



USAID
FROM THE AMERICAN PEOPLE

KOSOVO CONFLICT ASSESSMENT

BREAKING DOWN INVISIBLE WALLS

NOVEMBER 2012

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EXECUTIVE SUMMARY

USAID undertook the Kosovo Conflict Assessment between July 9 and July 27, as part of a series of assessments that will guide USAID Kosovo's new Country Development Cooperation Strategy (CDCS), and in light of the end of Supervised Independence, scheduled for September of 2012. The Mission commissioned the last Conflict Assessment in Kosovo in 2007, prior to Independence, using the first version of the Conflict Assessment Framework. This Assessment follows a new version of the Conflict Assessment Framework (CAF 2.0) recently produced by USAID's Conflict Management and Mitigation Office (CMM). The CAF 2.0 methodology takes grievances as a starting point, and then examines trends, conflict triggers, mobilizers (conflict leaders), social patterns, and institutional performance. In keeping with USAID Forward objectives, the Mission carried out the Assessment relying mostly on its own staff, with the assistance of two consultants and the Deputy Director of USAID CMM, who served as Team Leader. The six-person team included a Kosovo Serb, a Kosovo Bosnian, and two women. All but the Team Leader are Kosovan citizens, and all have extensive experience working on post-conflict, civil society, democracy, and governance programs.

The Kosovo conflict, which peaked in 1999 and led to the NATO bombing and the subsequent end of Serbian control over Kosovo, has a long and perhaps ancient history. It belongs to a class of territorial disputes over identity which have proven extraordinarily difficult to resolve, such as the conflicts in Bosnia, Israel-Palestine, and Northern Ireland. Like Bosnia, its resolution created a new state under international supervision, but unlike Bosnia, the supervision is ending without full international recognition and local acceptance. This lack of resolution leads in some ways to a continuation of conflict through political, social, and diplomatic means.

After nearly a decade of U.N. protectorate status, Kosovo declared its Independence and accepted the plan put forth by Finnish President Martti Ahtisaari, known as the Comprehensive Settlement Proposal (CSP). The CSP created an independent state for Kosovo, which was not accepted by Serbia and blocked by Russia in the UN, subject to certain protections and reserved positions for minorities, and a period of Supervised Independence. The protections for minorities included Kosovo Serb-majority municipalities, reserved seats in the Assembly and courts, and language and education rights. While this was the best compromise that could have been reached under the circumstances, it does not resolve the underlying conflict, and in some ways it deepens the distance that exists between the Kosovo Albanian and Serb communities.

The nature of the conflict is important for USAID to understand, not because USAID can resolve it, but because it shapes the context in which USAID works and poses obstacles to creating a democratic, multi-ethnic state in which non-majority groups fully participate. The Kosovo Albanians and Serbs live mostly apart, speaking different languages, attending separate schools, and learning very different versions of history. Kosovo Albanian youth rarely learn Serbian, and the reverse is generally true of young Kosovo Serbs. Relationships are for the most part formal, carried out through state institutions or in business. The communities watch different television and listen to different radio stations. Opportunities for cross-ethnic interaction are relatively limited.

Grievances: The core grievance of both communities has been the question of Kosovo's identity, which now has been resolved in favor of the majority (but remains a grievance for much of the Kosovo Serb non-majority). For Kosovo Albanians, the grievance is recognition, as well as transitional justice claims arising from the conflict, such as locating missing persons. Missing persons are also an issue for Kosovo Serbs, which GoK is often reluctant to admit. However interviews, focus groups, and survey results demonstrated a universal and deep dissatisfaction with the state of governance and the economy. It is this dissatisfaction that USAID can address: the secondary grievances that affect all persons on a daily basis in the new Kosovo, such as youth unemployment, poor institutional performance, and

psychological separation. USAID can respond to the needs of citizens in the north, who are slowly engaging with the Government of Kosovo (GOK), even in the face of counter-pressures. USAID can also remove conflict triggers such as election fraud, while monitoring sensitive areas. Finally, USAID could make a limited but important contribution on the question of missing persons, which is a deep grievance arising from the war.

Trends: It is important to realize that Kosovo is not facing the situations that led to the 2004 riots, and much has improved for Kosovo since then. Rather than prepare for the last conflict, USAID should plan to prevent future conflicts by shaping longer term trends. Negative trends include high youth unemployment – this was one of the few issues all interviewees agreed upon, and is clearly backed by available statistical data. Access to work abroad may be limited, and worse, the school system is producing many youth without skills, leading in some cases to jobs unfilled in a country with 45 percent unemployment. The north remains an area of tension, particularly with respect to border control.

Language barriers are increasing with the aging of older generations who spoke Serbian. Eventually GOK agencies and the judiciary will have trouble finding persons who can speak both Serbian and Albanian. The judiciary, which has made important strides in reforming itself, remains weak and has a high case backlog. This affects all ethnicities, but can be perceived differently by different ethnic groups. Some Kosovo Serbs complained of police abuse, and inability of Serbs to market products. The relationship between religion and state is not entirely defined, with some evidence of increasing presence of Islamic fundamentalists recruiting youth in certain areas. In addition, interviews complained of corruption, gridlock, and control of the state by shadow forces such as former Kosovo Liberation Army secret police (the SHIK) or the Serbian parallel structures and their intelligence monitors.

Other trends are positive, such as decline of Serbian-supported parallel institutions in the south, the emergence of the MNAO and possible greater space it has to work in the north. Notwithstanding the ongoing political crisis in Bosnia, the Balkan region is stable. Freedom of movement for Kosovo Serbs is much less a problem that it was several years ago, and ethnic relations in Kosovo's east are good.

Mobilizers: Conflict in Kosovo, as in the rest of the Balkans, has been controlled by political elites in Belgrade, Pristina, and Mitrovica. While it may be triggered by an event, political elites will likely decide if the conflict is contained, or allowed to spread. Currently, the political elites of both Kosovo and Serbia are focused on EU integration and economic issues, and are not interested in a return to conflict. However, tensions over Kosovo's northern and possibly eastern borders could ignite localized conflict, as elites seek to assert control or provoke a response for political advantage, especially if the Political Dialogue begins.

Triggers to monitor: USAID needs to be on the alert during trigger moments, most which are predictable. The end of Supervised Independence is not likely to lead to conflicts, although it is viewed with some unease among Kosovo Serbs. On the other hand, fraudulent elections are more likely to trigger conflict within the Kosovo Albanian community that conflict mobilizers could exploit to attack other communities. Other potential trigger moments include the anticipated Political Dialogue (if Kosovo Albanians feel that too much has been conceded to Serbia), or if Kosovo Serbs feel Kosovo is going to be lost, actions along the border by either government, confrontations with police, (such as the recent Vidovdan incidents), or actions by Serbia to divert Kosovo's energy or water.

General recommendations for the CDCS: Through a determined effort in the Kosovo Serb communities and the north USAID has established its credibility and has disproven the skeptics who

believed that Kosovo Serbs would never change their positions. USAID no longer needs to gain entree with small infrastructure projects. Rather it needs to act more strategically, programming on the basis of clear objectives and a logical reason to believe that the project will achieve the desired end (known as a Theory of Change). USAID programming should seek to lower or break down the “invisible walls” that keep the communities separate or keep products from coming to market.

Women and youth are an overlooked resource – Women and youth are generally outside the power structure, which is a disadvantage but creates openings for conflict-sensitive programming. Women are more likely to play a moderating role, and have an interest in practical problem solving that can address lower level concerns and grievances. In particular, women are more likely to confront the parallel institutions in the north if they see a direct benefit of a project to their families. Women can participate in the form of neighborhood committees, people to people programs, and media.

The Mission should explore a return to People to People (P2P) programming (programs which build bridges across ethnic groups outside of formal channels), using a USAID Forward approach of direct granting to local organizations. Creative ideas should be actively encouraged, but with a clear theory of change and more rigorous evaluation. The Mission should review CMM’s publication “People-to-People Peacebuilding: A Program Guide” and consult with CMM staff if it chooses this approach.

Some conflict triggers and grievances will require USAID to work across agency lines. For example, police abuse was cited in several interviews. USAID can coordinate with ICITAP’s police development and CSAT programs by bringing civil society organizations to work with the GOK on identifying patterns of abuse and addressing them. USAID can also contribute greatly to the Public Affairs Office on protected sites and persuading a skeptical public on the new Laws of Prizren and Velika Hoca/Hoce e Madhe.

Apart from managing projects, USAID needs to dedicate staff time to monitoring sensitive areas, collecting data, and make conflict analysis an ongoing responsibility. It is recommended that USAID form a conflict team. CMM is prepared to provide guidance and technical advice to the team.

USAID Kosovo and CMM may consider Kosovo as a country for funding from CMM’s Reconciliation Fund Annual Program Statement, which will be issued on or about January of 2013.

Program Recommendations

- **Youth unemployment.** Nearly all persons interviewed recognized the growing number of unemployed and unemployable youth as Kosovo’s most serious conflict driver. USAID educational program should prioritize vocational training and university training that produced graduates with marketable skills.
- USAID should continue assisting **municipalities in strategically important areas** (areas with or near large Kosovo Serb populations). It is important that both Kosovo Albanian and Serb communities receive assistance, less decentralization be equated with support for Kosovo Serbs only (which will likely encourage recentralization). Although it is still early to evaluate its work, the new Mitrovica North Administrative Office (MNAO) is showing promise, even in the face of acts of intimidation. The MNAO is providing jobs for many residents in Mitrovica North, and can become a platform for organizing neighborhoods and involving women.
- USAID should **assist Kosovo Serb farms and businesses**, who often face discrimination, to market their products through nationwide value chains;
- While the judiciary has made significant strides, it still is bogged down with an enormous case backlog and an inability to provide justice and security. **USAID rule of law programs need to**

rebuild momentum, which will help all communities and reduce perceived (though not necessarily real) discrimination against non-majority claimants.

- **The USG also needs to decide, by early 2013 at the latest, if it will re-engage on elections.** Elections are an important flashpoint for conflict within the Kosovo Albanian community, but that conflict could spill over into ethnic conflict.
- **USAID should continue limited assistance to minority media**, focusing first on radio, which has the highest impact in the north with the least cost. Internet television is also showing promise. Television programs that publicize P2P events should be targeted to women and youth, ideally to both communities. If the Mission decides to support a newspaper for Kosovo Serbs, it should be targeted to women. The youth will not likely read the paper and it will not likely be sustainable.
- USAID should consider providing limited **assistance to the Assembly Committee on Missing Persons** (perhaps through its Assembly Strengthening Program) and assistance to the GOK for negotiating with Serbia (mediated by the Red Cross) on missing persons.
- **Future work on property rights will help address an important source of grievances**, but will not likely be able to deal with the more complex problems of restitution and returns.

METHODOLOGY

The Assessment was conducted by a six-person team led by Jose Garzon, Deputy Director of USAID's Office of Conflict Management and Mitigation, and consisting of three local staff of the Democracy and Governance Office: Urim Ahmeti, Luljete Gjonbala, Lejla Kolenovic. Two external consultants, Leon Malazogu of Kosovo and Filip Pavlovic of Serbia, also rounded out the team. Prior to beginning the Assessment, Mr. Garzon interviewed State Department and USAID officers following Kosovo, external experts, and reviewed cables and documents about Kosovo and its political transitions since 1999. The Team made a conscious effort was made to reach the entire range of personalities in Kosovo, including GOK officials, local and international experts, CSO leaders, and women and youth leaders. In addition, the consultants interviewed persons who are not normal interlocutors with USAID, such as Kosovo Albanian nationalists, and persons in the north who oppose Kosovo's Independence, as these are the persons most likely to participate in any future conflict. The consultants used interns in some cases to avoid biasing the responses in favor or against USAID or the consultants themselves. Focus groups were organized, two for Kosovo Serbian (in Gračanica and Mitrovica North) and one for Kosovo Albanian women, two for Kosovo Serb youth, and one for Kosovo Albanian youth.

Once in Kosovo, Mr. Garzon presented the new Conflict Assessment Framework (CAF 2.0) to the Mission and the Assessment Team. Using the concepts of the CAF 2.0, the Team assessed grievances of Kosovo Albanians, Kosovo Serbs, and other non-majority groups, and then considered trends, conflict triggers, mobilizers, social patterns, and institutional performance. Interviews and focus groups were conducted using a standard questionnaire, though optional questions were added if relevant to the particular person or group interviewed. The team made every effort to collect relevant statistical data. The team was limited by the lack of access to the 2011 Kosovo Census. Where statistical data was unreliable, the Assessment uses the best estimates of local experts. The Team was also hampered by the lack of solid research on the state of gender relations, which have evolved considerably since the last published research conducted in the early 90s, prior to the social, political and economic upheavals that took place since then. New research on gender relations, and the roles and views of men and women with respect to conflict, would be very useful to USAID and other donors. Notwithstanding these limitations, we believe that the Assessment represents a useful starting point for understanding the

ethnic and political tensions that still exist in Kosovo. As will be noted in the Recommendations, USAID Kosovo should regularly monitor these tensions and their evolution as a regular function.

INTRODUCTION

Kosovo is twelve years into its recovery from violent ethnic-based conflict in 1999 that featured mass movement of civilian populations and the destruction of infrastructure. Progress from conflict to conditions now approaching normalcy has been achieved, but major risks remain. Although the renewal of armed conflict is considered highly unlikely, day-to-day intimidation and isolated incidents of violence continue. Ethnic tensions still simmer below the surface; as many as 200,000 individuals remain displaced from their homes. Freedom of movement for the minority population is improving, unemployment is endemic and the economy is artificially buoyed by remittances from diaspora groups and presence of international organizations; and regional crime syndicates are active. Security is provided by the Kosovo Police (KP), but is also dependent upon the European Union Rule of Law program (EULEX) and by NATO's Kosovo Force (KFOR), two international bodies that have been reducing in size and presence.

In twelve years, progress from conflict to normalcy has been achieved in Kosovo, but major risks remain.

Kosovo has a number of non-majority groups, including Ashkali, Bosniaks, Egyptians, Gorani Roma, Serbs, and Turks. Many of these populations, including Kosovo Serbs living south of the Ibar River, have generally accepted the presence of Kosovo institutions within their communities and have shown their willingness to participate in them. Despite this integration, challenges remain, which need to be addressed in order to consolidate the progress made thus far. These include the lack of economic opportunities, inconsistent use of the language policy, lack of employment in the public sector, and financial and psychological reliance on Serb parallel structures. Of these minority groups, Kosovo Serbs are the least integrated into Kosovo's society and institutions. This is especially true of the fragile political environment in Kosovo Serb populated municipalities north of Ibar River. This population identifies with Serbia and generally resists engagement with the Government of Kosovo (GOK). In the north, the GOK has little presence, and Serbia retains informal control through illegal parallel governance structures – although the structures sometimes assert independence from the Government of Serbia (GOS). The region is characterized by a lack of rule of law, violent incidents, and resistance of the majority of the population to constructively engage with the rest of Kosovo. The European Union, through its rule of law mission EULEX, has responsibilities for maintaining the rule of law, but does not intervene in many cases. The International Civilian Representative (ICR) has created a new Mitrovica North Administrative Office, funded by the GOK, which has recently replaced the former UN Administration in Mitrovica (UAM).

On February 17, 2008, the Kosovo Assembly declared the independence of Kosovo in line with the "Ahtisaari Plan" or Comprehensive Settlement Proposal (CSP). In its declaration of independence, Kosovo made a commitment to implement fully the Ahtisaari Plan and welcomed a period of international supervision. The declaration was rejected by Serbia and many Kosovo Serbs who regard Kosovo as a province of Serbia. However four years later, Kosovo has successfully integrated new legislation as envisioned in the CSP, passed a constitution that enshrines the Ahtisaari principles, and taken other measures to implement fully the CSP provisions. These provisions primarily focus on decentralization, protecting the rights, identity and culture of Kosovo's non-Albanian communities, including establishing a framework for their active participation in public life. Five new Kosovo Serb-majority municipalities were established or greatly expanded (Gračanica/Graçanicë, Klokot/Klllokot,

Novo Brdo/Novobërdë, Parteš/Partesh), and Ranilug/Ranillug. In addition, Kosovo Serbs won control via elections of the local government the Serb-majority municipality of Štrpce/Shtërpçë. Establishment of the sixth new Kosovo Serb municipality of Mitrovicë/a North remains a challenge. Parallel municipalities continue to at least partially function in these municipalities, dominating education and health and sometimes competing to provide services. The municipalities have established a certain modus-vivendi with the parallel institutions.

Development Trends

Owing to its history, its incomplete status, geography, and several internal constraints, Kosovo is the poorest country in the Balkan region, with 45 percent of the population living below the poverty line, and heavily dependent upon remittances, which make up about 12 percent of GDP.¹ Kosovo has a very young population, with 50 percent of the population under the age of 25.² The unemployment rate for this cohort ranges from 50 to 75 percent.³ Many youth leave school before obtaining a high school diploma. Of those who graduate from high school, only 10 to 20 percent obtain a University degree. The growing youth population, which is largely unemployed, disengaged and disconnected, presents a risk for instability in the region. The participation of women in the economy is also the lowest in the region.⁴

Satisfaction level with the work of the Government and Prime Minister is the lowest since the declaration of independence in 2008. According to latest UNDP Public Pulse survey (April 2012), only 21 percent of the citizens are satisfied with the work of the Government and about 24% of them are satisfied with the work of the Prime Minister. Similarly, compared to previous data, citizens seem to be less satisfied also with the work of other Government institutions. Unemployment is perceived as one of the top problems that Kosovo faces, and the public sector is generally perceived as corrupt. The results of the poll show that 34 percent of Kosovans believe that family connections are the most important factor in gaining employment in the public sector, whereas 24 percent believe that bribes are the most important factor.

Elections in 2010 were marred by accusations of fraud. Kosovo's electoral system is still weak, with an inaccurate voter registry and a manual vote counting system prone to fraud. In 2010, about half of all ballot boxes were recounted owing to irregularities, and election results were cancelled in several municipalities. This has weakened the legitimacy of the current government, which has had difficulty maintaining party discipline. A political crisis over the Presidency was resolved by an agreement mediated by the U.S. Ambassador and the election of a neutral President, Atifete Jahjaga, which deferred elections, until 2014. However the Constitutional Court has since ruled that the President's term is five years (i.e. until April 2016). This is causing tension between the ruling coalition and the opposition, which wants the President to resign early and original agreement respected. Widespread electoral fraud could serve as a trigger for partisan conflict and political crises.

Since July 2011, incidents and protest have been more frequent. A year ago, the GOK took unilateral action to gain control over its northern border with Serbia, enforce tariffs and stop illegal smuggling. This action led to blockades and protests in the north, which at times were echoed in the south. Meanwhile Albanian nationalists such as the "Vetevendosje" (Self Determination) Party have also engaged in violence against EULEX and GOK officials, and called for withdrawal from dialogues and a harder line against Serbia. Recent elections in Serbia, the murders of Albanian youth in Macedonia, , and

¹ USAID: Workforce Development Regional Overview: Kosovo; April 2009, pg. 3.

² Government of Kosovo Employment Strategy, 2009

³ Youth Employment Report: Kosovo Youth in Jeopardy, World Bank, 2008

⁴ Human Development Report, UNDP, 2006

continued political tensions in Bosnia signal a possible increase in ethnic tensions in the region, though the long-term prognosis for their resolution is uncertain.

To date, Kosovo has been recognized by 95 states. Five members of the EU do not yet recognize Kosovo's independence,⁵ and recognition is strongly opposed by Serbia, Russia, and China. Kosovo has had some success convincing small, mostly African nations to recognize, but recognitions from major countries have not increased, even after a favorable ruling on Kosovo's independence from the International Court of Justice, in 2010. While GDP per capita has been steadily increasing since 2005, unemployment remains stubbornly high (about 45 percent). Part of the reason is due to its lack of access to Serbia and other regional markets, but also due to a large youth cohort. Outmigration by younger workers, and remittances, has partially sustained its economy and may contribute to reducing tensions. While the Kosovo Albanian population remains high, the trend of the Kosovo Serb population remains unclear, as many Serbs from the south and none in the north did not participate in the recent Kosovo census. If past trends are an indication, the Kosovo Albanian population is increasing while the Kosovo Serb population has been steadily declining.

Gender relations are characterized by pronounced differences in political and economic participation. Males dominate Kosovo politics at every level and have traditionally taken a leading role in conflicts. All of Kosovo's mayors are male, and males dominate the Kosovo Assembly. Gender representation quotas established by law mitigate the gender imbalance in the political system. Kosovo Serb males often depend upon subsidies from Serbia and resent the lack of employment opportunities. Women are less likely to be employed, and traditionally do not assert their rights to inherit property over a male relative. While males are generally the protagonists in conflict (and women have been the victims), the role of men and women in conflict needs more in-depth study.

USAID conflict programming to date

USAID has been mindful of conflict as a factor in its strategy, having conducted a Conflict Assessment in 2005 and closely observed the evolution of inter-ethnic relations since then. Specific projects were launched in response to conflict prevention. These include the Interethnic Dialogue and Reconstruction Project, and Community Action Initiative Project and its predecessor projects. Decentralization programs (Effective Municipalities Initiative and the Democratic Effective Municipalities Initiative) gave high priority to assisting the new Kosovo Serb municipalities; civil society programs have supported the Kosovo Policy Action Network of Serb NGOs, and USAID has funded private Serbian language media. Economic Growth and infrastructure programs have contributed to employment generation and material improvements in the northern municipalities. In 2010, the GOK and USAID established a 7 million Euro trust fund for northern development, and USAID has matched this with its own funding for programs in the north. A quarterly survey conducted by the UNDP (formerly the Early Warning Survey and now Public Pulse) provides important information on the state of inter-ethnic relations and confidence in GOK institutions. This is supplemented by other surveys.

CONFLICT DYNAMICS

Kosovo has long found itself as a battleground between regional powers. Its borders have been changed, most recently after World War II to preserve Serbian control of important rail lines and maintain an ethnic balance favorable to Serbia. In 1989, the Government of Yugoslavia, led by Slobodan Milosovic, cancelled Kosovo's autonomy and began a period of authoritarian rule which openly

⁵ The EU non-recognizers are Cyprus, Greece, Romania, Slovakia, and Spain.

discriminated against Kosovo Albanians and in favor of Serbs. Kosovo Albanians occupying jobs in government, public enterprises, or universities were sacked. Kosovo Albanian members of the Parliament declared Kosovo a Republic, and the following year, declared Kosovo independent, although its independence was not recognized at that time, and it operated through parallel institutions while Serbia maintained effective control.

Increasing tensions lead to the emergence of the Kosovo Liberation Army (KLA), which began small scale-guerrilla activities. The KLA received a boost from the chaos created when Albania's financial system collapsed in 1997. Serbia responded with increasing levels of repression and began to force over 800,000 Kosovo Albanians out of Kosovo. Following numerous diplomatic initiatives, the United States led NATO to a mission that bombed Serbian military and government targets, though without support of the UN Security Council Resolution. After 78 days, Serbia agreed to withdraw its troops under UN Security Council Resolution 1244, and the KLA was disbanded. Under this resolution, Kosovo became an international protectorate under the control of the UN Mission in Kosovo (UNMIK). The question of status was deferred while the UN sought to bring Kosovo governing institutions up to European standards. NATO forces, in the form of the Kosovo Force or KFOR took up security; The Organization for Security and Cooperation in Europe (OSCE) assumed responsibility for elections, and the United States opened a large USG Mission. Although revenge attacks and violence continued in the initial period following the NATO bombing, KFOR and the large international architecture gradually brought order to Kosovo. However in March of 2004, riots broke out when Kosovo Serbs set up roadblocks leading to Gracanica and other enclaves after a Kosovo Serb man was attacked, and the media reported that two Kosovo Albanian children had been chased by a Kosovo Serb and drowned in the Ibar River. Those riots led to 19 deaths, the destruction of 34 Serbian orthodox churches, and the displacement of over 4,300 people, mostly Kosovo Serbs but also Kosovo Albanian and Roma.

The Ahtisaari Plan (CSP)

In November of 2005, UN Secretary General Kofi Annan dispatched Norwegian diplomat Kai Eide to evaluate the situation in Kosovo. Mr. Eide determined that the riots were a result of the Albanians' frustration with the lack of resolution of status and the poor state of the economy. He concluded that the unresolved situation in Kosovo was unsustainable, and that the UN should move to a final resolution of status as quickly as possible.

The Eide report was followed up by an 18-month UN mission led by former Finnish President Martti Ahtisaari, who had represented the European Union in mediating the cease-fire between Serbia and NATO in 1999. However at the end of the mission, Ahtisaari concluded that the talks had reached an impasse:

“Throughout the process and on numerous occasions, both parties reaffirmed their categorical, diametrically opposed positions: Belgrade demands Kosovo’s autonomy within Serbia, while Pristina will accept nothing short of independence. Even on practical issues such as decentralization, community rights, the protection of cultural and religious heritage, and economic matters, conceptual differences – almost always related to the question of status – persist, and only modest progress could be achieved.”⁶

Taking into account the recent past, as well as the demographics of Kosovo, Ahtisaari determined that the only viable solution for Kosovo was for the international community to recognize its independence, subject to certain conditions. The plan he put forward is known as the Comprehensive Proposal for the

⁶ Report of the Special Envoy of the Secretary-General on Kosovo's Future Status, in the CSP, pg.1

Kosovo Status Settlement, also known as the Comprehensive Settlement Proposal (CSP), or informally as the Ahtisaari Plan.

The CSP outlined the blueprint for the new state of Kosovo. First, the constitution would recognize its “multi-ethnic “character, with full protections for minorities and human rights. Second, the Kosovo Serb population would be given deeper protections, through the creation of six new or reformed municipalities with predominately Kosovo Serb populations. Together with four other municipalities with Serb majorities (three in the north and one in the south) the Kosovo Serb minority, estimated at about six percent of the population, would have control of up to 10 of the 38 municipalities in Kosovo. These municipalities would have enhanced levels of autonomy, controlling education and health services, and could even receive funding from the Government of Serbia for these purposes. Third, reserved and guaranteed levels of minority representation were established in the Assembly (parliament) and judiciary, and required access by the Serbian community to its own television broadcasting. Finally, independence was to be “supervised” by an International Steering Group of international stakeholders⁷ which would appoint an International Civilian Representative (ICR) with powers similar to the Office of High Representative in Bosnia. For example, the ICR could impose and veto legislation, and remove officials if necessary to ensure compliance with the CSP.

By explicitly creating autonomous municipalities and other guarantees and reserved representation for minorities, the CSP protected minority rights, but also effectively reinforced existing divisions among communities.

The international community was further strengthened by the presence of NATO’s peacekeeping force Kosovo Forces (KFOR), and an active role for the European Union in the justice and security sector, through its agency EULEX. Kosovo is not allowed to create an Army, but is allowed to create a small, lightly armed Kosovo Security Force for very specific functions such as natural disasters or demining. International representation was also present in key justice institutions, such as the Constitutional Court and the International Judicial and Prosecutorial Commission.

By explicitly creating autonomous municipalities and other reservations for minorities to address the real concerns of Kosovo Serbs, the CSP protected minority rights, but also effectively reinforced existing divisions among communities, particularly between Kosovo Albanians and Serbs. Following the maxim that “good walls make good neighbors,” it allowed both groups to be educated differently, learn distinct versions of history, and speak different languages. The CSP encouraged the formation of separate political parties by reserving and guaranteeing spaces in the Assembly. Additionally, through requiring Serb access to television frequencies, it provided for separate Serbian language television programming. Given Kosovo’s recent history, it is difficult to see how any other approach would have worked. The Republic of Yugoslavia’s attempt to create a national identity out of separate nationalities had collapsed in the violence of the 1990s Balkan Wars. The socialist ideology and economic model, which legitimized Yugoslavia was discredited with the end of the Cold War. Finally, the State of Serbia attempted to physically eliminate Albanians from Kosovo. To ignore these obvious differences and histories would have likely led to another round of violence. The CSP thus created a modus vivendi for different ethnicities to peacefully coexist. The CSP could create a functioning state; however, like the Yugoslav experiment that preceded it, the CSP could not create a nation.

⁷ Originally intended to include the key European powers, the European Union, NATO, the United States, and Russia. However, when the CSP was rejected by the UN Security Council, the recognizing European states, joined by the United States formed the Steering Group as an ad-hoc group outside UN authority.

The Core Grievance: Territorial Identity

“I would like to reach harmony between Serbian and Albanian peers, but neither we nor them I guess, are ready because of the consequences of what happened and opposing views on the status.” – Kosovo Serb Youth ⁸

Kosovo is one of several cases of conflict over territorial identity. By their nature, these conflicts have a zero-sum quality, are intense, and usually prove most difficult to resolve. In cases such as Bosnia and Cyprus, the conflicting identity groups are mostly separated by territory, enabling a federal or quasi-federal solution, or as occurred in other countries (e.g. India, Sudan) partition. With the exception of Czechoslovakia, separations and partitions have always been followed by a period of extreme violence.

Kosovo's case is in some ways unique and has required distinct solutions. Although its borders have changed over time, Kosovo is inhabited by an overwhelmingly Albanian population which has ancient roots in the land. In pre-Roman times, it was the land known as “Dardania.” The Albanian population has long aspired to create an independent, Albanian nation in Kosovo. On the other hand, Serbs view Kosovo as the cradle of their civilization. Several of the first Serbian orthodox churches were built in Kosovo. Serbs claim, and educate their children to believe, that the Serbian nation arose out of a great battle that occurred in June of 1389 on Kosovo field, north of Pristina, between the forces of the Ottoman Empire and a Serbian army led by Tzar Lazar, who died on the battlefield with his troops. Many Serbs believe that around the turn of the 20th century, they were the majority inhabitants. Although that claim is questionable, the Serb population reached over 30 percent prior to World War II. Improvements in healthcare, migration and the higher birth-rate in the post-War era dramatically changed this ratio in favor of Albanians. Nevertheless, for Serbs in both Serbia and Kosovo, “Kosovo is Serbia.”

This conflict over identity continues after the end of the war in 1999, through the 2004 violence and Declaration of Independence. There are two irreconcilable visions of Kosovo's past, present, and future: the first is of an independent nation that was once Dardania, inhabited mostly by Albanians but also other small groups of other ethnicities; the second is of the heart of Serbia, the place where the Serbian Orthodox church was formed and where the medieval Serbian Prince Tzar Lazar fought at heroic battle that gave birth to the Serbian nation.

The Ahtisaari Plan (the CSP) established a third vision as a compromise solution: Kosovo/Kosova as a multi-ethnic state made up of several ethnic groups. The rights of the majority to an independent state shall be respected; however, the linguistic and cultural rights of each minority group are also to be respected. In particular, special rights are granted to the Serbian minority. This modus vivendi was to be supervised by the International Community until Kosovo implemented the CSP, after which supervised independence would end. The internationally-mediated (or in the view of some, imposed) solution thus added a third element to the conflict—international supervision and security institutions. Further complicating the process was the lack of consensus within the UN Security Council on Kosovo's independence. This led to an ad-hoc arrangement of the International Steering Group, the International Civilian Representative and its International Civilian Office (ICO) supervising Kosovo's independence, International agencies such as the European Rule of Law Mission (EULEX), the Organization of Security and Cooperation in Europe (OSCE), and the UN Mission in Kosovo (UNMIK), include non-recognizing

⁸ NGO Youth Center: [Like a Stone Inside a Shoe](#), Gracanica, March – June 2012; pg. 28.

governments and internal disagreements on policy within the international community. Security is guaranteed by KFOR, which is also status-neutral.

The new multiethnic Kosovo does not officially display an Albanian identity and it has some chance of developing as a state for all, although a feeling of ownership is not yet instilled among all groups, including Kosovo Albanians.



Figure 1: The CSP recognizes Albanian and Serbian as official languages. As this vandalized sign suggests, public acceptance is another matter.

Good Walls Make Good Strangers

Kosovo is not the only state with ethnic minorities – in fact relatively few states are ethnically homogenous. But what makes Kosovo unique is not only the lack of basic agreement on the nature of the country, but the addition of international powers which are themselves in the dispute over Kosovo's identity and future. The result is a highly awkward, though temporary governing arrangement, and an independent state, which is not fully recognized nor built upon an agreed national identity.

It is useful to compare the CSP with the Good Friday Accords that ended the long running conflict in Northern Ireland. In spite of important differences in the conflict dynamics, the Northern Ireland conflict is probably the closest comparative case study with Kosovo: a disputed territory claimed by two competing identity groups, visions for the state, and allegiances. Neither group wished to be a minority in the other's state. While allowing the majority Protestants to determine the country's allegiance to the United Kingdom, the Good Friday Accords recognized that "both views were legitimate," and that in the future, a majority of Catholics may wish to change that allegiance to Ireland. It goes on to directly address reconciliation measures:

"The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation. They look forward to the results of the work of the Northern Ireland Victims Commission." (Rights, Safeguards, and Equality of Opportunity: Reconciliation and Victims of Violence, Clause 11).

"It is recognized that victims have a right to remember as well as contribute to a changed society. . . The participants particularly recognize that young people from areas affected . . . face particular difficulties and will support the development of special community-based initiatives based on international best practice." (Clause 12)

“An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.” (Clause 13)

The Good Friday Accords thus directly addressed the need for *integrated* education and housing, as well as measures to address the rights and needs of victims and youth in order to foster reconciliation. The CSP allows separate education and living arrangements. Most importantly, the Accords required, and obtained, ratification by both the U.K. and Ireland, as well as Constitutional changes by Ireland and legislation by the U.K., thus minimizing the role of the international community.

By contrast, Serbia and its allies in the Security Council (Russia and China) refused to accept the CSP, leaving a heavy burden on the remaining international community members to implement it. In the end, the CSP was probably the best arrangement that could be established under the circumstances. To quote Ahtisaari in his Report:

“ . . . My Comprehensive Proposal for the Kosovo Status Settlement, which sets forth these international supervisory structures, provides the foundations for a future independent Kosovo that is viable, sustainable and stable, and in which all communities and their members can live a peaceful and dignified existence.”⁹

In spite of the vision of a “multi-ethnic society” (CSP I.1), the reality is that over 90 percent of the population is Albanian. Apart from most of the Kosovo Serb-majority municipalities and the north, Kosovo Albanians control nearly all governing institutions and most of the economy, though with international supervision and influence. The Albanian flag is flown more than the Kosovo flag, except in Serbian areas where Serbia’s flag is flown. Kosovo has a national anthem, but without lyrics, since it has not settled on agreeable lyrics in both Albanian and Serbian. Serbs live in separate municipalities for the most part, and their children attend separate schools run by separate education systems. It is notable that Serbia fully shapes the curriculum, which presents different histories, myths, and heroes to Serbian children and youth.

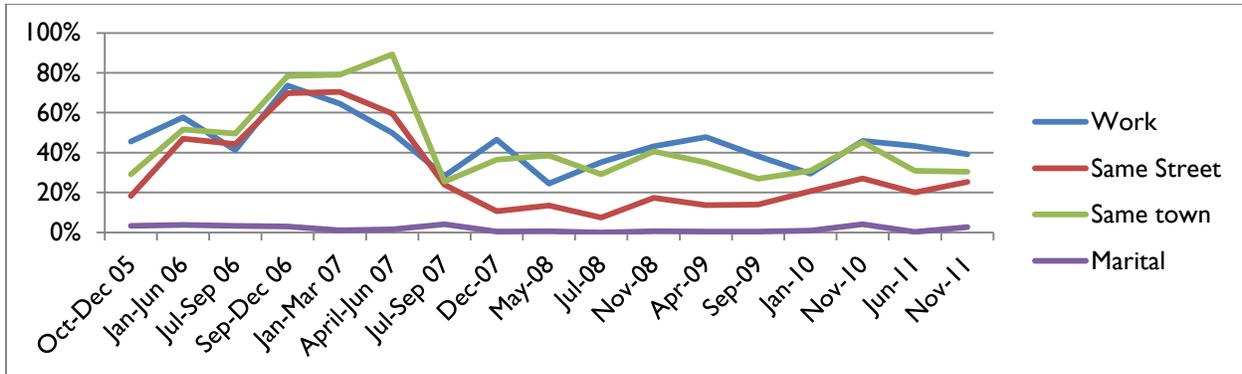
Though social separation predates the war, the Milosevic era, the war, and its aftermath have deepened that separation. During Yugoslavian times, Albanians learned Serbian in school, but that ended under Milosevic, when Albanians set up parallel schooling systems. They had passing contact, but little else, and even that ended when Kosovo Albanians lost jobs.¹⁰ Over 4,000 Albanians who lived north of the Ibar River fled to the south in 1999 during the war, or migrated to other countries, just as thousands of Kosovo Serbs in the south fled northward or to Serbia after the war ended and Kosovo Serbs were attacked in revenge.

According to the UNDP’s Public Pulse Survey (formerly called the Early Warning Survey) the quality of ethnic relations has stabilized since 2007. Tolerance factors, such as willingness to live in the same town or same street, or work together fluctuates, but is basically unchanged (around the 40th percentile for both groups, though Kosovo Serb responses fluctuate more). However, neither group tolerates intermarriage:

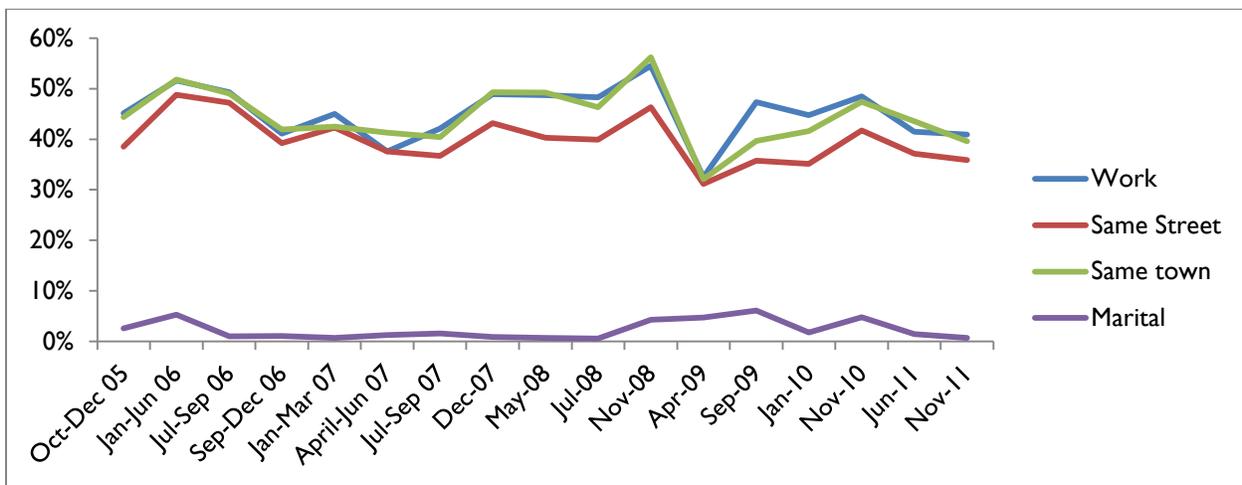
⁹ Comprehensive Proposal for the Kosovo Status Settlement, 26 March 2007, Report of the Special Envoy.

¹⁰ Tim Judah: Kosovo: What Everyone Needs to Know; Oxford University Press, 2008 pg. 74

Kosovo Serbs willing to live and work with Kosovo Albanians:



Kosovo Albanians willing to live and work with Kosovo Serbs



Source: UNDP Public Pulse III Report, Marcy 2012, Figures 3.2 and 3.3

However, according to the Public Pulse III report, nearly 70 (68.9) percent of Kosovo Albanians and almost half (46.5) percent of Kosovo Serbs report having *no* inter-ethnic contacts in the past three months! Moreover, conflict events affect public perceptions of the state of interethnic relations. Between June and November 2011, following the GOK’s attempt to assert control over the northern border and the subsequent violent reaction from parallel structures, both Kosovo Albanians and Kosovo Serbs reported significant increases (from 30 to 60 percent for Kosovo Albanians, 40 – 90 percent for Kosovo Serbs) in the belief that interethnic relations “continued to be tense and were not improving.”¹¹ It also may reflect the conclusion of the technical dialogue concluded between Serbia and Kosovo, which did not satisfy either community. Public Pulse shows that only 5.7 percent found the Dialogue “very

¹¹ UNDP: Public Pulse III Report, March 2012, pg. 21-22.

beneficial” and 17.2 percent “beneficial” with even lower scores for Kosovo Serbs.¹² Kosovo Albanian politicians complain that most agreements have not been implemented and Kosovo remains the only state in Europe without access to the liberal “Shengen Visa” which allows free tourist access throughout Europe.

Frequency of interethnic contacts within the past three months

	Ethnicity			Total Weighted
	K-Albanian	K-Serb	Other ethnicity	
On more than three occasions	14.4%	14.3%	70.0%	17.7%
One to two occasions	7.0%	19.1%	11.3%	8.0%
I haven't had any contact	68.9%	46.5%	11.3%	64.1%
Deliberately have avoid contact with person from another nationality	1.0%	3.5%		1.1%
Don't know	1.8%	6.5%	3.8%	2.2%
No answer	7.0%	10.0%	3.8%	7.0%
Total	100.0%	100.0%	100.0%	100.0%

Source: UNDP Public Pulse Report III, March 2012

The status of Kosovo Serbs is complex. Data on population movements is complicated by international diplomatic factors which make it difficult to ascertain how many Kosovo Serbs have left for Serbia (which considers them internally displaced, how many have left the south for the north, and how many have returned. The best available estimates from UNHCR indicate that about 40,000 Kosovo Serbs who are entitled to Kosovo citizenship (having lived or descended from a resident of Kosovo as of January 1 1998)¹³ live north of the Ibar River, which presents approximately half of Kosovo Serb population in Kosovo, with the other half in the south, including in the new municipalities or other enclaves. A substantial, though unknown number] of Serbs fled Kosovo in 1999, mostly to Serbia. Out of the 65,000 estimated displaced, an estimated 8,656, or 13 percent, have returned to their former homes.¹⁴ For example in Istog/Istok, about 500 have returned and 300 have applied for return assistance. Kosovo Serbs in the south, as well as churches and properties, were attacked after the war and again in the 2004 riots, which saw the burning or damage to 29 churches and monasteries. In the decade following the 1999 conflict, the Kosovo Serb community in the south felt severe restrictions on their freedom of movement based on concern of violence. By the same token, movement across the

¹² Public Pulse III, Figure 3.1. Kosovo Serb youth focus groups also showed a very negative attitude to the Dialogue. See [Like a Stone Inside a Shoe](#).

¹³ CSP, Annex I Art. 1.6

¹⁴ The estimate of displaced is from the European Stability Initiative. The GOS puts the figure much higher, at 230,000. Cited in the OSCE Community Profiles.

Ibar River has been restricted and monitored by Serbian security elements of the north, such as the “Bridge Watchers” who emerged in 1999 to establish an informal border between north and south.

Tensions between communities in the south have clearly relaxed since 2004. The Public Pulse data suggests improvements around 2007, although the 2008 Declaration of Independence led to a boycott of the GOK by Kosovo Serbs. This boycott began to end in the south with the municipal elections of November 2009. Contacts by USAID with non-majority communities revealed substantial progress on increasing freedom of movement over the past few years. Kosovo Serbs travel to and through Pristina to conduct business. The Church of St. Nicholas in Pristina has been re-established and has begun outreach activities in its neighborhood, some of which operate with USAID assistance. By the same token, Kosovo Albanians report no problems travelling through Gračanica. Nevertheless, some of the Kosovo Serbs that the Assessment Team interviewed noted the more subtle, “invisible walls” that exist between the communities. Serbian is used in a low voice; Serbian music is not played loudly.¹⁵ Contact is managed through designated channels, such as political parties, municipal committees, or businesses. Due to cultural factors, conservative nature of both societies and limited social contact intermarriage is virtually non-existent. Economic interactions do take place, and there are cases where communities share a tractor or other resource. It is not uncommon for a Kosovo Serb contractor to hire Kosovo Albanian workers, or vice versa. It was reported, however, that even though Kosovo Albanians buy products from Serbia, some Kosovo Albanians refuse to purchase products if the label indicates that they were produced in a Kosovo Serb area (e.g. Gračanica/Graçanicë), or refuse to hire the services of a Kosovo Serb because it is a “Serb” product. For example, the Team heard a report of a very efficient cleaning service in Gračanica/Graçanicë suddenly losing business when it was learned that the owner was a Kosovo Serb. In Pristina and other Kosovo Albanian areas, inhabitants regularly encounter signs painted by the Albanian nationalist party Vetevendosje, enjoining buyers to “Blej Shqip” (Buy Albanian). This can only reinforce a feeling expressed by some Kosovo Serbs that they are strangers in what they consider to be their own country.

Communities caught in between: Other ethnic groups in Kosovo include the Bosniacs, Turks, Roma-Ashkaeli-Egyptian community, and a small Muslim Slavic community known as Gorani, and even smaller numbers of Montenegrins and Croats. Together these communities comprise less than four percent of Kosovo]. These groups are highly vulnerable in the event of conflict, as they can be attacked for aligning themselves with Serbs or Albanians, or be attacked by both the larger two communities. For example, Roma in Mitrovicë/Mitrovica were forced to flee to the north in 1999 after Kosovo Albanians accused them of participating with Kosovo Serbs in attacks on persons and property; UNMIK settled about 150 Roma families in camps near the Trepca mine complex which were known to have high lead contamination. What was to be a 90-day arrangement lasted for over ten years, during which dozens of Roma children grew up with blood levels of lead far above acceptable amounts, with devastating developmental effect. Only in 2010, thanks to the combined efforts of USAID, Mercy Corps, and the EU, was this community successfully resettled back to its earlier location in the south with decent housing. Kosovo Bosniacs, who suffered under the Milosevic regime, were at times attacked and even killed after 1999. Kosovo Turks were able to obtain their own municipality (Mamushe) in 2010. This municipality receives substantial assistance from the Government of Turkey, and some believe that the creation of Mamushe—the only municipality

Tensions between communities in the south have clearly relaxed since 2004, with increasing freedom of movement, though not without “invisible walls.”

¹⁵ Assessment-organized youth focus group, Gračanica/Graçanicë. July 20, 2012

created for a non Albanian or Serb community – was a concession to Turkey’s influence and role in KFOR. However as late as 2010, a Kosovo Turk who was appointed as a deputy director of education in Pristina faced an extremely hostile response by other educators.

Religion and Identity: As with other European states, Kosovo has begun to debate the role of religion and its relationship to the state. What sets Kosovo apart is that this debate is tied to the broader issues of inter-ethnic conflict. Elements of the CSP which give authority to the Serbian Orthodox Church are seen by some as violating secularism and giving undo benefits to the Kosovo Serb population. Although over 90 percent of the population is Muslim,¹⁶ the Islamic Community is legally unrecognized, and the Government seems uncertain as to the relationship it should have with this group. Islamic organizations, with some foreign funding (mostly from sponsoring organizations in the U.K) are attracting young men with appeals to Islamic values and defining their differences with Christians (Kosovo Serbs but also Albanian Catholics).

The CSP differs from the Good Friday Accords in two other important respects. First, with the exception of a section calling for cooperation on missing persons, it has relatively little language on measures to address the suffering of victims. The most likely explanation for the absence of this language is the existence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), which both provided a means of accountability, but also may have discouraged the discovery of evidence that could have been used in ICTY trials. Second, in spite of the large youth population, the CSP is silent on the needs of this group, possibly because the CSP was concerned with the most urgent needs for creating a political order, rather than longer-term social problems that contribute to instability.

National and International Responses to the CSP

The Kosovo Albanians and the Kosovo Assembly accepted the CSP and incorporated CSP requirements into the new Kosovo Constitution and primary legislation. France, the U.K., and the U.S. also accepted the CSP and recognized Kosovo. However the Government of Serbia strongly rejected it, and Russia and China vetoed a resolution ratifying it in the UN Security Council. After diplomatic overtures failed, Kosovo unilaterally declared its Independence on February 17, 2008. The Declaration led to riots in Belgrade and the burning of the U.S. Embassy there. Kosovo Serbs declared their rejection of the CSP and initially refused to participate in Kosovo institutions, even refusing to pay utility bills. However, this position gradually relaxed, and a significant number agreed to participate in local elections in 2009, as well as other Kosovo institutions.

Kosovo Serbs north of the Ibar have generally maintained a rejectionist position, though there are indications that stance is also softening in favor of a more pragmatic, businesslike relationship, while still maintaining loyalty to Serbia. Government of Kosovo authority does not generally extend to the northern municipalities (Leposavic, Zubin Potok, Zvecan, and Mitrovica north of the Ibar). Government authority in the north is exercised by a combination of EULEX, KFOR, UNMIK, and illegal “parallel” municipalities elected under Serbian sponsorship. Since 2010, the GOK has been gradually expanding its presence in the north, but it is still limited to issuing identification documents and licenses. In 2010, the International Civilian Office established a Municipal Preparation Team (MPT), supported by USAID, to prepare for the creation of a new Kosovo Serb municipality, Mitrovica North, which will be separated from Mitrovicë/Mitrovica.¹⁷ The MPT consisted of 12 citizens who sponsored local initiative projects such as parks and urban rehabilitation. However, unlike the municipalities south of the Ibar,

¹⁶ This would be most Kosovo Albanians and most other minorities (Bosniacs, Gorani, Roma),

¹⁷ Mitrovicë/Mitrovica is today the only divided city in Europe, separated by the Ibar River and ethnic living patterns. The CSP called for creating a Kosovo Serb-majority municipality in the north, separating it from the rest of the city.

Kosovo elections have not yet taken place in Mitrovica North due to opposition from Serbia and its parallel municipalities.¹⁸ Serbia strongly opposes any GOK presence in the north, and sponsored its own, illegal municipal elections in 2010). This has recently been converted into a Mitrovica Northern Administrative Office (MNAO) which will take over from UNMIK's Mitrovica Authority (UAM) the function of issuing project permits. MNAO will also oversee the GOK offices responsible for issuing identification documents, tax administration, and vehicle registration and licensing. It has assumed the MPT's role of implementing local development projects. The USG has strongly supported the creation of the MNAO, was actively involved in its conception, and assists it technical through USAID's Democratic and Effective Municipalities Initiative.

The international community has been divided on the question of Independence. While 22 members of the European Union and over 70 other countries have recognized Kosovo, five members¹⁹ of the EU do not. Because the EU bases its decisions on consensus, these five countries have effectively vetoed EU recognition, though not EU engagement with Kosovo. EU therefore is "status neutral" with respect to Kosovo Independence. UN organizations and OSCE are also status neutral.

The CSP is a modus vivendi created to balance the needs, if not the desires, of two irreconcilable positions.

International organizations' engagement in supporting Kosovo has also been varied, depending on the organizations' mandates and the influence of member states. UNMIK, which until Independence exercised complete executive control over all of Kosovo, has restricted its role to the contested northern municipalities. UNDP, which does not report to UNMIK, manages development assistance south of the Ibar. OSCE is governed by a board which includes Serbia and Russia, and is therefore constrained in its level of activity. Although it has recently reduced its presence, it maintains a human rights monitoring function and provides assistance to the Central Elections Commission and National Assembly.

In sum, the CSP is a modus vivendi created as a compromise measure to balance the needs, if not the desires, of two irreconcilable positions. It provides for the minimum demands of the vast majority, the rights of the minority (creating special rights, reservations, and protections for the Kosovo Serb minority) and a robust structure of international supervision. But it has not been accepted by Serbia, which many hold responsible for the conflict in Kosovo and other conflicts in the former Yugoslavia. Moreover out of necessity, it also reinforced separations that have long existed, and which may contribute to future conflict, unless addressed by all parties in the next few years. Under the CSP, no group is entirely satisfied: Kosovo Serbs fear that "integration" into Kosovo institutions is tantamount to cultural assimilation, especially given their small numbers. Kosovo Albanians often resent the concessions that they have had to make to have an independent state. The recent Laws on Prizren and Velika Hoca, which gave the Serbian Orthodox Church (SOC) limited control over geographic zones in Prizren and Rahovec/Orahovac, were enacted only because of strong international insistence as a requirement to end Supervised Independence. One resident of Prizren bitterly recalled how the notorious Serbian warlord Arkan had visited the Serbian Churches in the city, and that the SOC has ". . . never distanced itself from the actions of Serbia – never."

¹⁸ Serbia still exerts powerful but informal influence in contradiction to Kosovo law and in violation of its sovereignty (which Serbia does not recognize).

Prospects for Transitional Justice

Although the CSP calls for cooperation between Pristina and Belgrade on locating missing persons, such cooperation has proven difficult in practice. Each identity group wants to find its own missing persons. Kosovo Serb NGOs reported that , dealing with missing persons is reported as narrowly focused on cases of greatest concern to the representatives (i.e., their relatives). Although a regional civil society coalition, RECOM²⁰ has emerged to promote transitional justice, the governments have not taken initiative. Kosovo Prime Minister Thaci did agree to organize a Truth and Justice Commission, but again only as a condition by the ICR to end Supervised Independence. GOK officials interviewed expect that unless Serbia fully engages on transitional justice issues, little can be expected from the Kosovo side, which was more often than not the victim of abuses during the war rather than the perpetrator. Some Kosovo Albanians reportedly believe that there can be no war criminals on their side, since they fought a “just war.” The issue of gender-based violence that occurred during wartime or during the 2004 riots is exceedingly sensitive. In spite of media reports on widespread rapes by the Yugoslav Army or rioting civilians, the enormous social stigma and still conservative nature of Kosovo society has meant that Kosovans have practiced a near total silence on the topic. Almost no accusations have been made, and almost no cases have ever been successfully prosecuted by EULEX, which is responsible for war crime prosecution not handled by the ICTY.

However apart from RECOM, a few initiatives have been started that merit observation and possibly support. First, a dialogue on missing persons has been established between the GOK and the GOS, mediated by the International Committee on the Red Cross. EULEX and the International Committee on Missing Persons (ICMP) have made slow but steady progress on identifying and returning remains of missing persons. Even some women’s NGOs have opened the delicate topic of wartime gender-based violence, though nearly all agree the topic s “too hot to handle right now.”

Kosovo’s recent past is an elephant in the room. It is impossible to ignore, and harder to move aside. Resolving the past is closely related to the question of identity. Without full cooperation of all parties, as occurred in the Good Friday Accords, it is impossible to provide justice in way that is seen as fair to both sides. As the International Community, including USAID, necessarily promotes the idea of multi-culturalism, the Internationals in effect become a party to the conflict over identity. Multi-ethnicity is a compromise position that satisfies neither majority nor minority communities. Ultimately both the question of identity and resolution of the past will have to be resolved over time, with the help of diplomatic agreement and pressure. What USAID can do is to help implement the CSP, both in letter and in spirit. It cannot “build a nation” but it can build a better state for all communities. In doing so, it can address those grievances which affect the quality of life and which if not resolved, may stimulate further conflict over the next few years. These are *secondary* grievances.

Secondary Grievances

Secondary grievances affect daily living, but also shape attitudes toward the State and toward other groups. During the assessment, a number of grievances emerged. While they were not necessarily limited to a particular community, each community could interpret them differently. They could also stimulate intra-ethnic conflict, especially among the Kosovo Albanian population in the south, or Kosovo Serb population in the north. Conflict across party lines has been known to become violent: members of the Democratic League of Kosovo (LDK) assert that as many as 200 of their members were killed in 1999 after the armed conflict.

²⁰ <http://www.zarekom.org/The-Coalition-for-RECOM.en.html>

Stakeholder meetings consistently revealed the following complaints:

- Unemployment, particularly youth unemployment, which is worsening as an increasing number of young people enter the job market with certificates or degrees but cannot find work, and public sector jobs are perceived to be given based upon patronage;
- Poor state leadership and political gridlock, as reflected in unresponsive and ineffective governance which cannot take on more than one problem at a time, at best unwillingness or inability of Kosovo Albanian officials and police to speak Serbian;
- Disappointment over the EU's position on visa liberalization for Kosovo. While the GOK claims to have met all conditions required by the EU, the EU claims that many more tasks remain to be completed;
- Inability to sell products and services by Kosovo Serbs due to discrimination;
- A weak judiciary with an enormous case backlog and an inability to provide justice and security
- Confusion and insecurity over land and real property;
- Corruption in various forms (grand corruption in privatization, petty corruption in public services); belief that the political system is increasingly controlled by shadowy networks, such as the former Kosovo Liberation Army intelligence service (SHIK);
- Participants differed with respect to the role of the International Community. For example, some Kosovo Serbs interviewed in focus groups complained that the ICR was biased to the Kosovo Albanians, while Kosovo Albanians interviewed saw the bias in favor of Kosovo Serbs, who are seen to have received heavy positive discrimination. One person claimed that a job and a house await any Kosovo Serb who requests one. Some felt that the Internationals and the USG in particular were propping up a corrupt government, others felt appreciation for the role of the Internationals, and in fact were anxious about the departure of the ICR and other institutions in the future.

USAID can do much to address secondary grievances, or quality of life issues that affect daily living but shape attitudes toward the State and other ethnic groups.

USAID cannot address all of these grievances with its limited resources, but it does have the ability to address several of them. In particular, youth education, the work of the new Language Commission, market development for Kosovo Serb producers, judicial reform, and certain aspects of property reform are under consideration in the new Strategy for the next five years. USAID may also be able to make modest contributions in helping the GOK with locating missing persons from the war, which is a deep grievance affecting all communities.

Resilience

Resilience is the ability of a system to withstand and recover from shocks. The USAID Conflict Assessment Framework (CAF 2.0) Guide states:

“From the perspective of conflict assessment, perhaps the most salient dimension of resilience is the resilience of those aspects of state and society that support the non-violent resolution of conflict and redress of grievances.” (p.22)

Kosovo can draw upon its own sources of social resilience. Through the Milosevic years, the conflict, and following the conflict, family and community bonds remain strong, though they are evolving in the face of economic and political changes. Though Kosovo Albanian families have been traditionally patriarchal and conservative, gender and family relations are changing as more men work abroad and more nuclear families move to urban areas. Remittances (and salaries for Kosovo Serbs), though declining, help families cope with economic stress. Though more research is needed to make more specific generalizations on the changing and diverse nature of Kosovo Albanian and Kosovo Serb families and community relationships, the consensus view is that family and community remain powerful influences on both ethnicities, and provide them with the ability to withstand stresses and respond to shocks. For example, in spite of the presence of large peacekeeping forces, with numerous bases around the country, Kosovo has avoided most of the social problems found in Asia and Africa, where occupation or peacekeeping forces were blamed for generating prostitution and trafficking in persons. What remains to be seen is whether family bonds and other sources of resilience can exert a moderating effect, reducing the likelihood that young men will be drawn into conflict. It also remains to be seen whether women in families play a moderating force, or act as motivators for conflict. The view of women in this assessment's focus groups and interviews suggests that generally speaking, women want peace for their families and are likely to act as a moderating influence on their children. However, this is not universally felt, and under conditions of political crisis or threat to the community, women may motivate their sons to join the conflict.

Conflict is centrally-controlled. Political elites in Belgrade, Mitrovicë/Mitrovica and Pristina will decide when and where conflict takes place. Currently, these elites have other priorities.

A related conclusion of the Assessment is that as in other parts of the Balkans, conflict is centrally controlled, if not centrally initiated. Although the 2004 riots may have started on the basis of incidents (attacks on a Kosovo Serb man, and the drowning of two Kosovo Albanian children in the Ibar River), they were preceded by blockades organized by Kosovo Serbs and demonstrations by KLA Veterans and families of missing persons. After the drowning incident became news, the Albanian-language media, and in particular the public television station RTK, played a major role in mobilizing violence through “reckless and sensationalist reporting” as the OSCE later determined.²¹ As the riots progressed, it became apparent that they were orchestrated, and Kosovo Albanian leaders in government did little to stop the violence.²²

Political elites in Belgrade, Mitrovicë/Mitrovica, and Pristina will decide when and where conflict will take place. When conflict does erupt, communities will go into a defensive or aggressive position, and families may serve as recruiters for conflict troops. However, for a number of reasons that will be discussed below, this scenario is not on the immediate horizon. Interviews with all groups reveal that for now, there are no mobilizers, and the population is apathetic or maybe exhausted by politics. The current period thus provides an opportunity for USAID to reach out to women to encourage a moderating role as well as empower them to participate more actively in community governance. The fact that every mayor of Kosovo is male – a fact not even found in Afghanistan -- should be motivation enough for at least greater outreach to women at the municipal and community level. It is also an opportunity to address what is on everyone's mind, which is unemployment and poor government performance.

²¹ OSCE: [The Role of the Media in the 2004 Events in Kosovo](#), 2004.

²² [Kosovo: What Everyone Needs to Know](#), pgs. 109 - 110.

Outmigration is a second source of resilience, as it acts as a safety valve against the frustration of unemployment. Estimates of outmigration range as high as 500,000 Kosovans living overseas²³, and remittances are a major source of sustaining income for many families. However the amount of remittances in 2011 fell 14 percent compared to 2010, even as the number of families who have received remittances has increased from 20 to 25 percent.²⁴ Germany and Switzerland are the favored destinations of Kosovan workers (usually Kosovo Albanian) two countries which have been less affected by the current EU economic recession. Nevertheless, both are repatriating illegal migrants, some who are elderly, disabled, or have criminal histories, placing greater social pressures on the state.²⁵

TRENDS AND MOBILIZERS

As stated above, conflict in Kosovo has traditionally been centrally controlled, either from Belgrade, the divided city of Mitrovicë/Mitrovica, or Pristina. The mobilizers in Belgrade and Pristina are state actors; the mobilizers in Mitrovicë/Mitrovica are also political elites such as parallel²⁶ mayors and officials appointed by Belgrade, but can include networks of organized crime and Serbian intelligence services as well. The relationship among these groups and their ties to Belgrade is more difficult to discern, but the leaders are generally known. The 2004 riots did not just happen: they were also organized.

Serbian parallel institutions in the South are declining. While they remain strong in the north, the MNAO has so far faced less resistance than the MPT which preceded it.

Currently, the elites in both Serbia and Kosovo have other priorities that discourage them from engaging in conflict. Membership into the European Union, which both countries seek, is a major incentive to avoid conflict, or at least the appearance of launching conflict. Second, interviews suggest powerful war weariness among the general population, and an eager desire to get on with life. Kosovo Albanians, after decades of privation, are enjoying a significantly improved quality of life and security, despite high unemployment. With all of its imperfections and limitations, Kosovo is an independent state, which it was not in 2004, when frustrations over status boiled over into violence. Finally, both governments need to focus on economic growth and employment creation at a time when several EU economies are in recession – especially Greece, which is an ally to Serbia, and a market for Kosovo. While the GOS maintains its hard-line stance against Kosovo Independence, its coalition government is likely to move slowly on the Kosovo question.

Positive Trends

Although the GOS still maintains a certain degree of overt and covert influence with the southern enclaves, the declining influence of Serbian parallel institutions in the south is among the most positive trends. The once powerful parallel municipalities south of the Ibar are generally limiting their influence to control the education and health sectors. In the past two years, mayors elected in Kosovo elections have gradually asserted control over all municipal functions. Workers in education and health (and

²³ World Bank, Kosovo Youth in Jeopardy: Being Young, Unemployed, and Poor In Kosovo; September 2, 2008

²⁴ UNDP, Kosovo Remittance Study 2012, July 2012 pg. 17

²⁵ Interview with IOM.

²⁶ Parallel officials are appointed by Belgrade or elected in Serbian elections. Both the appointments and elections are illegal according to Kosovo Law (and in the eyes of the USG and recognizing countries). From the point of view of Belgrade and its followers, these are “Serbian” officials, and the GOK is illegal.

other parallel institutions such as waste collection in Strpce/Shtërpçë) collect salaries or salary supplements from the Government of Serbia (GOS), but the ability of the GOS to subsidize these institutions is declining. At the same time, the GOS has informally engaged with the Independent Liberal Party (SLS), and there are indications that the Democratic Party of Serbia will participate in future municipal elections. The GOS has stopped subsidies to Kosovo Serb private media, including the more nationalistic TV Most, which broadcasts in Mitrovicë/Mitrovica. The trend is thus for a gradual concession of the south to Kosovo, with greater Kosovo Serb participation in GOK institutions through political parties, the Assembly, municipalities, and the media.

The new Mitrovica North Administrative Office (MNAO): When the ICR opened a Municipal Preparatory Team (MPT)²⁷ in Mitrovica North in 2010, it was met with severe resistance from parallel authorities, who are threatened since the MPT exists to create a new municipality and replace the parallels. For several months, the members of the Team could only meet by travelling to the south. Members were threatened and even physically attacked by hardliners. The lone SLS Kosovo Assembly Member who lives in Mitrovica North was shot in the leg. Attempts by the MPT (and even USAID) to launch projects were met with human blockades organized by the parallel authorities, (though the participants did not always know what they were blockading). Despite these obstacles, the recent opening of the MNAO has gone relatively smoothly. The MNAO, which will have broader responsibilities than the MPT and will directly manage GOK funds, received over 1000 job applications for 55 positions. Of these, 250 applications came from Kosovo Serbs, mostly in the north. Five Kosovo Serbs from Mitrovica North have joined as directors, some even in the face of intimidation. Over 10,000 northern residents, mostly Kosovo Serbs, have obtained GOK documents such as identification papers and licenses. Importantly, the GOK has stopped providing funding for the UNMIK Authority in Mitrovicë/Mitrovica (UAM), which many believed had been captured by the Serbian parallel municipality. Resistance to MPT projects also declined since late 2011, with an end to blockades (depending upon which contractor won the contract). While the GOS is not ceding the north as it is the south, it seems to be shifting its focus to control over the borders. It is unclear how much latitude it will give the MNAO to implement projects – the parallel municipality is issuing its own permits in contradiction to the MNAO, and is attempting to influence contracts by blockading contractors not connected with the parallel structures. Still, the MNAO is facing much less resistance than the MPT, and if it is credible and skillful at reaching out to citizens, it can increase its space and create the conditions for an eventual GOK municipality of Mitrovica North, as anticipated in the CSP. USAID assistance to the MNAO (and previously the MPT) is understood to be critical to its success and ability to implement projects, although the MNAO may receive assistance from the Swiss and other bilateral donors. In spite of many skeptics, the MPT and MNAO have demonstrated the existence of an independent Kosovo Serb viewpoint in Mitrovica North, one that wants a better life, even if not necessarily agreeing with Kosovo's Independence. The progress here is better than expected, though reversible if Serbia and its parallel municipality in Mitrovica North mount an aggressive reaction to it.

The East and South: These regions are possible bright spots for inter-ethnic relations. Conflict in the east (Novo Brdo, Gjilan and the small surrounding Kosovo Serb towns, was not as intense as it was in the West (Gjakova/Djakovica, Decan/e, Pec/Peja). Today Novo Brdo is led by a Kosovo Albanian mayor who was elected with Kosovo Serb support. Similarly, the municipality of Gjilan/Gnjilane has emerged as the hub of the small neighboring Kosovo Serb municipalities of Klllokot/Klllokot-Vrbovac, Ranilug, and Partes/h on water and waste management, and its Kosovo Serb neighborhood of Silovo even sees itself as the informal Kosovo Serb capital of the region.[!]

²⁷ A Municipal Preparatory Team (MPT) is a group of citizen volunteers who initiate discussions and plans leading up to the creation of a new municipality. USAID funding has also allowed the MPTs to launch small community projects to demonstrate what a municipality can accomplish.

Although not fully recognized, Kosovo is independent: From the perspective of Kosovo Albanians that is a major difference from 2004 when frustrations over status contributed to the violence. Today, the frustrations are with political institutions, and unlike 2004, the blame is squarely placed on the GOK, not international institutions. Moreover, the dissatisfaction is shared by both groups. The latest Public Pulse figures show dissatisfaction with political institutions as high as 72 percent among Albanians and 81.3 percent among Kosovo Serbs; dissatisfaction with the economy is slightly higher.²⁸ From a conflict analysis perspective, *improving governance and economic performance for all* is the current task at hand.

Freedom of Movement: Also in comparison with 2004, physical freedom of movement is less of an issue south of the Ibar for Kosovo Serbs. Kosovo Albanians similarly report less fear travelling through Kosovo Serb areas, although their freedom of movement in the north is restricted by blockades as well as potential hostility.

The Balkan neighborhood is considerably less fragile and instable than in the recent past: Notwithstanding political gridlock and crisis in Albania and Bosnia, organized crime, and occasional acts of criminal violence, the countries neighboring Kosovo are now enjoying a period of stability. The Balkan countries that are not yet members of the European Union are focused on joining the EU as soon as possible. This provides a window of opportunity to encourage these states to build effective institutions, address grievances, and possibly end the tragic historical cycle of Balkan conflicts.

Independence, freedom of movement, and a more stable region are positive trends for reducing conflict.

Negative Trends

The North: In spite of encouraging signs that the MNAO will take root in Mitrovicë/Mitrovica and begin the process of creating a new municipality, it is much too early to know how or whether the north will engage with Kosovo, or the extent to which Serbia and its parallel institutions will try to oppose its work. The political dynamics in the north are complex and opaque. Overlapping political, bureaucratic, business, and criminal network that have operated for years – even during Yugoslav times – do so with some autonomy from Belgrade. Parallel mayors and supporters do not always obey orders from Belgrade to tone down resistance. For example, in 2011 the parallel mayors refused to dismantle blockades at Belgrade’s urging. The new Serbian government of President Tomislav Nikolic appears to be attempting to regain control of the north by appointing a new parallel mayor in Leposavic and using the Serbian Security Intelligence Agency (BIA, controlled by his Prime Minister and Minister of Interior Ivica Dacic) as his arm of influence over the parallel structures. The GOS is focusing less on blocking USAID or MNAO projects; in fact, it may attempt to claim credit for these projects as the previous government did with MPT projects by replacing MNAO signs with parallel municipality signs. Some Kosovan sources interviewed expressed concern that tensions over the border may provoke violence, discrediting the commitments made in the recent Technical Dialogues for joint border management. The election of the new government²⁹, led by former associates of Slobodan Milosovic, has created an element of uncertainty and apprehension. President Nikolic could maintain and deepen a hard-line position against Kosovo. On the other hand, Serbia’s current economic problems may put Kosovo on the political backburner. Budget constraints are already diminishing support to parallel institutions in the south, leading Serbia to basically concede control there while maintaining effective control over the

²⁸ UNDP: *Public Pulse Fast Facts IV*, May 2012

²⁹ A coalition led by the Serbian Progressive Party (SNS), an offshoot of Milosovic’s Serbian Socialist Party. President Nikolic served as Milosovic’s deputy Prime Minister.

north, and passive implementation of dialogue agreements. A third and optimistic possibility is that a President with hard-line credentials is in a better position to negotiate creatively and try to show good faith to the EU that Serbia is serious about resolving the Kosovo question, which is an obstacle to EU membership.

Demography, youth unemployment: Half of Kosovo's population is under 25. Most of that demographic is unemployed, with estimates of unemployment as high as 75 percent. Kosovo produces about 30,000 job seekers per year for a modest job growth of less than 3,000 jobs. Yet even with these staggering levels of unemployment, employers report a lack of skilled available labor as a disincentive for investment.³⁰ The education system, still recovering from the Milosevic decade and the war, does not produce a qualified workforce. Like many contexts in which USAID operates, the most qualified job seekers are often hired by international organizations or seek opportunities abroad.

Mixed record on justice reform: With USAID and other donor assistance, Kosovo has made considerable strides in terms of creating the judicial administration system enacting key laws, creating a Constitutional Court, cataloging cases to resolve backlog, and building ten Model Courts, featuring modern, transparent, and client friendly court services. Nevertheless the impact of these reforms has not yet been realized. The key laws on the Courts and the Judiciary do not take effect until 2013; the system of notaries is just beginning, and the case backlog problem has several years of work before the impact of backlog reduction is felt. The result is that the judiciary is generally held in low esteem.³¹ However, Kosovo Serbs often see judicial deficiencies in terms of identity – if a property case does not move, it is seen as the result of discrimination, not poor judicial performance all around. In addition, Kosovo Serbs complain that Courts fail to fulfill the requirement to have Serbian speaking judges and court staff, or Kosovo Serbs serving in the justice system.

Perhaps the most important known trigger in the coming 24 months will be elections, if they are perceived to be fraudulent. The Political Dialogue could also trigger negative reactions from the Kosovo Albanian side as well.

Language barriers: Under Yugoslavian rule, all Kosovans learned Serbian in school, and most Kosovo Albanians over 40 are bilingual. Very few Serbs speak Albanian, and those who do live mostly in the area of southeastern Kosovo. With the creation of parallel education systems, (beginning with the expulsion of Albanian teachers by Milosovic in the late 1980s, and now enshrined in the CSP), children learn the language of their community, and perhaps English beginning Grade 4 (the GOK intends to eventually begin English language instruction beginning Grade 1). Although both Albanian and Serbian are official languages, Kosovo Serbs complain that officials and police cannot or will not speak Serbian. The lack of knowledge of Serbian by the Kosovo Police may have contributed to the violence that occurred as Serbian visitors attempted to participate in Vidovdan events last June.

Structured Communication: While Kosovo Serbs are increasingly participating in GOK institutions, communication between the communities tends to take place through formal channels such as political parties, municipal committees, and the Assembly. Attempts at creating formal dialogues between elites (some sponsored by USAID and the Program on Ethnic Relations) have been successful. However more informal interactions and dialogue between civil society members have had greater difficulty.³² While some Kosovo Albanians (those receiving cable service from IPKO) can actually watch Kosovo Serb TV Puls, the official television channel RTK provides very little programming featuring Kosovo Serbs or their

³⁰ World Bank: Southeast Europe Regular Economic Report, Nov. 15, 2011; USAID: Growth Diagnostic Kosovo: Review of Preliminary Findings, June 1, 2012

³¹ See Public Pulse Surveys and Early Warning Surveys, where this is consistently reported.

³² Like a Stone Inside a Shoe, pg. 28

viewpoints. In one incident in 2011, an interview featuring a Kosovo Serb who on RTK was interrupted 18 minutes after the interview began, because of alleged complaints about his views on the 2004 riots.

The Uncertain Role of Religion: About 98 percent of Kosovo Albanians are Muslim, with about 1.5 percent Roman Catholic and a very small number of Protestants. Since 1999, Islamic organizations with foreign (generally UK) funding have begun to establish themselves and recruit young males. The organizations maintain a low profile and do not engage in illegal activities or advocate violence. However, some persons interviewed noted that these groups are similar to the Muslim Brotherhood. They criticize government corruption, but also foreign interference and the need to maintain Islamic identity, thus further increasing the invisible walls between Muslims and others (most Kosovo Serbs). These organizations have protested what they see as the rising influence of the Roman Catholic Church, as evidenced by the receptivity of the GOK to allowing the construction of the large Mother Theresa Cathedral in downtown Pristina, while the Islamic community waits for a permit and land to build a large mosque. After decades of Yugoslav Socialist rule, the GOK does not seem to have a clear strategy to balance secularism with religious liberty. Neither the Serbian Orthodox Church nor the Islamic Community is legally recognized, although the CSP provides for protections for the Serbian Orthodox Church. Recognition of the Islamic Community might provide it with the legal basis for excluding undesired influences. Greater engagement with the Islamic Community (by the GOK but also the International Community) is needed, without falling back on familiar US formulas. For example, Americans, who are strongly biased in favor of personal religious liberty, will not easily appreciate Kosovan (and European) sensitivities toward prohibiting the use of veils in the classroom. It is also vital that the GOK not be encouraged to repress groups it disagrees with, but rather support better alternatives and respond to the legitimate grievances of youth.

TRIGGERS

Known Triggers

Although conflict in Kosovo, as elsewhere in the Balkans, is ultimately controlled by political elites, we can identify a number of triggers that can set those in conflicts in motion. Most of these are known:

End of Supervised Independence and reduction in EULEX forces: This Assessment was partly motivated by the end of Supervised Independence (ESI) in September of this year, which marks a milestone in Kosovo's development as a state. With some exceptions, persons interviewed did not believe that ESI would have a significant impact. Kosovo Serbs in the south – women in particular – did express some apprehension that ESI could lead to the eventual withdrawal of international security forces (KFOR and EULEX), which indeed might leave them towns and villages vulnerable. Nor is the planned reduction of EULEX forces by 15 percent, which places EULEX in an advisory rather than operational role in the south, seen as having a major impact on the security situation. Some interviewees felt that the International Civilian Office (ICO) and EULEX favored the other community over theirs. All agreed that the more important international influences would continue to be KFOR and the U.S. Embassy, although ICO's monitoring functions would likely pass to the EU.

Elections: Perhaps the most important known trigger in the coming 24 months will be elections. Kosovo's Central Elections Commission, which consists of mostly party representatives, assumed responsibility for elections in 2009 from OSCE, though the latter provides limited technical assistance, supplemented by USAID assistance via IFES. The Elections of 2010 were particularly notorious for widespread fraud and high levels of error in the precinct counts, partly due to the complex open list that was created in 2010 for Assembly elections. Over 40 percent of all precincts had to be recounted, and in some municipalities, the entire election was voided and repeated. The voter registry is high

inaccurate, and the use of conditional balloting also leads to abuse. A number of persons interviewed expressed the concern that another election with suspicions of fraud may lead to serious conflict among the main parties. This would be an intra-Albanian conflict, but with potential spillover effects for the other communities.

The Political Dialogue: On the other hand, the anticipated Political Dialogue could well trigger negative reactions from the Kosovo Albanian side, especially if it is believed that the GOK has given excessive concessions to Serbia or the north. In the view of some Kosovo Albanians, the International Community is orchestrating major concessions to from the GOK so that it can declare the Dialogue a success. Meanwhile, the recently ended Technical Dialogue left many persons in both communities with a feeling that too much was conceded, and that the governments have failed to implement their agreements. For example, the Dialogue resulted in an agreement to require Kosovo license plates throughout Kosovo, including the north. EULEX however has postponed enforcing this, as it fears the possible public reaction.

Implementation of the Laws on Cultural Heritage:

As a condition to end Supervised Independence, the ICR, backed by the USG and the EU, demanded that the GOK enact legislation to protect religious and historical structures in Prizren, and the Kosovo Serb enclave Velika Hoca/Hoca e Madhe in the municipality of Rahovec/Orahovac. These laws were hotly contested as they granted the Serbian Orthodox Church (SOC) and Velika Hoca/Hoca e Madhe special authorities to control not only their own structures, but to veto certain activities in the surrounding area that may affect the SOC. Kosovo Albanians interviewed see this as an extreme and excessive case of positive discrimination in favor of the Kosovo Serbs. While the municipalities of Prizren and Rahovec /Orahovac are required to comply, they may resist implementing the Laws, and this may trigger localized conflict.

If conflict erupts, it is most likely to occur because of actions by either government along Kosovo's northern or eastern borders.

GOS Accession Negotiations: Serbia has been given EU candidate status, but the EU has insisted that the GOS normalize its relations with the GOK as a condition of EU membership, even if this falls short of recognition.³³ If Serbia is allowed to begin accession negotiations without significant concessions to Kosovo, and begins to receive accession funds from the EU, than a great deal of leverage over Serbia will be lost. The GOK believes that the EU is already much too lenient on Serbia, and excessive concessions by the EU to Serbia will have very negative repercussions in Pristina, and could even prompt anti-government violence.

Known Triggers with Unknown Timing

Localized violence has erupted in response predictable events with unknown timing. These will not likely trigger a large-scale conflict unless one or both of the two governments is actually seeking to gain strategic advantage:

The Border: If conflict erupts, it is mostly likely to occur because of actions by either government along Kosovo's northern or eastern borders. In July of 2011, violent protests and barricades erupted when an impatient GOK sent special police to take control over the border gates and enforce embargo on Serbian goods after EULEX refused to enact Kosovo customs regime at the northern border. Since

³³ For example, Serbia could establish a liaison office and desist from preventing Kosovo membership in international organizations; the Two Germany model agreed between East and West Germany in the 1970s is also seen as a model in which both states agree to maintain relations without dropping their claims on each other.

then, the two governments have agreed during the Technical Dialogue on an “Integrated Border Management” (IBM) regime that requires cooperation. The GOS meanwhile has amassed security to impede the flow of persons between its Albanian Presevo region and Kosovo’s eastern border. This may provoke violence from Kosovo Albanians which the GOS may use as an excuse to avoid its commitments to implement IBM.

Police incidents: In contrast to other states in transition from conflict, the KP has developed a fairly good reputation in a short period of time. However, interviews with Kosovo Serbs revealed continuing mistrust of the KP, and complaints of police abuse. Last June, violence erupted between Serbian visitors, the KP, and Kosovo Albanians along the roads where the visitors past. Versions of the incidents vary widely, with some blaming intoxicated visitors to others claiming police brutality and even torture.³⁴ It appears that the Ministry of Internal Affairs lacked an adequate plan (leading EULEX to refuse to support it) and KP lacked skills in de-escalating conflict and handling crowds. Similarly, a crackdown on illegal cellphone companies in April 2010, executed by the KP, led to a few cases of confiscation and even damage of USAID-funded equipment where KP action became indiscriminate.

Crime or other act by non-state actors: At the time of the Assessment, a Kosovo Serb couple living near Ferizaj/Urosevac was murdered by an unknown assailant. The news spread quickly throughout the Kosovo Serb community, which contacted EULEX and the U.S. Embassy within two hours of the incident. Quick action by the KP to investigate the crime and reassure the Kosovo Serb community helped avoid an escalation of the crisis. A crime, or accusation of a crime directed against a member of different community (as occurred in 2004) has the potential to trigger violence. Interviews with Kosovo Serbs in the small municipality of Kllokot indicated a continued sense of vulnerability in this respect, and dependence upon EULEX and KFOR for protection.

Actions on energy and water: The GOS controls part of Kosovo’s energy supply, and has been accused of tampering with its access to suppliers, as well as diverting water needed to cool its aging power plants. An aggressive action by the GOS on energy and water will elicit a negative response, possibly by the GOK again reasserting control over its northern borders. Building a long-anticipated modern power plant (“Kosova e Re” or “New Kosovo”), and other measures to enhance Kosovo’s energy independence from Serbia will remove this trigger.

Moments that May Reduce Tensions

Moments that reduce tensions are rare in the Balkans. Perhaps the most important moment of progress was the 2009 municipal elections, in which a large number of Kosovo Serbs in the south participated and elected several mayors. In the mixed municipality of Strpce/Shtërpçë, the ruling Kosovo Democratic Party (PDK) may have conceded the municipality to the Independent Liberal Party, allowing a Kosovo Serb to win. In the municipality of Novo Brdo, whose borders had been reconfigured by the CSP to create a Kosovo Serb majority, the municipality elected a Kosovo Albanian mayor who enjoys good relations with both communities.

With the end of Supervised Independence, the current period of political stalemate and dissatisfaction, and Serbia’s attention to its own economy, we should not expect many peace breakthroughs during the life of the USAID CDCS. However, if the leadership of either government seeks a breakthrough, and can muster the vision and political courage, several scenarios are possible. Either government could make a magnanimous gesture: the GOK could accelerate the work of rebuilding damaged Serbian cemeteries or churches; the GOS could return historical Kosovo artifacts (as required by the CSP); the GOS could allow participation in GOK elections in the north, and both sides fully implement all

³⁴ KPAN declaration, June 29, 2012.

agreements reached in the Technical Dialogue; GOK officials could visit the enclaves and address the public in Serbian³⁵, and upgrade Serbian language programming on RTK (instead of interrupting an interview when the answers touched upon controversial topics, as happened in 2011).

The current state of politics on both sides is not encouraging for such acts of leadership.

³⁵ At the inauguration of the Kosovo Serb municipality of Partes in 2010, President Fatmir Sejku addressed the mostly Kosovo Serbian audience in Albanian.

RECOMMENDATIONS FOR THE USAID CDCS

General Recommendations

Think and act strategically: USAID has enormous credibility and influence in Kosovo, more than any other country where USAID works. This partly reflects the influence of the USG in Kosovo, but also because of its flexible, decentralized approach and ability to act quickly and decisively in reaching out to the Kosovo Serb community both north and south of the Ibar. Even with reduced resources, USAID can do much over the next five years to reduce tensions and address grievances that can lead to future conflicts. While it may not be able to solve the fundamental problem of national identity, it can address secondary grievances, and even some of the more sensitive core grievances that arose from the 1999 conflict.

Avoid formulaic approaches. Think and act strategically, and dare to innovate, keeping with USAID Forward principles

However to do so, USAID and other donors must act strategically, and depart from familiar, formulaic approaches.

USAID should dare to innovate, keeping with USAID

Forward principles. The work done between 2009 and 2012 was aimed at gaining entry and building good will with the Kosovo Serb communities. It is no longer necessary to continue on the same path. Above all, anti-conflict programs need to follow a Theory of Change³⁶ which logically links project interventions to measurable results, rather than rely upon untested assumptions. For example, funding civil society organizations does not necessarily translate into constructive relationships on a broad scale; GOK assent to a project is not the same as ownership and support. Past experience and research has also show that to be effective, peacebuilding projects need to clearly address grievances, and reach a significant scale of impact.

The International Community and Kosovo's citizens (Kosovo Serbs especially) are haunted by the memory of the 2004 riots and refer to them frequently in discussions. While it is impossible to dismiss this scenario for the future, it is important to plan for the future, rather than the past. Kosovo has advanced significantly since 2004 – independence has removed one of the chief grievances of the Kosovo Albanian community. The economy has grown, and the quality of life has improved significantly for most. Kosovo Serbs participate in GOK institutions, even if the communities do not communicate socially. USAID needs to plan not for past conflicts, but future conflicts that may be created by accumulated grievances on both sides, mobilized by governments and extremist forces.

Think differently and creatively: USAID Forward calls for greater use of direct support to host country authorities and NGOs. While the GOK and local NGOs have limited capacity for absorbing USAID assistance, USAID may set aside modest amounts of funding for a few small, direct grants to local organizations that will bring fresh and bold approaches to reconciliation programs. USAID Kosovo should explore working with artists, musicians, and filmmakers, combined with an aggressive media campaign on internet and television. Artists universally are the strongest opponents of nationalism, and are the first to seek collaboration across ethnic lines. Consider funding an ethnically-diverse jazz band, or maybe an artists' workshop in Velika Hoca/Hocë e Madhe, which has potential to become an artist community. Consider documentaries, reality television, to spark a national conversation unmediated by the parties or other institutional silos. This fortunately dovetails with a gradually declining portfolio, which is freeing up staff to manage smaller and more creative programs at the community level. USAID

³⁶ USAID: [Theories of Change and Indicator Development in Conflict Management and Mitigation](#), June 2010

Kosovo can issue an APS seeking new ideas and approaches that will promote breakthroughs in ethnic dialogue and understanding.

Continuing the work of the CSP: While the CSP is not the perfect solution to the core grievance over Kosovo's identity, it remains the best and only solution available to all parties. While the CSP has been implemented in form (through the creation of structures of governance, reserved seats and guarantees to minority populations), it is time to go beyond formal implementation to substantive implementation; or: it is not enough for Serbian to be formally accepted or written on signposts -- Kosovo Serbs must feel they can use their language in their interactions with GOK agencies. Municipalities must not only exist, but emerge as true vehicles for participation for women and youth; the court system needs to be unclogged with aging cases in favor of agile justice for all communities. Provisions on missing persons and returnees need to be fully implemented.

Take a whole of government approach: USAID is not the only USG agency with resources relevant to conflict reduction. The Public Affairs Office (PAO) manages grant funds which, if properly directed, can be used to rebuild historic sites and promote the successful implementation of the Laws on Prizren and Velika Hoca. However, those projects need USAID's field knowledge, presence and credibility to address grievances and overcome strong opposition to well-meaning initiatives. Need to work across USG lines where appropriate. Similarly, ICITAP's work with the Kosovo Police could probably benefit from support to civil society and minority oversight. To be effective, USG agencies need to collaborate across agency boundaries.

Maintain dialogue with mayors and civil society: Political leaders in the GOK such as mayors and civil society leaders vary greatly in terms of their attitudes, knowledge, capabilities, and morality. While the USG is correct to avoid legitimizing parallel institutions or extremists on either side, it needs to maintain relationships with mayors in critical areas such as the municipalities south of the Ibar (Mitrovicë/Mitrovica, Istog, Vustrri), the east (Gjilan/Gnjilane and the neighboring new municipalities, Novo Brdo), and other areas with Serb enclaves (Rahovec/Orahovac, Strpce/Shtërpçë). The mayors and civil society leaders will disagree with the USG at times: this is a sign of the growing confidence and maturity of an independent state. Several mayors have shown less than consistent commitment to European standards of ethics or governance. That must be addressed, but contact and dialogue should continue, less USAID see its influence eroded by self-imposed isolation.

Keep taking the pulse of the people: The demands of project management are considerable, given the large legacy of projects created by past years of large budgets. As the portfolio declines in size, USAID should take advantage of the opportunity to do more thoughtful, evidence-based programming. This means keeping a pulse on the nation and its communities, listening to grievances, obtaining feedback, observing evolutions and discovering opportunities. USAID need to view the world through the eyes of communities, and communicate directly with women and youth who are usually excluded from policy discussions. Survey tools such as Public Pulse are helpful, but direct, careful listening by USAID personnel can shape perspectives. USAID and the international community also need to tread more carefully with concepts such as multi-culturalism, integration, and religion, which have different and often less positive connotations to Kosovans than they do to Americans or Europeans.

Programmatic Recommendations

Youth Employment: If interviews and focus groups agreed on one point, it was that youth unemployment remains the greatest risk factor for conflict. While the youth will not start conflicts on their own, large numbers of frustrated young men become easy recruits for nationalist or intolerant movements, and violence whether partisan or simply criminal. It is no accident that among 18-19 year olds, the highest percentage of support (17.5 percent) goes to the Albanian nationalist Self-Determination Movement (Vetenvendosje), which is openly antagonistic to the CSP and dialogue with

Serbia.³⁷ Estimates of youth unemployment range from 65 to a staggering 75 percent, which is even more frustrating considering that some jobs go begging for lack of qualified employees.

Strictly from a conflict prevention viewpoint, USAID's Education Strategy must prioritize vocational and technical training, English, and systems that produced skilled graduates in large numbers. English language training also has the added benefit of creating a common language which both Kosovo Albanians and Kosovo Serbs can share, and important objective considering that the youth are no longer required to learn both Albanian and Serbian, as was the case for ethnic Albanians during Yugoslav times.

Government responsiveness – the Rule of Law: Poor government performance, in the form of delayed justice, local corruption, poor municipal services, or abusive police affects all communities. Even after the 2004 riots, a recent study by the OSCE revealed no patterns of discrimination against Kosovo Serbs in judicial verdicts or services,³⁸ Nevertheless, poor performance is perceived through the lens of identity: if a case is not heard after one year, a Kosovo Albanian may believe correctly that the court system is inefficient. A Kosovo Serb may also arrive at the same conclusion, but believe that the system particularly discriminates against Kosovo Serbs. Kosovo Serbs also report a higher rate of corruption victimization and perception.³⁹

In the years before and after Independence, the donor community invested a great deal in building core government capacities. It is now possible to demand more of government institutions in key areas. While much has been accomplished in terms of building modern Model Courts and improving the Court operations, precious time has been lost due to contractual issues or contractor performance. Getting the ROL programs on track – by launching more Model Courts with Serbian-language assistance,⁴⁰ recruiting and training minority judges, improving the case management systems, is vital not only to achieving rule of law objectives, but addressing a major grievance that while not ethnic, is viewed in ethnic terms. The Kosovo Judicial Council has indicated that it plans to merge the Community Liaison Offices (CLOs) with the court system. These Offices were created at a time when freedom of movement for Kosovo Serbs was impaired. Today freedom of physical movement has improved; the problem today is the quality of service and treatment that a client receives when he or she arrives at court. The merger of the CLOs with the court system should be encouraged, with strong oversight to make sure that the courts are welcoming to all citizens.

The Council also has vacancies in certain courts where minority judges have not been recruited. USAID can assist by not only encouraging minority applicants, but ensuring that new policies on judicial standards, such as the Initial Legal Education Program (ILEP) training do not become a situation where the “perfect becomes enemy of the good” by creating excessive hurdles for appointment.

The priority needs to be on moving cases through the system and maintaining the CSP and Constitution required quotas that ensure the credibility of the justice system. USAID should support a flexible approach to judicial qualifications that allows the judiciary to gradually improve its professional quality while maintaining integrity and a high turnover of cases. For example, the President of the Judicial Council wishes to reserve ILEP for new judges, and allow experienced judges to enter directly into the judiciary – this pragmatic approach deserves support. At the same time, the Council needs to hold judges to higher ethical and performance standards by improving accountability and discipline. Under improved leadership since 2011, the Council has taken 57 decisions on disciplinary cases over the past year imposing measures varying from reprimand to salary reduction.⁴¹

³⁷ UNDP: Public Pulse Survey IV, July 2012

³⁸ OSCE: *Review of the Criminal Justice System, 1999-2005 Reforms and Residual Concerns*,

³⁹ UNDP: *Public Pulse Surveys*, 2010 - 2102

⁴⁰ The Model Courts program will eventually reach most basic courts in Kosovo.

⁴¹ KJC Annual Report 2011 at http://kgjk-ks.org/repository/docs/Raporti-Vjetor-KJC-ENG_439854.pdf

While the judiciary is showing signs of improvement, it has a long way to establish its credibility. The large case backlog is part of the reason. Under the recent Systems for Enforcement of Agreements and Decisions (SEAD), the judiciary made progress in classifying cases, developing methodologies for backlog reduction and advancing mediation. However, significant work remains to be done to improve the case management systems and decrease the average time spend on case; to improve systems for enforcing judgments and to reduce the execution backlog by finally enforcing almost 100,000 pending cases. The lengthy procedures and the lack of enforcement of the Court decisions significantly impacts the credibility of the justice system and directly affects the delivery of justice in the Country. Unless the courts decisions are enforced in a timely manner, the justice system does not serve its purpose.

Critical momentum is being lost, however, due to the end of the SEAD contract and the start of a new follow on, which may not occur until mid-2013. We recommend that USAID fund a short-term purchase order or other contract mechanism to maintain an interim team of experts to follow up on SEAD's work and ensure a rapid start up of the next project.

Improvement in property rights enforcement is also under consideration by USAID. The issue of past property disputes is extremely complex and is a source of conflict grievances, and the restitution of property or resettlement may require more resources than USAID can provide. Still, any movement on increasing the transparency and efficiency of property markets will reduce potential triggers of future inter-ethnic conflict. The specific strategy that USAID can follow will be determined in the coming months following the Property Rights Assessment.

Government Responsiveness – the Kosovo Police: Although new legal authorities allow USAID to implement community-based policing and other programs with police, USAID Kosovo does not have a program. Police assistance in Kosovo is carried out by the Department of Justice ICITAP program. The Kosovo Police (KPS) are considered a relative success story, and there is no reason for USAID to duplicate ICITAP's work, particularly with limited resources and experience.

However, police abuse was cited enough times by Kosovo Serbs (especially in light of the Vidovdan incidents) to suggest that USAID may work with civil society organizations to both constructively engage with police, but also monitor cases of abuse. One Kosovo Serb NGO leader described how he was forced to wait outside his car for two hours in the cold while the KPS conducted an inspection, not even allowed to retrieve his coat. A similar story is recounted by another youth from Mitrovicë/Mitrovica, who had just received his new Kosovo identity card, was questioned why he had waited so long to get a card:

“For an hour I was kept in police custody, responding to his questions. He threatened me that if he sees me again, the next time he will surely arrest me.”⁴²

A complaint system does exist and complaints can be registered with the Office of Professional Responsibility and the Minister of Internal Affairs. However in the absence of sustained attention and pressure, abuses will persist. USAID should engage with ICITAP as to how it may complement its work on improving relationships with the Kosovo Serb community. In particular, Kosovo Serb CSOs can work closely with the Police, the Ministry of Internal Affairs, EULEX, and safety councils to anticipate

Although the Kosovo Police are considered a relative success story, accusations by Kosovo Serbs of police abuse are frequent enough to warrant attention. USAID could work with ICITAP to help civil society constructive engage with police and monitor cases of abuse.

⁴² Like a Stone Inside a Shoe pg. 25. Translation edited for clarity.

and proactively plan known trigger events such as Vidovdan and other Serbian holidays. They can help bridge communications and de-escalate conflicts. The KPAN network is strongly interested in this topic, although KPAN's shrill public statements after Vidovdan have not helped its case as a conflict de-escalator.⁴³

The MNAO and Local Government: Kosovo has created new municipalities as required by the CSP, and in the south, Kosovo Serbs vote and participate in them. The new municipalities, especially the small towns of Klllokot/Klokot, Partes, and Ranilug will likely require central subsidies indefinitely.⁴⁴ Attention in the CDCS should go toward municipalities in the north, beginning with the Mitrovica North Administrative Office, the strategically located municipalities just south of the Ibar (Istog, Mitrovicë/Mitrovica, Vushtrri/Vucitrn), the east (Gjilan/Gnjilane, Novo Brdo and the three small towns), and other Kosovo Serb municipalities (Gracanica/Gracanice and Strpce/Shtërpçë). The three northern municipalities of Leposavic, Zvecan, and Zubin Potok may also become accessible for municipal assistance (and not only community grants) to USAID during the life of the CDCS.

The north is in a very fluid situation, with illegal parallel organizations, crime networks, and the heavy (though illegal) involvement of Serbian institutions. In spite of this, USAID's persistence in working with the MPT and private organizations has succeeded beyond expectations. No one expected, and no one should expect, the north to be an easy environment with willing participants flying the flag of Kosovo. However, in contrast to the conventional wisdom at the time, USAID's own assessments and surveys conducted in 2010⁴⁵ revealed deep unhappiness with the quality of governance and life in the area, and a willingness to engage in self-help activities. The conventional wisdom now holds that the MNAO is impossible to set up, but job announcements led to 250 applications of Kosovo Serbs, mostly from Mitrovica North, even in the face of intimidation. The MNAO is not only important from the point of GOK and USG policy objectives; it can reduce conflict by weakening the stranglehold of the parallel institutions which are potential conflict mobilizers. It can also give women a higher profile, both at senior management levels, and in community projects which can be led by women.

That having been said, it is important that USAID rigorously monitor the MNAO in terms of what it is actually accomplishing in terms of reducing tensions in the area. The MNAO could fail while remaining open: it can potentially be co-opted by the parallel institutions (as occurred to the UN Authority for Mitrovicë/Mitrovica), or face its own problems with corruption and inefficiency. USAID should not assume that the MNAO is a positive development unless it has clear evidence of increased citizen participation and satisfaction.

The three municipalities south of the Ibar are important because of their location, their small Kosovo Serb populations, and the presence of Islamic organizations recruiting youth.⁴⁶ Istog/Istok has a small population of about 500 Kosovo Serb returnees, and another 300 who have applied to return. It borders with the militant town of Zubin Potok in the north. If Kosovo Serbs have a positive experience in Istog/Istok, this will be relayed to their families and friends in the north. Vushtrri/Vucitrn has a larger Kosovo Serb population (officially 3,500 persons). It is also the site of an historic church of St. John the Baptist in Samodreza, which is historically important to Serbs, but is also in the municipality where massacres that occurred during the war.⁴⁷ The ICR tried unsuccessfully to rebuild it but was opposed by

⁴³ <http://www.kpan-ksam.net> dated June 29, 2012 (accessed September 2, 2012)

⁴⁴ Malozogu and Pavlovic: *Kosovo Serb Communities: From Stabilization to Sustainability*, July 2012. Other municipalities are also likely to depend upon central transfers, but have larger populations and a better tax base.

⁴⁵ Initiating Positive Change Survey, 2010

⁴⁶ Although this is denied by the mayors of the three municipalities.

⁴⁷ The site is where Tsar Lazar is said to have given communion to his troops before the 1389 Battle of Kosovo; it is also alleged that the notorious Serbian Red Berets were blessed in the church (built in modern times on the site) before beginning a campaign of atrocities against the people of Vushtrri/Vucitrn.

the population. The church has been on the list of potential sites for Public Affairs Office funding of historic sites, but considerable diplomatic work and grants by USAID to the municipality would be necessary before the church is restored. A successful restoration with a development program for the Kosovo Albanian population (and perhaps a memorial for victims) may serve as a model of what can be done to address past trauma on a larger scale.

The other municipalities in the east and south have to improve their ability to raise own-source revenue and produce projects and services on their own. This is a continuation of work begun under the Democratic Effective Municipalities Project and its predecessors.

Election Fraud as a Trigger: By the end of 2013, Kosovo will hold municipal elections and by 2014, if not sooner, Kosovo will hold Assembly elections. Although the Constitutional Court recently ruled that the current President, Atifete Jahjaga has a five-year term ending in 2016, the opposition has called for her to resign early, since she was originally elected to resolve a political deadlock pending Constitutional reforms leading to the direct election of the President. President Jahjaga, who was Deputy Chief of Police prior to her election, was proposed by the U.S. Ambassador in early 2011 as a means of resolving a political deadlock that occurred when the parties could not agree on a President and governing coalition. The agreement called for working groups to agree on election and Constitutional reforms and direct Presidential election.

If the political parties place election reform on the national agenda, USAID must be prepared to respond.

The Election Reform Working Group, led by the Central Elections Commission with the participation of the political parties, OSCE, and USAID, has made little progress to date, reflecting low commitment by the political parties to election reform. During the 2010 Assembly elections, nearly half of the ballot boxes needed to be recounted due to significant errors in the tally sheets. Complete re-votes took place in several municipalities due to open fraud. The result was that the election was not complete for two months, and only after lengthy recounts supervised by IFES consultants working throughout the Christmas season. While this intense effort removed the effects of ballot box fraud⁴⁸ the election itself was tarnished. Another election perceived as fraudulent could become a trigger of conflict within the Kosovo Albanian community. If that occurs, some fear that the conflict could spill over into attacks on Kosovo Serbs and other minorities. There is still time to carry out critical election reforms prior to the next municipal elections, and probably more time for the next Assembly elections, which will be more contentious. The most urgent reforms include:

- Eliminating or drastically reducing the use of conditional ballots, which lend themselves to fraud and slow the counting process;
- Aggressive efforts to cleaning of the voter registry;
- Reforming the counting process to ensure greater oversight by election monitors and international advisors. This may require centralizing or regionalizing the count, which will require legislation.
- More efficient complaints and adjudication, and
- Aggressive prosecution of election fraud

⁴⁸ Though not necessarily other irregularities such as intimidation or vote buying.

USAID assistance should capacitate Kosovo to run elections without assistance, which in spite of several attempts in the past, has not yet been achieved. Remedial steps at eliminating fraud need to be followed up with the introduction of automated counting, which in a small country like Kosovo can be done inexpensively and can significantly reduce fraud. The effort will likely take 2-3 years of planning and testing. Any decision to continue assistance will need to be made 9-12 months in advance, to allow for contracting of an implementer and qualified election consultants.

People to People (P2P) Dialogue: In interviews, several participants noted that inter-ethnic contact is mostly mediated through formal political channels or business linkages. USAID’s recent Inter-Ethnic Dialogue project, managed by the Project on Ethnic Relations, provided a rare and valuable forum for formal dialogue among intermediate and senior political elites, both across and within ethnic lines. USAID has sponsored several people to people projects, often targeted to youth, such as artist camps and seminars involving law students from both sides of the Ibar River. P2P projects provided an entree with the Kosovo Serb community and a degree of inter-ethnic contact. In the past, USAID also funded business projects that provided incentives for cross ethnic collaboration. The results have been modest and mixed. Conflict expert Diana Chigas of CDA has documented the failure of the business projects, which fell apart once USAID funding ended.⁴⁹ Another criticism of the P2P projects is that they tend to reach “the converted” or have limited impact.



Figure 2: The multiethnic rock band “The Targets” rehearses before its show in Macedonia. Artists are often natural allies for crossing ethnic boundaries.

Nevertheless, USAID should learn from these experiments, rather than give up on the idea of encouraging cross ethnic communication. It is not necessary or even desirable, to set up formal dialogues.⁵⁰ Rather, USAID can support opportunities that go beyond simple contact (i.e. business transactions) but do not necessarily lead to resolution of grievances (i.e. structured dialogues). USAID can provide opportunities for interaction in a safe space, where communication can be established and walls can be lowered. In the spirit of USAID Forward, the Mission should issue an APS inviting fresh

⁴⁹ CDA Collaborative Learning Projects: *Has Peacebuilding Made a Difference in Kosovo?* July 2006

⁵⁰ Although formal dialogues sponsored USAID and the Project on Ethnic Relations were very productive, these generally involved elites and were well facilitated. Formal youth dialogues have reportedly failed after only 30 minutes. See *Like a Stone Inside a Shoe*; pg. 28.

ideas from local NGOs promoting P2P communication as stated above: for example, using the arts, tours, and entertainment as non-threatening vehicles.⁵¹ To achieve impact, the programs should demonstrate how they will use media to stimulate broad awareness, and eventually conversations about Kosovo. Powerful documentaries and movies have done this in the U.S. and other countries. For example, for \$15,000, USAID funded a reality TV show in Guatemala about the lives of reformed gang members that helped generate greater receptivity to rehabilitation of gang members, rather than prison or vigilantism.

In addition to using its own funding, USAID can explore participating in the Reconciliation Fund APS managed by the Conflict Management and Mitigation office in the Bureau of Democracy, Conflict, and Humanitarian Assistance (DCHA/CMM). Several Reconciliation projects were funded for Kosovo in the first years of the Mission, and USAID Bosnia also participates in this APS.

However, it is critical that P2P projects have a clear theory of change, indicators which help demonstrate if the theory is validated, and rigorous evaluation of results. It is not enough that the projects feel good – they must make a difference or something else should be done with the money. The CMM staff can assist with developing a sound evaluation methodology.

Thanks to technological developments and years of work in media, USAID can now use media to reach a broader population than was possible a few years ago when it first attempted P2P programs.

Reaching out to women: Channels of inter-ethnic communication, such as parties and municipalities, are largely male-dominated. Not a single municipal mayor is female, a record even worse than that of Afghanistan! If USAID is to help break down, or at least lower the invisible walls, it should take advantage of the resources hidden in plain sight: women and their families.

A good place to start is with the new Mitrovica North Administrative Office (MNAO), which is led by women – five of the seven senior officers, including its Chair, s are women. The MNAO Chair wants to avoid conflict with the parallel municipalities and is interested in practical solutions to neighborhood problems. She proposes creating small networks of women who will identify and solve local problems in their neighborhoods and support each other. Women are more likely to stand up to parallel authorities, as they are not perceived as directly threatening the power structure. They also want the trash collected, the potholes fixed, and decent schools for their children. As she noted: “Families here are tired of being pushed around – women will quietly stand up to the parallel leaders.” A similar approach can be taken to other municipalities in the sensitive areas noted above.

Unfortunately, little empirical research is available on the political impact of women in Kosovo, and family relationships are rapidly evolving in the face of demographic, political, and economic changes. Conservative family norms exert strong influence on daughters – how family norms (and mothers and wives) influence male conflict behavior is not entirely clear, and USAID may consider funding research on this topic. Some women in focus groups expressed fairly radical views (e.g. “the north must be solved by force.”). However, most women interviewed expressed a strong desire for peace and employment for their children. Our hypothesis is that barring an eruption of a major crisis (e.g. an attempt to dominate the north by force) empowering women to engage in the public realm on a regular basis will encourage the practice of participation, and therefore reduce the potential for conflict.

Apart from neighborhood-municipal networks, women can be enlisted in P2P activities, such as family tours of historic religious sites – both Serbian and Islamic -- which encourage appreciation for “the

⁵¹ Sports may be considered, but sports can bring their own risks of violence.

other” ethnicity and remove the aura of distance that has been created by violence and the presence of protective forces. P2P activities should start small, be closely evaluated, and then if promising, expanded. Media programs that encourage inter-ethnic communication and awareness can be specifically targeted to women and to the morning hours when women are more likely to be watching television, as has been noted in the TV Mreza audience surveys.

Targeted and Ample Use of Media: USAID has a long and successful history of supporting independent media in both Albanian and Serbian languages. After some period of difficulty, the Serbian-language TV Mreza network seems to have established a foothold in creating an independent voice for Kosovo Serbs. Internet and other technical developments are expanding the reach of independent Serbian-language stations. TV Herc, from Strpce/Shtërpçë, is now on the Mitrovica network, and TV Puls may soon be available in Leposavic. Internet programming, which has been pioneered by Albanian-language TV 21, could potentially make these stations available throughout Kosovo and more accessible to youth, who prefer the Internet as a medium. Radio is also reaching listeners at a low cost. With a few technical improvements with USAID and IREX assistance, Radio Contact Plus, an independent Serbian language radio station in Mitrovica North, has greatly expanded its coverage throughout the north and is popular among youth.

Particularly encouraging is that cross ethnic viewing is now possible and is slowly expanding. TV Puls is now available on IPKO Cable, making it accessible to Albanian speakers. Albanian and Serbian-language stations are watched by both communities in Gjilan/Gnjilane, Ferizaj/Urosevac, and Mitrovicë/Mitrovica. Declining GOS support to TV Most may gradually encourage a change of editorial slant toward Kosovo, although this is not yet happening. This is a rare example of walls opening – in the privacy of the home.

For USAID, this is an opportunity to leverage its activities to reach a broad population, something that was not possible a few years ago when it first attempted P2P programs. With declining resources and the anticipated end of the assistance to minority media, USAID needs to be highly strategic in its use of resources. Assuming that youth and women are the priority groups to reach to encourage P2P exchanges and inter-ethnic understanding, media assistance should prioritize radio and internet, which youth access, followed by television packages targeted to youth and women in both communities.

Many Kosovo Serbs and the U.S. Embassy have advocated support to a Kosovo Serb newspaper. While such a newspaper is desirable, the Mission has to consider that it would likely be unsustainable, given the economy of maintaining even a limited edition newspaper; and that youth are unlikely to read it. If USAID decides to support a newspaper, it would do best to target the paper to women readers. This is partly to target a key audience, but also because of advertising revenue considerations.

Socializing the Law on Prizren and Velika Hoca/Hoca e Madhe: The Kosovo Assembly reluctantly enacted laws governing the historic Center of Prizren, and the Kosovo Serb enclave of Velika Hoca/Hoca e Madhe, (in Rahovec/Orahova) as a condition of ending Supervised Independence. The Prizren historic center contains churches belonging to the Serbian Orthodox Church (SOC) and the Roman Catholic Church, a Serbian monastery, and several historic mosques. The Prizren Law empowers a committee which includes these three institutions and gives them the right to approve construction and certain other activities, if they interfere with the conduct of the religious sites. Kosovo Albanian civil society organizations believe this may be used to prevent demonstrations, effectively providing the SOC and other religious institutions an extraordinary level of authority, in violation of the principles of a secular state. Similarly, the Velika Hoca/Hoca e Madhe Law creates a zone of autonomy within a municipality, over the latter’s objections. The Assembly reluctantly passed the two Laws in response to intense international pressure.

The Embassy Public Affairs Office has funding to help promote the Laws in face of a skeptical public. Fortunately, it has reached out to USAID and others in the Country Team for guidance on a way forward. This can be an excellent opportunity for a whole of government approach that could take advantage of USAID's strong field knowledge and credibility. USAID can assist by recognizing upfront that the Laws are unpopular, and are not only opposed by nationalists, but also reveal deep-seated grievances held by the Kosovo Albanian majority, as well as uncertainty regarding the role of religion in a secular state. The Laws cannot be made popular by standard approaches such as advertising campaigns, study tours, or bringing in American speakers.

Kosovo Albanians interviewed view the Protected Areas as not only monuments, but zones of autonomy carved out of the independent Kosovo State.⁵² Even if that view is incorrect, the view matters from the standpoint of conflict prevention. What might change this view in Prizren is a serious program of outreach by the SOC (in conjunction with Islamic and Catholic counterparts), in which church officials meet face to face with local skeptics, listen to their grievances (even if they do not agree with them), and address concerns (however exaggerated) of limitations on the use of the Prizren Center. In other words, dialogue and sincere efforts to make the Law work for all, may win over a hostile majority. Yes, dialogue may fail, but it is hard to see

the GOK and the City of Prizren implementing it seriously without broad public support. Similarly USAID can facilitate dialogue and negotiations between the residents of Velika Hoca/Hoca e Madhe and Rahovec/Orahovac Municipality. The Laws can become a peace building and leadership moment – when citizens can find solutions without depending upon Belgrade or Pristina – or they can simply remain dead letters, or worse, triggers for local conflict. If anyone has the credibility to nudge the parties in the right direction, it is USAID and the US Embassy.

Make conflict assessment an ongoing process. Keep the pulse of key populations, track data, and share information with a broad network of stakeholders

Operational considerations: Conflict assessment is not only a process which takes place every five years; to be effective and relevant, USAID must make it ongoing. We recommend that the Mission organize a Conflict Team and Team Leader (ideally, one with USAID Conflict Training) with a simple mandate: to keep the pulse of the population and report to the Mission on the state of internal conflict and peacebuilding. The Conflict Team would take responsibility for:

- Maintaining contact with opinion leaders, especially in sensitive areas and during known trigger moments. The most sensitive areas include the north, the municipalities below the Ibar River, Rahovec/Orahovac, and Prizren (for the Law on Prizren).
- Monitoring key sources of data, such as Public Pulse but also crime data, as patterns of crime may reveal underlying tensions. ICITAP can facilitate access to crime data.
- Sharing information as needed with human rights organizations, CSOs, international organizations, donors, and the Embassy.
- With the Program Office, reviewing activities for their positive and negative impacts on conflict.

A good conflict management strategy (and a good development strategy) demands that we periodically lift our heads out of project management responsibilities to take in the larger picture, without reference to EG or DG program silos.

⁵² Although the American experience with protecting environmentally sensitive areas, which requires local participation, finding common interests, and dialogue, might be more relevant.

Sensitive areas with limited possibilities: We stated at the outset that USAID cannot solve the “core” grievance facing Kosovo, which is the question of national identity. However, USAID can address some of the sensitive areas that grow out of the conflict. Progress on resolving these issues will do much to address powerful sources of grievance.

Missing Persons – About 1,780 persons are still missing from the war (out of an original list of 4,400 names). The Ministry of Justice has the GOK lead on missing persons, assisted by EULEX and the International Center for Missing Persons. Progress has been impeded in part by a lack of cooperation from Serbia, though some of the missing are Kosovo Serbs, and some suspect that powerful interests on the Kosovo side also do not want to cooperate.

The issue is sensitive and difficult, but the payoff is great for USAID, which can make a critical contribution with very little money. In one of the few areas of cooperation between Kosovo and Serbia, both governments have agreed to negotiations mediated by the International Red Cross. USAID should consider support to the GOK delegation to help it negotiate with better preparation.. Through its Kosovo Assembly Support Project, USAID should provide support to the Assembly Committee on Missing Persons. The Committee is made up mostly of women, some who are minority members. This indicates that the Assembly leadership does not consider the issue a priority, but assistance to the Committee could strengthen its relevance, as well as the position of women and minorities in the Assembly. Limited assistance to the Ministry of Justice may also be possible under the Effective Rule of Law Program.

Rebuilding Sensitive Historic Sites – USAID can collaborate with the Public Affairs Office (PAO) to help rebuild some of the dozens of Serbian Orthodox Churches that were destroyed or damaged after the war or in 2004, as well as other historic sites. While PAO has the funding and access to technical expertise, USAID brings credibility and field knowledge that can help facilitate agreements in sensitive areas or buildings by providing funding for local projects, as well as actively mediating agreements. A number of USAID partners have experience in successful mediation of very difficult, violent conflicts – the Mission can tap into this capacity either with its own funds or by accessing CMM’s Reconciliation Fund.



Figure 3: Vushtrri is a highly sensitive municipality because of its history. Pictured here is the damaged and desecrated Church of St. John the Baptist in Samodreza. Working with the Embassy Public Affairs Office, USAID can provide limited but important help to facilitate agreements to rebuild such sites, and address other sensitive issues.

Property rights – At the time of this Assessment, USAID is also assessing future work in property rights. While it may be impossible to sort out the numerous claims to property going back to Yugoslav times, measures to clarify and efficiently adjudicate property ongoing claims, establish legal ownership, upgrade cadastral records, and prevent illegal construction, will prevent fresh conflicts from emerging on top of older property claims. KPAN claims that Kosovo Serbs account for 45,000 of the 239,000 disputed property cases.⁵³

On the other hand, property restitution is complicated by the long history of expropriations that occurred in Yugoslavia and later Serbia, and the lack of documentation of transfers. Returns of Kosovo Albanians to the north are not possible while the GOK lacks control over that area. Returns of Kosovo Serbs to non-original locations (e.g. Gracanica/Gracanice) has been proposed as a means of accelerating returns, but this may occur naturally through property transactions.

Restitution and Transitional Justice -- The Assessment Team also considered other policy areas for restitution and transitional justice. Transitional justice, a high priority for the USAID Bureau of Democracy, Governance, and Humanitarian Assistance, is the practice of addressing grievances that arise out of conflict or a long period of human rights abuse. Transitional justice ranging from trials of war crimes and other serious crimes, but also memorialization of victims, identification and reburial of missing persons, to restitution of victims and their families. While it was pioneered after World War II in the Nuremberg Trials, and carried over into the International Criminal Tribunal for the Former Yugoslavia (ICTY), it has taken the form of informal mechanisms, such as the Truth Commissions of South Africa and Guatemala. In the latter case, an attempt is made to find the truth, and recognize and honor the suffering of victims.

The Assessment Teams believes that apart from targeted assistance on Missing Persons, there is little opportunity at this time for transitional justice programming. To successfully carry such activities out

⁵³ It is unclear how many of these are exclusively in the courts, or in the Kosovo Property Authority.

will require the full participation of the Government of Serbia, which does not recognize Kosovo, and is engaged in a very delicate dialogue on several issues which are far less controversial, such as Integrated Border Management. It would also require much more support from Kosovans of all communities, recognizing both the roles of perpetrators and victims. While the Team heard plenty of grievances against “the other side,” (either Serbia or another ethnic community) it heard little willingness from interviewees to examine the role one’s own community played in the violence. Memorials to slain Kosovo Liberation Army soldiers abound, as well as victims of the war, but these are built by communities themselves, and serve more to divide rather than unite Kosovo. Although the Prime Minister recently announced the creation of a Kosovo Truth and Reconciliation Commission, did so as a condition to end Supervised Independence. It is hard to see how this Commission will examine crimes against Kosovo Serbs in the absence of a parallel process in Serbia to acknowledge its actions. Without a coordinated effort by both countries, a Truth Commission will likely serve as a venue to air grievances of one side, rather than reconcile.

The most sensitive transitional justice issue of all is that of widespread rape that occurred in 1999, mostly against Kosovo Albanian women but also Kosovo Serb women in the aftermath of the war. Because of the powerful stigma of this crime, little discussion, let alone prosecution and recognition, has occurred since then. Some NGOs are beginning to gingerly probe this topic, even raising it in a recent meeting with President Jahjaga (who quickly decided it would not be a topic on the agenda of a planned international women’s conference). While we do not see many opportunities now for USAID programming in this area, it is worth maintaining contact with women’s and human rights issues to see if a transitional justice movement emerges and how it could be best assisted.

CONCLUSION

“In a conflict, one party can always claim victory, but building peace must involve everybody: the weak and the powerful, the victors and the vanquished, men and women, young and old. However, peace negotiations are often conducted by a small elite. In the future we must be better able to achieve a broader participation in peace processes. Particularly, there is a need to ensure the engagement of women in all stages of the peace process.” –Martti Ahtisaari, Nobel Lecture, Oslo, December 10, 2008

The current period can be called one of non-violence, though not yet one of peace. Still, that is an opening for peace-building, which must rest upon a foundation of good governance and a growing economy. *All three parts of this equation need equal attention.* To ignore the economy is to recreate the conditions for future conflict; the economy cannot grow with a government that is unresponsive, controlled by shadow elites, or corrupt. And neither will matter if a nation cannot be built to match the state – in fact, it is difficult to see how Kosovo can be a functional state with a growing economy if a portion of its citizens either see themselves as part of a different state, or are excluded from it for either ethnic or gender reasons.

Kosovo has never lacked one resource, and that is an abundance of skeptics and critics, both foreign and domestic. Yet the skeptics and critics invariably see snapshots, when they should be watching a movie. Kosovo is evolving rapidly: freedom of movement has returned for Kosovo Serbs, the southern parallel institutions are declining, and the MNAO is a reality. Recognitions trickle in, with about half of the world’s states now recognizing Kosovo. The idea of a multi-ethnic, viable and decently governed state is entirely possible, as is a return to conflict. USAID has had a major role in this evolving story, and has influence that it has in few countries. If we are willing to work more strategically and creatively, it will become possible to reduce the chances for conflict and finally break out of the historic cycles of violence that have plagued Kosovo. Let us not lose this opportunity.

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