayer or Jumu'ah and Eid feast. Neverthe-

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[13] The Constitution of the Republic of Kosovo, (Article 38)

less the local institutions haven't offered any concrete solution for this issue to date.

Another challenge the ICK is facing is the lack of response and unwillingness of local institutions to introduce religious education in the curricula of elementary and secondary schools. To gain support for this request, ICK has offered models embraced by Western countries, such as Austria, Switzerland and Germany but also countries from the region such as Croatia, Bosnia and Herzegovina, Serbia, etc.

Conclusions

- The traditional Islamic line in Kosovo reflected to through the ICK date has not, and will not pose any risk to tolerance, peace and coexistence among citizens regardless of ethnicity and religion in the future.
- Local Islamic religious organization and orientation, mirrored through the ICK, should be supported and assisted both by the state of Kosovo itself and its institutions, morally and materially, as well as by the international mechanisms by insisting that the ICK's legal status within the local institutions is regulated and clarified as soon as possible.
- Supporting and promoting the religious educational institutions under the ICK supervision (such as the Islamic Secondary Professional School "Madrasah Alaud-din"[14], and the Faculty of Islamic Studies[15],) would be a particularly substantial step in terms of Islam and Muslims in Kosovo, as well as a step toward establishing sound relations with all other religious communities in the region and beyond. All this should occur in line with the nowadays standards, by enriching them with modern curricula and prestigious pedagogic methodology.
- The organization of occasional seminars and interfaith conferences of local, regional and international character (in different capitals of

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[14]   This Madrasah is functional since 1956.
[15]   Faculty of Islamic Studies in Pristina was established in 1992.

South Eastern Europe on the topic of tolerance and honouring the religion of each individual and religious community) would contribute to cultivation and further development of the culture in terms of accepting the ethnic, cultural and religious diversity in the future.

- Educating future generations on divine principles, so that there can be no compulsion in religion. The messages that must be cultivated by all of us for the benefit of all are that hatred, fear or terror against others is not supported by any of the divine religions.

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Albania's Political Crisis: A Deadlock on the Way to European Integration: Recommendations for European Union Involvement

Alba Cela

Introduction

On May 10th the observing mission of OSCE/ODHIR called the local elections process of May 8th in Albania "competitive, transparent"[1] and admitted that the Election Day was relatively calm. However, they emphasized once again the aggressive climate of the electoral campaign which marked the process and influenced some of its problems. Few could believe that after one of the most violent and incident-prone campaigns that Albania has seen in roughly twenty years of democracy, a normal election day would follow. However, that did not turn out to be good news either since a very slow counting process followed, raising political tensions especially in the two largest cities, Tirana and Durres.

The final decision of who is going to be Tirana's mayor now lies in the hands of the Electoral College, the highest authority to decide on electoral issues. This is the case since the Central Election Committee reversed the first results which gave Edi Rama, current opposition leader and mayor, a thin victory of plus ten votes. In a disputed process contested by the opposition members at the CEC, part of the votes cast in the capital were recounted and gave a preliminary victory to the other contender, Lulzim Basha. Protesters including MPs camped outside the CEC gates for days and the tensions have brought Albania as the Economist argues "on the brink of a return to violence."[2] With the rationale that, given the ongoing situation, there can be no fruitful discussions about Albania's EU integration, President of the EU Commission

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[1]   ODHIR: Mistrust and Political war. Top Channel: 10/5/2011 http://top-channel.tv/english/artikull.php?id=736&ref=lajme Accessed on May 12, 2011.

[2]   http://www.economist.com/blogs/easternapproaches/2011/05/trouble_tirana

Jose Manuel Barroso and Enlargement Commissioner Stefan Fule cancelled their scheduled visits to Tirana.

A two Year Long Crisis yet to be Solved

On January 21, four people were shot dead at the gates of the Prime Minister's office in Tirana, they were part of a protest that had turned out violent during the later part of the day. An investigation was launched and foreign experts were called to assist the Attorney General's office. This has been the most dramatic culmination of a two year long political crisis in Albania. At the core of this crisis stands the refusal of the Albanian opposition to acknowledge the results of the parliamentary elections of June 2009, a refusal based on claims that large scale fraud and intimidation occurred during Election Day. The opposition tried to advocate for its requests for complete post-election transparency with a variety of ways including parliamentary boycott as well as a 200 person hunger strike in the capital's boulevard. They backed down on the strike with the involvement of EU high level officials who tried to secure negotiations between Edi Rama and Sali Berisha, negotiations which were limited to a dinner and otherwise have failed.

This ongoing crisis has polarized the society into aggressive division lines, for and against the ruling majority and coalition. Most importantly, this crisis has paralyzed the work of the parliament regarding important laws that have to be passed with a 2/3 majority, laws that are required to progress in the path of integration. The violent incidents that augmented disproportionately with the electoral campaign of this April have also been a negative mark on Albania's democratic performance. Incidents of the campaign included: wounding of the Inspectorate of Construction director, explosive blast in the houses of political party activists and in the electoral tents, the stabbing of a teenager, weapon rivalry between flag carrying militants and confrontations between police and MPs again few meters from the PM office. These are not minor incidents and the OSCE has immediately issued reports that the campaign is being con-

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ducted in such a way that the number of incidents has increased even compared to elections done in much earlier times.[3]

The international factor has invested heavily in sending messages to both political sides to tone down the rhetoric, to collaborate about the reforms and to solve this impasse for the sake of the country's European future. In a joint statement, the President of the Parliamentary Union, Hungary's president, criticized the Western Balkans for a problematic halt of reforms and mentioned specifically the two year political crisis in Albania as one of the factors.[4]

The Burdens of the Past, the Challenges of the Present

As Bernd Fischer a well known scholar on Albanian history observes, "The most brutal aspects of the Hoxha regime are long gone […] , But some aspects of its authoritarian rule live on: the elite's general disregard for the well-being of the people as well as the best interests of the state, brutal and intolerant politics, and the lack of a rule of law. These have obstructed the path to Albania's self-declared goals of establishing a functioning democracy, a sustainable market economy, and Euro-Atlantic integration."[5]

The communist regime is not to be forgotten when accounting for recent political developments that would otherwise show an inexplicable lack of democratic culture. Yet the 50 years under totalitarian rule do not account for everything. Albania stepped on the track of reforms and has achieved some positive records such as membership into NATO and the granting of a visa-free regime. Some would argue that these achievements are less due to Albania's progress than due to geopolitical inter-

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[3]   Interim Report, http://www.osce.org/odihr/elections/77016,Accessed on April 21, pp.5-6.
[4]   European Union web portal, 4 April 2011. http://www.eu2011.hu/news/orban-friends-enlargement-should-join-forces
[5]   Fischer, Berndt "Albania's Long Dress Rehearsal", Transitions Online (30 March 2011), http://www.tol.org/client/article/22288-albanias-long-dress-rehearsal.html Accessed on April 29, 2011

ests of other parties involved, however this would obstruct the reality that does show signs of improvement.

Elections however have always been a problem. The first case in which a normal rotation of power was realized was in 2005, when the Socialist PM Fatos Nano stepped down peacefully, 14 years after the downfall of the communist regime. That was the first and the only case. Albania hence has failed to go through a series of accepted elections and rotations of power which would install a sustained climate of stability.

The strength of the political crisis has shown its effects with serious ramifications throughout the Albanian society. The Albanian media has suffered from attempts to control its activity from both parties in a dispute about using ready-made cassettes that cover campaign activities. The Media Monitoring Board and the Central elections Committee passed back and forth confusing statements and memos about the compulsory use of these cassettes exerting pressure on several TV channels. The polarization and aggressive debate fuelled by the crisis has resulted in negative outcomes for the media.

Some implications in the economy are already present. There is nothing that scares away foreign investment more than political instability. As Andi Balla argues in a recent editorial in Tirana Times, more negative effects are to be expected for tourism this summer.[6] If the political crisis lingers on for too long, more and more Albanians will suffer from the economic side effects resulting in more restless youth ready for more incidents, a vicious cycle of violence in-the-making.

Security Aspect

Loss of lives during protests and grave incidents threatening citizens' lives during electoral campaigns make Albania resemble Middle Eastern and North African states with disreputable systems and a lack of democracy. The fact that the lives of citizens are being endangered by what

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[6]   Balla, Andi: "Tourism and the elections" In: Tirana Times, 27.04.2011, p.1

should have been normal political processes raises severe doubts about the country's general security situation. The same applies to better and more sophisticated approaches to civil emergencies when there is a potential risk for the institutions. There is a need to draft clearer responses to different degrees of danger and hence apply a more proportional response. Until complete transparency of events is made, security analysts and policy makers will lack the necessary information to analyze the scenarios and draft appropriate responses to them.

The performance of the state actors responsible for maintaining order has been praised by ambassadors[7] and other international actors with the exception of the incident where the head of the Police delayed the execution of the Attorney General's arrest order for the soldiers accused of being responsible for the January 21 deaths.

The International actors have invested heavily both in the technical and financial side for the sate police and hence have exerted maximum pressure in holding them accountable to high standards of performance and professionalism. The same should be done to the political class.

As former Albanian President, Rexhep Mejdani, argues: Albanian actors responsible for national security still need to absorb the very concept of "individual security" and invest in "posing limitations to the executive power as well as increasing transparency for the sake of security." [8]

This would call for a large comprehensive effort to avoid escalations of incidents and above all guarantee the lives of citizens as well as the protection of institutions while respecting human rights and democratic values by adopting the best European practices that are relevant to this enterprise.

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[7]   See for ex: "Ambassador Arvizu congratulates police for professional behavior during SP rallies" http://www.abcnews.al/lajme/aktualitet/2/3670

[8]   Mejdani, Rexhep: Some reflections on Reviewing the Security Document, In: Hroni, Sotiraq (Ed.): Mbi Zhvilimin e strategjise se sigurise kombetare"(On the development of the strategy of national security), pp.26-47 at pp.34-35.

Recommendations: More EU Involvement

It seems that the international community is gradually accepting the problematic elections as a normal feature of Albanian political scene with a general stance summarized as "the next elections should be better than the last ones." Albania is a member of NATO since April 4, 2008 and the standards required from its elections should be the same as those for every other member country.

The EU needs to urge the solution of the political crisis in Albania by stating clearly the penalties if the political class fails to find a middle way. This should be combined with a positive approach that gives hope to Albanian citizens and especially young people in the country. Hungarian prime minister has rightly added "The Hungarian Presidency urges the start of negotiations as early as possible with Albania, … the postponement of negotiations will only further decrease the chances of establishing internal political stability in that state.[9]" In general a more active approach from the EU has the potential to assist the situation. The EU should claim its principal role in assisting Albania to overcome this crisis in order to send Albanians the clear message that they are accountable too. Coordination and common participation in the relevant actions and statements from US Ambassador, EU delegation head and OSCE head of the Mission in Albania, has proven beneficial during the electoral campaign and later on and should continue until the crisis has receded.

Increase the Pressure

So far the representatives that have visited Albania, and these visits have been very frequent, have been in the level of envoys on behalf of higher authorities. Such is the case with Miroslav Lajcak, Managing Director of the European External Action Service, who has several times visited Tirana representing in fact Baroness Catherine Ashton. The highest representative of the United States visiting Tirana for the purpose of discus-

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[9]   http://www.eu2011.hu/news/orban-friends-enlargement-should-join-forces

sion the dialogue between the two political parties has been Principal Deputy Assistant Secretary for Political-Military Affairs, Thomas Countryman.

The cancellation of the visit by President Barroso while sending a clear signal to the political class that the crisis is halting all negotiations for integration, can also be interpreted as a missed opportunity to criticize the political leaders while being present in Tirana, which would enhance the message' [10]

It might be beneficial if higher ranking figures come to Tirana and send directly in the presence of political figures the stakes of the situation and urge for a solution. Experience has shown that when confronted with direct pressure leaders of political parties have yielded some of their radical posture and have accepted compromise.

As Slovak scholar Szpala has noticed, "In these circumstances the two sides can probably only be brought round to a compromise by a strict reaction from the EU, including the announcement of severe sanctions that will encompass for example the suspension of the process of extending the EU to Albania and the freezing of EU funds combined with direct mediation by representatives of the European institutions *on a clearly higher level*."[11]

Encourage Young Politicians and Young Activists

An interesting observation has been made by a young Bulgarian reporter while accounting for the events of January 21. In finalizing her article, Topalova says that "maybe it is also time in Albania for a new genera-

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[10] Freizer, Sabine "The Dangers of Albania's Disputed Election" (20 May 2011), International Crisis Group, http://www.crisisgroup.org/en/regions/europe/balkans/albania/the-dangers-of-albanias-disputed-election.aspx (Accessed on May 22, 2011)

[11] Szpala, Marta "The political crisis in Albania is growing', http://www.osw.waw.pl/en/publikacje/ceweekly/2011-01-26/political-crisis-albania-growing (emphasis from the author)

tion, younger and unburdened by the past politicians, to appear. Thus, the catharsis will be genuine."[12]

The EU should invest directly in supporting, educating and training a young generation of politicians and leaders and affiliating them with the bets practices and standards of EU institutions. This will achieve a two fold mission. First it will prepare a generation that is ready to steer the country towards the EU and then manage the political affairs accordingly. Second, it will serve as a measure towards keeping off such long-term crises, which have a strong personal dimension from current leaders.

Conclusions

So far Albania has been described as a stabilizing factor in the region and even as a "security producer."[13] Albania's neutral and constructive role in the many conflicts that have characterized the Balkans during these last two decades has been remarkable. Considering that most of these conflicts involved Albanian ethnic groups in neighbouring states this achievement is praiseworthy. In order for this to continue though, Albania should walk in the integration path with a steady step and the current severe political crisis is becoming more and more of an obstacle. With the internal situation unstable and with grave political and security incidents waiting to happen in an unpredictable way little chance exists that Albania still can maintain its stabilizing role. There is a role for the European Union to play in order to overpass this crisis using *the right sticks and carrots* for the political class responsible for the situation.

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[12]   Topalova Evelyna, EU Inside portal (January 26, 2011),
       http://www.euinside.eu/en/news/political-crisis-in-albania-deepens
[13]   Mejdani, Some Reflections on Security Document, p.40.

PART 4:

POLICY RECOMMENDATIONS

Policy Recommendations

Predrag Jureković

Estimations and Recommendations regarding Peace- and State-building in Bosnia and Herzegovina

More than a year after the general parliamentary elections held in October 2010 this western Balkan country is still far from getting a functional government, which, after a five years period of political radicalization, is needed to return BiH to the path of Euro-Atlantic integration. Discordant positions of the international actors involved in the peace- and state-building process impede the overcoming of political stalemate in BiH.

The diplomatic initiative of the EU's High Representative for Foreign Affairs and Security Policy, Catherine Ashton, directed to Banja Luka in Mid May by the national actors in BiH was not perceived as a signal for launching a constructive dialogue in this country. Ashton's visit to Banja Luka aimed at stopping Republika Srpska's (RS) plan to organize a referendum against state judicial institutions and decisions that have been taken by the Office of the High Representative (OHR) in Sarajevo on the basis of the so called "Bonn Powers." While officials in the RS have used the "dialogue between Brussels and Banja Luka" for internal propagandistic purpose Sarajevo's political elites were irritated about EU's appeasement approach vis à vis RS President Milorad Dodik that have not led to an improvement of relations between Sarajevo and Banja Luka.

RS officials have stressed that the referendum is still an option if the structural dialogue on judicial reforms started with the EU after Ashton's visit to Banja Luka should not bring the desired results. The OHR, who announced sanctions against RS officials in case that secessionist policies should continue, was excluded from the first round of the "reform talks." The same applied to the legal experts from Sarajevo.

This group has several times advocated a unified political approach of the western community present in BiH towards the process of peace- and state-building which is absolutely necessary in order to contribute to an improved political situation in this country. The ongoing process of restructuring the EU's presence in BiH must not lead to its dissociation from the OHR – a trend that could have been observed during the past period of Valentin Inzkos mandate as High Representative in BiH.

However, as long as the political process in BiH is dominated by nationalist issues and by continuing secessionist policies, there is a need for continuing – as a safety net – the presence of the OHR who should retain executive power. The last political crisis connected to the RS referendum plans showed proof of this necessity. Without a credible threat by the HR to impose sanctions against officials from the RS, the spring crisis most probably would have caused much more serious damage for the peace process.

EUFOR's executive mandate is a second element of BiH's security net and should be prolonged and the necessary strength for implementing such an operation should be provided. To reverse the current trend and provide an increase in efficiency, the EU, US and OHR should strive for a unified approach vis à vis the challenges in peace- and state-building.

Obviously, strong incentives for stimulating the peace process in BiH are lacking. In particular, more international support for the weak civil society sector is needed to strengthen the social glue among the citizens of BiH who have been exposed to various political attempts at ethno-nationalistic mobilization.

A number of religious leaders in BiH are guilty of politicizing religious ideas for the purpose of strengthening nationalistic identities. As far as the Islamic community in BiH is concerned preserving the multiethnic society in this country by moderates is the best way to secure the tolerant form of Islam. On the other hand, if BiH state institutions are being further weakened through nationalist policies this could increase the number of followers of Islamists.

Estimations and Recommendations regarding the Crisis Situations in the Serbian Part of the Sandžak region[1]

Radical tendencies that can be observed in the Serbian part of the Sandžak region (officially Raška oblast) are a direct consequence of Belgrade's long-time policy to neglect the economic and political needs of the largely (Muslim-) Bosniak population. Furthermore, the preferential treatment of "the Islamic Community of Serbia" based in Belgrade compared to the Serbian government's more distant attitude vis à vis "the Islamic Community in Serbia," which in turn is led by the Novi Pazar's Mufti Muamer Zukorlić, plays an important role as well as Belgrade's strong support for RS political leader Dodik.

Zukorlić's demand for political autonomy of the Sandžak goes beyond religious rights of the Muslim community in Serbia. He is strongly backed up by the Sarajevo Grand Mufti Mustafa Cerić. This fact underlines the existing links between political and religious developments in BiH and Sandžak: By agreeing tacitly to policies of the RS leadership that are aimed at further undermining BiH as a state, Belgrade increases ethno-religious mobilization among the Bosniak population in the Serbian part of the Sandžak, which is politically controlled by Zukorlić.

Belgrad should continue to develop its latest policy of conducting a dialogue with religious leaders from Novi Pazar in order to relax the tense situation in Sandžak. By supporting credible political representatives of the Bosniak population from Sandžak the space for ethno-religious manipulation could be diminished. In addition, a more supportive policy by Belgrad for improving political relations inside BiH would be useful regarding local Bosniak perceptions in the Sandžak.

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[1] Some of the estimations and recommendations in the Sandžak chapter represent only the views of the author and were not agreed in the Study Group.

Estimations and Recommendations regarding Kosovo

The political dialogue between Belgrade and Pristina that was launched by the EU in March this year on technical issues to improve the living conditions of both, Kosovo-Albanians as well as Kosovo-Serbs, could help to overcome the stalemate in the bilateral relations which followed Kosovo's unilateral independence in February 2008. The outcome of this process would be a win-win-situation and positively influence regional relations. On the other hand, failure would most probably result in the reinforcement of ideas of territorial partition and negative repercussions for the regional environment.

Political representatives of the Kosovo-Albanians as well as think tank analysts from Pristina assess that Serbia would be the only side that could profit from this dialogue because it would result in faster EU membership and leave Kosovo still far behind in the EU integration process. The talks have been hindered so far by a lack of strategy on both sides regarding where this dialogue should lead and the absence of a clear EU policy.

Areas if interest for both sides and in which solutions during the dialogue should be achieved are: the exchange of documents, de-blockade of Kosovo in the Central European Free Trade Agreement (CEFTA), clear custom regulations to reduce smuggling, clarification of property rights and privatization issues as well as a visible presence of the European Rule of Law Mission (EULEX) in the north of Kosovo to end the lawless situation.

Although Kosovo is not more strongly affected by serious crime than other countries in the region organized crime and corruption represent huge structural problems for the overall development in this young state. While the Kosovo Police has proved to be functional this is not true of other law enforcement institutions – judges and prosecutors. In many cases their work has not been in accordance with professional criteria. Therefore, there is still a strong need for international support in capacity-building.

However, the biggest problem for Kosovo's peace process remains the unconsolidated political and legal situation in Kosovo's north. A close co-operation between EULEX and KFOR is necessary in order to end the Transnistria-like situation in this area by establishing transparent rule of law institutions. Ongoing measures of restructuring KFOR through downsizing the number of troops should take this necessity into consideration. Moreover, EU representatives in their talks with Belgrade politicians on Serbia's future membership should demand a constructive policy by the Serbian government vis à vis the north of Kosovo.

Estimations and Recommendations regarding the FYR of Macedonia and Albania

Beside severe structural problems (unemployment rate >30%) FYR of Macedonia is affected by enlarged ethnic gaps between the majority population of Macedonians and Albanians as the second largest group (25%). With the exception of the government party Democratic Union for Integration (DUI) Albanian parties in FYR Macedonia are no longer fully behind the Ohrid Agreement, which ended the civil war-like fights in summer 2001. Albanian nationalists demand the establishment of a bi-national Macedonian-Albanian state – a political goal that has met with disapproval from all Macedonian parties.

The FYR Macedonia has remained a fragile state that would need more economic and political support from the western community, otherwise this successful case in preventive diplomacy could become a crisis case again. At present, the goal of making FYR Macedonia a NATO and EU member is the strongest common interest of the two largest ethnic communities in this country. As it was argued by this study group several times before, more support from the Euro-Atlantic community to resolve FYR Macedonia's name dispute with Greece is necessary, in order to lift Greece's blockade of its neighbour in the process of EU and NATO integration.

Albania, a young member of NATO since 2009 and aspirant for EU candidate status, is endangered in its reform process by a new wave of

political polarization between the two major political forces, the Democratic Party of Prime Minister Sali Berisha and Edi Rama's Socialist Party. Both political leaders lean towards extreme positions and have problems accepting democratic standards in their political competition. The latest political controversies linked to unclear results of the local elections in Tirana in May underpinned this problematic behaviour.

The EU and particularly NATO should continue with their demands vis à vis the Albanian politicians to implement high democratic standards. In realistic terms a final breakthrough in the reform process is not very probable while still having this "old generation" of Albanian politicians in leading positions. Therefore, the Euro-Atlantic institutions should be much more engaged in identifying promising young politicians in Albania who should be supported with educative measures and by sharing experience.

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