

The quest for legitimacy in independent Kosovo: the unfulfilled promise of diversity and minority rights

Dana M. Landau *

Department of Politics and International Relations, University of Oxford, Oxford, UK

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When Kosovo declared its independence in 2008, it did so not as a nation-state, but as a “state of communities,” self-defining as multiethnic, diverse, and committed to extensive rights for minorities. In this paper, this choice is understood as a response to a dual legitimation problem. Kosovo experienced both an external legitimation challenge, regarding its contested statehood internationally, and an internal one, vis-à-vis its Serb minority. The focus on diversity and minority rights was expected to confer legitimacy on the state both externally and internally. International state-builders and the domestic political elite in post-conflict Kosovo both pursued this strategy. However, it inadvertently created an additional internal legitimation challenge, this time from within Kosovo’s majority Albanian population. This dynamic is illustrated by the opposition movement “Lëvizja Vetëvendosje” (Self-Determination Movement), which rejects the framing of Kosovo as first and foremost a multiethnic state. The movement’s counter-narrative represents an additional internal legitimation challenge to the new state. This paper thus finds that internationally endorsed “diversity management” through minority rights did not deliver as a panacea for the legitimacy dilemmas of the post-conflict polity. On the contrary, the “state of communities” continues to be contested by both majority and minority groups in Kosovo.

Keywords: minority rights; Kosovo; state-building; legitimacy; diversity

Introduction

In February 2008, almost a decade after the North Atlantic Treaty Organization (NATO) intervention that ushered in a prolonged period of international administration under the auspices of the UN, Kosovo finally declared itself an independent state. This most recent addition to the European map, however, did not define itself as a nation-state of its vast majority Kosovo-Albanian population, nor as a “state of all its citizens” in a purely neutral, civic sense. Rather, the constitutional arrangements Kosovo’s leaders committed themselves to upon declaring independence can best be described as a “state of all its communities.” This entails strong commitments to collective rights for minority communities, repeated reference to diversity and multiethnicity as key features of the state, as well as a conspicuous absence of any reference to a nation’s right to self-determination or to a national founding story.

In this paper, the prominence of minority rights and diversity is understood as a response to a dual legitimation challenge. Kosovo faced both an external legitimation

*Email: dana.landau@politics.ox.ac.uk

challenge, regarding its contested statehood internationally, and an internal one, most notably vis-à-vis its largest and politically most important minority, the Kosovo-Serbs. It is argued that the stress on Kosovo's diversity represents an attempt to resolve this dual legitimacy crisis. In the international arena, it was hoped that a "state of communities" would enjoy greater legitimacy than a Kosovo-Albanian "nation-state," as it would alleviate concerns about potential partiality of international actors and breaches of international law in relation to Kosovo's independence. Domestically, the "state of communities" was designed to generate buy-in from the Serb minority, who had rejected Kosovo's claim to independence. The focus on diversity and minority rights was driven by international state-builders and followed by the domestic political elite in their pursuit of independence.

However, as this paper illustrates, the attempt to confer legitimacy on the new state only partly succeeded. While the outcomes with regard to Kosovo's external legitimation challenge are only touched on briefly, this paper focuses instead on an unexpected result in the domestic realm. It finds that, in fact, the framing of Kosovo as a "state of communities," which was expected to resolve these legitimacy dilemmas, inadvertently created an additional internal legitimation challenge, this time vis-à-vis a significant part of Kosovo's majority Albanian population. This unexpected result is the focus of the paper: an internal legitimacy contestation from within the Kosovo-Albanian majority, which resulted from the stress on minority rights and diversity that characterized Kosovo's internationally led state-building process. Since 2015, this challenge has turned into a serious political crisis in Kosovo.

Kosovo is one of many cases in which contentious domestic-international interactions and the resulting contestations of legitimacy have been observed in the context of international state-building, with examples including East Timor, Bosnia and Herzegovina, Afghanistan, and Iraq (Mulaj 2011, 253). The Kosovo case thus illustrates some of the potential pitfalls of externally led state-building in the aftermath of internal violence, and contributes to the growing literature on this topic (Newman, Paris, and Richmond 2009). This paper speaks particularly to the field of critical peace-building research, which has contributed to an increased focus on the local dimension, including local agency in and resistance to internationally led state-building (MacGinty 2011; MacGinty and Richmond 2013; Björkdahl and Gusic 2015). It also serves as an empirical illustration of the often disputed nature of so-called diversity management on the ground (Caplan 2014).

The paper proceeds as follows: the first section describes Kosovo as a "state of communities" and the international community's role in shaping the postwar polity. It is followed by a discussion of the dual legitimation challenge – external and internal – that Kosovo experienced at the point of independence, and a discussion of how the "state of communities" was meant to address these challenges: through a dual approach of elevating Kosovo's diversity to a key feature of the state, on the one hand, and by problematizing existing nationalisms of both the Albanian and Serb communities in Kosovo, on the other. Having explored this attempt at overcoming Kosovo's legitimacy deficit, the final section presents the resulting dilemma: an unintended further legitimation challenge is created through the strategy described above. As this section demonstrates, internal contestation of Kosovo's legitimacy continues as a result of the attempt to overcome the above-mentioned challenges, only this time from within the majority community. In response to the focus on diversity and the denial of Kosovo-Albanians' symbolic ownership of the state, a powerful counter-narrative emerges, which rejects the suggested framing of Kosovo as multiethnic and diverse, questions the state's legitimacy, and critiques both the

international community and the domestic political elite identified with the internationalized state-building process.

The argument is based on the study of relevant documents, as well as semi-structured interviews conducted by the author with local and international policy-makers and representatives of civil society over the course of three research stays in Kosovo during the post-independence period, in 2010, 2012, and 2014.

Kosovo as a “state of communities:” the internationally led state-building process

When Kosovo declared its independence in 2008, it did so not as a *nation-state*, that is, without reference to a national group with a right to self-determination, in whom the state’s sovereignty would theoretically reside. In the case of a traditional nation-state, the state can be understood as the embodiment of a nation’s right to self-determination (Gow 1994). This is not how Kosovo defines itself. No reference is made within the constitution to a right of any nation to self-determination; most noteworthy is the absence of any such reference with regard to Kosovo’s large Albanian majority, who no doubt experienced the lead-up to Kosovo’s independence in those terms, despite its absence from official documents and rhetoric (Judah 2002). Rather than referring to national self-determination, the declaration of independence and its constitution make explicit and repeated reference to Kosovo’s diverse and multiethnic character, and enshrine a very extensive set of minority rights. While the constitution does make reference to Kosovo being a “state of its citizens,” it then goes on to describe the Republic of Kosovo as a “multi-ethnic society consisting of Albanian and other Communities” (Constitution, Article 3.1).¹ In contrast to this, it is not unusual for states that self-define as nation-states, while enshrining equal rights to all citizens in nondiscrimination assurances in law, still to make reference to the core nation’s right to self-determination, and perhaps its historic struggle or path to statehood, in the constitution’s preamble (Hayden 1992, 656).²

Of course in reality, the term “nation-state” is often merely a label, as many self-proclaimed nation-states are empirically very diverse.³ Some states instead explicitly define themselves as neutral or “civic states.” The peculiarity of the Kosovo case, however, lies in its explicit self-definition as primarily multiethnic and diverse, and in its granting of an unusually expansive set of minority rights – a combination described here as a “state of communities.” This is arguably even more remarkable given Kosovo’s relative ethnic homogeneity, compared to some self-proclaimed nation-states. The focus of this paper is on the strategic use of this framing of the new state, and its effects on resolving, or perpetuating, Kosovo’s legitimation challenges.

This peculiar set-up of Kosovo as a “state of communities” cannot be understood without reference to the specific context in which Kosovo’s independence came about. A brief overview of the background to Kosovo’s declaration of independence is thus in order.

Background to Kosovo’s declaration of independence

During the second half of the twentieth century, Kosovo was an autonomous province of Serbia, then part of the Socialist Federal Republic of Yugoslavia, which attempted to unite its peoples under the banner of “Brotherhood and Unity.” However, interethnic relations in Kosovo had historically been tense, and worsened significantly with the abolition of Kosovo’s legal autonomy in 1989. At the last census in which all Kosovo’s

communities participated in 1981, Albanians constituted a majority of 77.5% and Serbs were the largest minority at 13.2% (Vickers 1998, 318).⁴ The 1990s saw the repression of the Albanian population by Serbian authorities, leading to near-total segregation between the two communities (Judah 2008, 73).

Following the Yugoslav wars of dissolution in Slovenia, Croatia, and Bosnia and Herzegovina in the early 1990s, violent conflict broke out between the Kosovo Liberation Army (KLA) and Yugoslav security forces in 1998, marked by KLA attacks on Yugoslav targets and disproportionate retaliation by police and military forces against civilians. The international community engaged in a number of failed attempts at diplomatic resolution of the crisis. Eventually NATO intervened in March 1999 with a bombing campaign against Yugoslavia, justified under the doctrine of humanitarian intervention. Importantly, this intervention did not enjoy a UN Security Council (UNSC) mandate. During the bombing, Yugoslav forces intensified the violence. Hundreds of thousands of Kosovo-Albanians were displaced in an effort to ethnically cleanse them from the province (Judah 2008, 88).

After the military intervention, Serbian forces withdrew from Kosovo and were replaced by NATO's Kosovo Force (KFOR). UNSC Resolution 1244 established the United Nations Interim Administration Mission in Kosovo (UNMIK), and tasked it with creating a functioning interim administration pending determination of Kosovo's final status. The status question had been left unresolved, since Resolution 1244 had established Kosovo as an international protectorate, while simultaneously reaffirming the Federal Republic of Yugoslavia's sovereignty and territorial integrity.⁵

During the first months of UNMIK administration, the majority of Kosovo-Albanian refugees quickly returned, in what constituted "one of the largest spontaneous returns of refugees in history" (Pavlaković 2000, 109). As had been the case in Bosnia and Herzegovina and Croatia before, the major difficulty turned out to be the return of minorities, for whom violence and displacement intensified in the early period following the bombing (Ivanisevic 2004). Estimates of the number of Serbs killed in the first year of international administration range from 600 to 800 (King and Mason 2006, 110). In October 1999, a UNMIK staff member of Bulgarian nationality was attacked and killed in Pristina after speaking Serbian in public (UN 1999). Minorities routinely faced physical threats, forced evictions, and harassment. The structures in charge of security and policing throughout the territory, KFOR and UNMIK police, were slow to deploy and unprepared for the task of protecting minorities under threat (King and Mason 2006, 54).

The international administration nevertheless proceeded to build Kosovo's Provisional Institutions of Self-Government (PISG), which were designed to be multiethnic and bilingual. However, the inclusion of minorities, particularly the Serb minority, posed a serious challenge. Reasons included the precarious security situation for minorities and threats from Belgrade against Kosovo-Serbs working with the UN. This led to a widespread refusal among Kosovo-Serbs to participate in the nascent governance structures. As a result, the institutions created by the international community in the immediate postwar period were, ironically, some of the most ethnically pure Kosovo had ever seen (King and Mason 2006, 70).⁶ At the same time, responding to increased demands by Kosovo-Albanians for an end to international supervision, UNMIK in late 2003 devised the "standards before status" policy, defining a number of standards relating to democratic governance and the treatment of minorities that Kosovo would have to achieve before the outstanding question of Kosovo's statehood would be discussed.

In March 2004, Kosovo saw renewed violence, with thousands of Kosovo-Albanians participating in riots directed against the UN, Serbs, and other minorities, leaving 19

dead, several thousand displaced, and dozens of Orthodox churches and monasteries torched (OSCE 2004, 4). The riots led the international community to judge that talks on Kosovo's final status had to commence. After over a year of negotiations, the "Comprehensive Proposal for the Kosovo Status Settlement," commonly known as the "Ahtisaari Plan," which provided for Kosovo's "supervised independence," failed to be signed by both parties.⁷ Nevertheless, Kosovo declared its independence in February 2008 on the basis of the plan and incorporated its provisions into its constitution. The declaration of independence was planned and executed in close consultation with foreign partners, most notably the USA and key EU states, whose recognition of the step followed shortly. Serbia has not recognized Kosovo's independence, and until recently called on Serbs in Kosovo to boycott the new state (Judah 2008, 146). In July 2010, the International Court of Justice ruled that Kosovo's declaration of independence had not been in violation of international law.⁸

Kosovo thus experienced a very high degree of international involvement in shaping the nature of its post-conflict polity. This is evident in the UN administration of the territory, the international involvement in the ultimately unsuccessful status negotiations, the endorsement of Kosovo's independence by a number of influential states, and the continued international presence in monitoring, oversight, and executive roles in Kosovo.

As such, while this was a *unilateral* declaration of independence, insofar as Serbia and its allies did not recognize it, it was still effectively made under international supervision, and it followed nine years of intensive international state-building under the auspices of the UN and other organizations including the EU, the Organization for Security and Co-operation in Europe (OSCE), and support from bilateral donor states. The focus on Kosovo's diverse, multiethnic character, framing it explicitly as something other than a traditional nation-state, must therefore be understood in the context of this period of internationally led state-building.

Diversity and minority rights in the Ahtisaari Plan

From the different forms that the international involvement in Kosovo's post-conflict state-building process has taken, one can discern the commitments of international actors and their visions of the ideal post-conflict state. Recurring in the many manifestations of international involvement in post-conflict Kosovo are commitments to diversity, multiethnicity, and minority rights. The international attempt to reach a status settlement represents the ultimate example of this international vision for Kosovo.

The Ahtisaari Plan references Kosovo's multiethnic character in its first general principle, and continues to stress Kosovo's diverse makeup and outline the laws that protect its minorities. Its drafting was heavily influenced by the international mediators present in Vienna during the status negotiations (Weller 2009, 240–258). In general, it has been noted that the policies and laws regarding the management of Kosovo's multiethnicity were almost entirely foreign imposed or the outcome of the skewed power relationship between international and Kosovar actors. Essential documents, starting from the Constitutional Framework introduced by UNMIK in 2001, were thus "neither a reflection of political consensus within Kosovo between the different national communities, nor even within either the Albanian or Serb community" (Bieber 2004b, 122).

In the case of Kosovo, despite Kosovo-Albanians constituting a large majority, the newly independent state was not framed as a nation-state of that community, nor was a "color-blind" or "integrative" approach, aimed at blurring group divisions, chosen. Rather, Kosovo's legal order entails strong recognition of minority rights for the various communities mentioned in the constitution (Bieber 2004a, 16). The Ahtisaari Plan, like

previous international proposals for Kosovo, grants a range of collective rights – which can be divided into self-government, poly-ethnic, and special representation rights for minorities (Kymlicka 1995).

Minority rights played a key role throughout status negotiations between international mediators and delegations representing Kosovo and Serbia (Weller 2008, 666). During the negotiations, Serbia championed its case on the interests of Kosovo's Serbs, but focused on territorial solutions rather than proposals based on human and minority rights. Belgrade argued for autonomy as a primary means to protect the interests and security of Kosovo's Serbs. The Kosovo delegation was more open to compromise when negotiating the rights of communities and issues of governance within Kosovo, which was understood as a necessary concession toward fulfilling their primary political goal regarding Kosovo's status (Weller 2008, 669). However, Pristina remained skeptical about power-sharing mechanisms, including guaranteed representation in parliament and government and proposed veto powers. Nevertheless, the mediators strongly favored all these measures and most of them made their way into the document.⁹

As a final outcome, the Ahtisaari Plan included wide-ranging guarantees for minority representation in Kosovo's political structures, including guaranteed and reserved seats in the assembly, leading to a significant overrepresentation of Kosovo-Serbs in the legislature.¹⁰ Quotas for representation in Kosovo's government, civil service, judiciary, the security and police sector, as well as at the municipal level were also included. Additionally, special mechanisms such as a Parliamentary Committee on the Rights and Interests of Communities and a Consultative Council for Communities within Kosovo's presidential office were established. The effects of these provisions on minority life in Kosovo are disputed. Low turnout among Kosovo-Serb voters coupled with guaranteed seats in the assembly meant that Kosovo-Serb lawmakers relied on a significantly smaller number of votes than their majority peers, raising questions of representativeness and accountability. Even as Kosovo-Serb turnout steadily rose, the differential was significant. In the 2010 elections, the political parties representing minorities combined won 25 seats on approximately 55,000 votes, compared to the 170,000 received by the Democratic League of Kosovo, the second largest party, who gained 27 seats (ECMI 2011). Kosovo-Serb political parties have regularly formed part of governing coalitions over the past years, and have taken up ministerial positions as foreseen in the Ahtisaari Plan. It has been argued that, rather than furthering the interests of minority constituents, overrepresentation has instead bolstered rent-seeking and the use of public office for private gain (Capussela 2015, 88).

In addition to representation, the plan enshrined extensive cultural, education, and language rights. The state is obliged to ensure the conditions enabling communities to enjoy their right to express, maintain, and develop their culture, including through financial assistance. Albanian and Serbian were established as Kosovo's official languages, and Turkish, Bosnian, and Romani have the status of official languages at the municipal level or languages in official use at all levels, depending on the respective population share in each municipality. Localities and streets are also to be named in a manner that reflects their multiethnic and multilinguistic character.

Free public education in one of the official languages of Kosovo is enshrined in the constitution as a right at all levels of education. In addition, preschool, primary, and secondary public education are guaranteed to members of communities in their own language, where this is not an official language of Kosovo, "with the thresholds for establishing specific classes or schools for this purpose being lower than normally stipulated for educational institutions" (Constitution Article 59.3). Minority schools are also allowed to produce their own curriculum, including the use of Serbian textbooks.

Since the Ahtisaari Plan had not been implemented in the predominantly Serb-inhabited North of Kosovo following the declaration of independence, minority rights were taken up again by the international community as part of the EU-mediated dialogue between Serbia and Kosovo, with the aim of generating Serb participation in Kosovo structures. This dialogue resulted in a 2013 Agreement that provided for further territorial autonomy and self-government rights specifically for Kosovo's Serbs (First Agreement 2013), and marked the break in Belgrade's long-held policy of calling for a local Serb boycott of Kosovo institutions (Capussela 2015, 74–76).

Diversity at home and abroad

It has been pointed out that these rights go “far beyond the international standards and, indeed, those that apply in other countries, as they appear to apply to all communities, at all times and in all places” (Baldwin 2006, 22). As mentioned above, many states, including members of the European Union, an important institutional advocate of minority rights in Kosovo, fail to offer the same rights to their own minorities (Johns 2003). However, it must also be noted that the minority rights provisions outlined here are characterized by a wide gap between legal obligations and implementation on the part of Kosovo authorities (Lantscher 2008). The explanations for this are complex, including Kosovo's weak institutions and generally bad governance (Capussela 2015), a lack of capacity and funds allocated to minority issues (ECMI 2010, 12–14), lack of political will among Kosovo-Albanian policy-makers and civil servants (Interviewee 1), as well as the widespread Serb boycott of Kosovar institutions in the early years following the declaration of independence. It is also related to Belgrade's funding of parallel institutions in education, health, and other services in predominantly Kosovo-Serb inhabited areas, as well as intimidation of those inclined to cooperate with the new state (ICG 2008).

It is worth noting that this focus on Kosovo's multiethnic character contrasts with an increased disenchantment with multiculturalism in Western Europe, with leaders such as David Cameron and Angela Merkel publicly declaring the “failure of multiculturalism” (Malik 2015). The Kosovo case illustrates how, despite diversity being increasingly problematized in Western Europe, the international policy in post-conflict state-building settings, which is often driven by these very same states, has promoted a vision of the state in which diversity is not only highly valued, but also considered key to state legitimacy. When it comes to questions of immigration and integration in Western Europe, the reading has been put forward that the policies that were originally meant to empower and integrate minority communities have backfired and led to the entrenchment of group identities and the fragmentation of society. These arguments are well known from academic and policy debates on arrangements for diverse post-conflict states. These include discussions about the benefits and risks of various tools and policies for managing difference, ranging from decentralization, power sharing, consociationalism, to affirmative action, quotas, minority rights, and the like (McGarry and O'Leary 1993; Schneckener and Wolff 2004). Scholars have argued about the extent to which measures of recognition of difference may entrench and exacerbate division, and some have alternatively proposed more “integrative” approaches aiming at blurring or transcending differences between groups (Horowitz 1985, 1990).

Despite these domestic debates about the virtues of diversity and multiculturalism, various policies recognizing diversity and enshrining group-differentiated rights have formed part of international approaches to peace- and state-building following conflicts

from Bosnia to Iraq and from Northern Ireland to Kosovo (McEvoy and O'Leary 2013). This trend came about at the end of the Cold War, in what Will Kymlicka (2007) has described as a global proliferation of the politics of recognition and multiculturalism. It is exemplified in the case of Kosovo, where these measures were strongly promoted by international actors, despite their disenchantment with multiculturalism at home.¹¹

Explaining the “state of communities:” Kosovo’s dual legitimization challenge

This part of the paper explains Kosovo’s self-identification as a “state of communities,” that is, a diverse, multiethnic state with strong minority rights, as a response to a dual legitimization challenge, of both internal and external dimensions. The subsequent section describes how the “diversity approach,” outlined above, cannot fully resolve those challenges and in fact inadvertently facilitates an additional internal legitimization problem.

Legitimacy can be understood as referring to the power relations between the rulers and the ruled, and describes a situation in which those ruled accept a specific authority as appropriate or justified in as far as it conforms to their norms and values (Barker 1990). For the purposes of this paper, the term legitimization is used to mean the process by which something is made acceptable to an audience or constituency based on existing norms and values. Kosovo’s legitimization challenges relate to the fact that following the declaration of independence, its status as an independent state clashed with many existing norms and values and was thus contested both domestically and internationally.

Upon declaring its independence, Kosovo found itself confronting a serious legitimacy deficit. In the international sphere, the external legitimization challenge stems from the particular trajectory that led to Kosovo’s declaration of independence in 2008. This includes, first, NATO’s intervention and the resulting UN administration of Kosovo, and second, the unilateral nature of Kosovo’s declaration of independence, following the unsuccessful status negotiations with Serbia. Minority rights had initially formed part of the attempt to obtain Serbia’s consent to Kosovo’s independence during the negotiations in Vienna. When this support did not materialize, they became part of the attempt to obtain broad international support for Kosovo’s controversial independence.

The external legitimization challenge arises from the fact that both the international intervention in 1999 and the 2008 unilateral declaration of independence, though coordinated with and supported by many powerful players around the world (Judah 2008, 142), represented breaches of two central principles of international relations. These were (1) the principle of noninterference in the internal affairs of sovereign states and (2) the principle of inviolability of borders. While potential changes in the status and nature of these principles in response to developments in Kosovo since 1999 are hotly debated in the fields of international law and international relations (Buchanan 2004; Welsh 2004; Ker-Lindsay 2009; Pattison 2010; Bolton 2013), they continue to hamper Kosovo’s legitimacy internationally.

The main internal legitimization challenge faced by Kosovo at the moment of independence can be found in the refusal of Kosovo’s Serb minority to recognize and participate in the institutions of the newly declared state (Judah 2008, 147–148). This internal challenge is operating on two dimensions: while Kosovo-Serb refusal itself hampers the functioning of Kosovo as an independent state, it is also closely linked to the external challenge: Kosovo is seeking to comply with the conditions under which it has been granted independence – chief among them are minority rights – not wishing to antagonize its Western supporters on whom it still very heavily relies.¹² These are serious challenges – external recognition of statehood, and internal buy-in by the population claimed by the new state

are both critical. To be rejected by a significant part of the claimed political community is clearly detrimental to a state's legitimacy, especially when that group is linked to a kin state, in this case Serbia, that is simultaneously challenging the state's external legitimacy. Given these serious challenges to Kosovo's legitimacy as it declared its independence, both with regard to its recognition on the international stage and its ability to govern all of its purported population, why and how would a focus on diversity and minority rights resolve these challenges? This question is addressed below, first, from the perspective of the international state-builders in Kosovo and, second, from the perspective of the domestic Kosovo-Albanian political elite.

The international actors leading the state-building project in Kosovo, including the UN, OSCE, and EU, chose to focus on diversity and minority rights in order to foster Kosovo's external legitimacy, and by extension retroactively to legitimate both the international intervention and the unilateral declaration of independence.

As mentioned above, both the international intervention and the sanctioning of Kosovo's independence were controversial because they contravened well-established principles of international relations: the principle of noninterference without UNSC approval, and the principle of territorial integrity of states. Other discourses and measures were also employed to address these breaches and the resulting legitimacy deficit, notably the doctrine of humanitarian intervention (Welsh 2004), and repeated stresses of Kosovo's *sui generis* character made in reference to its independence.¹³ As this paper illustrates, the focus on Kosovo's diverse and multiethnic character can be understood as another such attempt to confer legitimacy on the state-building project in Kosovo.

The discourse of multiethnicity serves to counter allegations of the international community condoning ethnic violence or the creation of states based on non-inclusive criteria. This approach has parallels within the region, where the recognition of other Yugoslav successor states was initially explicitly made conditional upon guarantees of minority rights (Caplan 2005a). The assumption is that this discourse will be reflected in practice through appropriate protections for minorities in Kosovo, thus ideally also creating output legitimacy for the new state.¹⁴ It also alleviates concerns about international policy not being sufficiently impartial. It was hoped that an independent Kosovo framed as a "state of communities" would alleviate concerns about potential partiality of the international community in favor of Kosovo's Albanians, and against Serbia, in relation to both NATO's intervention and the management of the status negotiation process.

The international intervention in Kosovo was explicitly justified in relation to protecting its Albanian population from the repression and violence at the hands of Serbia (Judah 2002). However, the intervention changed the political reality into one of Albanian dominance in postwar Kosovo, leading to the local Serb population being the subject of most minority protection measures during the period of international administration. There was thus a need to reconcile, post-factum, the fact that intervention had led to new victims, and to frame Kosovo's independence in a way that would not implicate international actors in favoring one group over another. The focus on Kosovo as a "state of communities" was meant to achieve this.

There was also a historical dimension. Despite the fact that the literature generally avoids explanations of minority rights regimes drawing on competitive and punitive relations among states (Liebich 2008, 244), the policies imposed in the pursuit of a multiethnic Kosovo can be conceived of as a way of denying the Kosovo-Albanians full-scale "victory" over the territory. It has been argued that, historically, minority rights developed as an indemnity offered to defeated parties and imposed by the great powers. This formula, which "balances the victory of one party with concessions to the defeated party [that] are

expressed in terms of minority rights” (Liebich 2008, 263), was used by the great powers in Europe in the nineteenth century, and, it is argued, continue to be employed by the international community in the Balkans today.

Regarding the internal legitimation challenge, the focus on diversity can be understood as a response to the refusal of Kosovo’s Serbs to recognize and cooperate with the new state. As one scholar described it, the minority rights provisions of the Ahtisaari Plan were designed “to address Serb insecurities and co-opt the Serbs into accepting an independent Kosovo” (Kostovicova 2008, 636).

From the point of view of the Kosovo-Albanian political elite, the discourse and policies that put Kosovo’s diversity center stage can be understood, instrumentally, as necessary for attaining independence and later international recognition, which became Kosovo’s primary foreign policy goal following 2008. This seemed to work, since a large number of states were explicit in justifying their recognition of Kosovo “based on its decision to build a multi-ethnic and democratic state” (Newman and Visoka 2016, 8). The political elite was always vocally engaged in this framing of the state-building project, with leading Kosovo-Albanian politicians making frequent references to Kosovo’s multiethnic character (Björkdahl and Gusic 2015, 277). However, many implicitly understood this as a result of the dependence of local elites on the international community in their quest for statehood and recognition. Even some of the more controversial policies that this approach entailed, such as the above-mentioned quota system for minorities in public bodies, or the hotly debated decentralization process which created new Serb-majority municipalities in Kosovo, came to be understood pragmatically as the price that was necessary to pay to achieve the main goal of independence, shared equally by all factions in Kosovo-Albanian politics in the post-conflict period.¹⁵ This makes the resulting outcome, described below, of a new internal legitimacy challenge from within the Kosovo-Albanian community particularly noteworthy. One of the respondents noted that “there was always a general understanding and acceptance that whatever the Ahtisaari Plan brings, we have to accept. Because it was served to this people as a compromise we have to make in exchange for the statehood we are gaining. This is why no one could actually challenge [it]” (Interviewee 2).

How was this strategy for overcoming Kosovo’s legitimation challenges implemented in practice? The following section examines the use of symbols in the public sphere as an illustration of the above-mentioned “state of communities” in Kosovo.

Symbols: suppressing nationalism, celebrating diversity

As a response to these legitimation challenges, two distinct but mutually reinforcing measures were taken in the internationally driven state-building project: (1) problematizing and suppressing expressions of Albanian and Serbian nationalisms in Kosovo, and (2) elevating Kosovo’s diversity to a key feature of the post-conflict state. In practice, this strategy was implemented jointly by the international community, the driving force behind it, the Kosovo-Albanian political elite interested in attaining independence and international recognition thereof, and finally, a small number of Kosovo-Serb and other minority representatives who chose not to boycott the new “multiethnic” institutions. Negating the conflicting nationalist narratives of both Albanians and Serbs in Kosovo, limiting the majority Kosovo-Albanians’ symbolic ownership of the state and its institutions, while elevating Kosovo’s diversity to a core feature of the state, all formed part of an attempt to confer legitimacy on the new state, both externally and internally.

The international supporters and supervisors of Kosovo's independence wanted to limit expressions of a Kosovo-Albanian narrative that saw the new state as the culmination of a historic struggle for their national liberation (Musliu and Orbie 2016), rather than a "state of communities." At the same time, the dominant reading among Kosovo-Serbs was that Kosovo remained part of Serbia, another version unsupported by the internationalized state-building project. Spaces for expressions of both these conflicting narratives were thus actively restricted. A good example to illustrate this are the official symbols of the newly independent state, as the attempted process of "re-making Kosovar post-independence society (...) does not wind up with legal mechanisms, but likewise embarks on the symbolic and visual realm" (Ströhle 2012, 227).¹⁶

The Ahtisaari Plan prescribes that Kosovo's national symbols, including the flag, seal, and anthem, must reflect its multiethnic character. Therefore, when a competition was announced for designing Kosovo's new flag in 2007, the official criteria explicitly banned the use of symbols and colors of either the Albanian or the Serbian national flag (Gashi 2007). As a result, the proposals for flags mostly used images of Kosovo's map. The one that was eventually adopted resembles the flag of the EU, with six stars surrounding the shape of the map of Kosovo. The six stars are said to symbolize six different communities that make up Kosovo's population. The use of the map as the only visual signifier linking the flag to Kosovo reinforces a territorially defined identity that does not relate specifically to any ethnic or national group, but rather to a shared European identity as evidenced in the colors blue and yellow. In the spirit of multiethnicity, Kosovo also has a wordless anthem.

In the same vein, a 2010 Constitutional Court ruling required the municipality of Prizren to change its municipal emblem, which included an image of the League of Prizren building, considered the birthplace of modern Albanian nationalism. The ruling stated that the emblem did not reflect the multiethnic character of the municipality and thus violated the rights of Prizren's minority communities to protect and promote their identities. The case was brought to the court by the municipality's former deputy mayor for minorities, himself a member of the Bosniak minority (Marzouk 2010).¹⁷ Similarly, the Ahtisaari Plan included requirements for multilingual official documents, road signs, and place names across Kosovo. The use of minority languages in the public sphere is by no means unique to Kosovo; however, in the context of the legitimacy deficits described above, these requirements can be understood as part of an effort to stress the state's multiethnic character and deny Kosovo's Albanians symbolic ownership of the new state. Besides limiting perceived Kosovo-Albanian dominance, the neutral and inclusive symbols also signal that this is a new state, separate from Serbia, thus countering the dominant Kosovo-Serb narrative and political positioning at the time of independence (ICG 2008).

Effects on Kosovo's legitimization challenges

In this internationally driven discourse around Kosovo's independence, its diverse and multiethnic character was elevated to a core feature of the new state, making it arguably a "state of communities." This was despite the fact that, demographically, Kosovo is less diverse than most states in the region and beyond. Despite unreliable census data, the Kosovo-Albanians are believed to constitute a large majority of the population.¹⁸ Nevertheless, Kosovo's diversity was prominent in the Ahtisaari Plan and throughout the political, legal, and symbolic realms in post-independence Kosovo. However, the strategy of employing diversity and minority rights to this end has only had limited success. Both internal and external

legitimacy challenges persist, to varying degrees. So far, Kosovo has been unable to fully consolidate its international standing as an independent state. While currently 112 states have recognized Kosovo, non-recognizers remain significant in both number and influence, and are likely to continue to prevent Kosovo's membership in international organizations.¹⁹ The external legitimization quest, despite some successes such as membership of the European Bank for Reconstruction and Development and the International Olympic Committee, is far from completed.

On the internal side, for the Kosovo-Serbs, the diversity approach was not enough to generate their full buy-in into Kosovo's state system. Prior to the declaration of independence, the Serb boycott of internationally sanctioned "multiethnic" institutions can be understood precisely in light of the "standards before status" approach mentioned above. Kostovicova (2008, 637) argues that Serbs naturally boycotted these institutions since they were framed as a prerequisite, and as such a boost, for the Albanian cause of eventual independence. Despite the strong provisions for minority rights, after independence a "significant section of the Serb community [still] question the legitimacy of Kosovo's statehood" (Mulaj 2011, 244). The "state of communities" was somewhat more successful in the Kosovo-Serb enclaves south of the Ibar river, where the decentralization process envisaged in the Ahtisaari Plan promoted the status of a number of Serb villages to new municipalities with their own competencies and funds. For example, voter turnout among Kosovo-Serbs was 10 times higher in the 2009 local elections organized by the independent Kosovo institutions than in the November 2007 local elections organized by UNMIK (Deda 2009). This is not true for the north of Kosovo, where the local Serb majority continued in its refusal to participate in local elections and Pristina's institutions had no reach (ICG 2011) until the 2013 agreement.

For much of the post-independence period, Belgrade continued to fund its own state institutions in Kosovo, notably in education and healthcare, which the Pristina-based Kosovo institutions and much of the international community referred to as "Serb parallel institutions." In many Kosovo-Serb enclaves, Serbian flags continued to fly from municipal buildings, Serbian currency remained in use, and there was Serbian mobile phone coverage – Kosovo had by no means asserted itself as the undisputed and legitimate sovereign there (Fridman 2015).

With regard to recent developments, notably the EU-led dialogue between Pristina and Belgrade, the record is once again mixed. The EU-brokered deal of 2013 was meant to extend Pristina's control into Kosovo's Northern, Serb-dominated municipalities, but its implementation has been slow and uneven. While election turnout did materialize in subsequent elections in the North, they also replaced the previous Kosovo-Serb members of parliament with political representatives whose allegiance remains clearly with Belgrade – thus giving Serbia an indirect voice in Kosovo's central government through the special representation rights granted to communities (Hopkins 2015). It could be argued that this development negated some of the progress made with regard to Kosovo's legitimacy deficit vis-à-vis its Serb minority since 2008. In August 2015, a further agreement was signed, which foresees the creation of a vaguely termed "Association/Community of Serb-Majority Municipalities." Interpretations of the nature of the Association/Community vary widely, ranging from a separate level of government for Serbs in Kosovo to essentially an NGO made up of various municipalities. The possibility of full territorial autonomy for Kosovo-Serbs, embodied in the signing of the 2015 agreement, caused outrage from the opposition and led to a serious political crisis in Kosovo in 2015 and 2016. Kosovo's parliament was effectively unable to operate for months due to at times violent protests by

opposition parties, most notably *Lëvizja Vetëvendosje*, calling on the government to cancel the agreement.

Having discussed the attempts to confer legitimacy on the new state through the minority rights and diversity-focused approach to state-building, the paper's final section argues that this effort to address Kosovo's legitimation challenges in fact created a new, internal legitimacy deficit for Kosovo, this time emanating from an unlikely source.

Unintended outcome: an additional internal legitimation challenge

Having explored the attempt at overcoming the dual legitimacy challenge, this final section of the paper presents the resulting dilemma: an additional internal legitimation challenge was facilitated through the promotion of the "state of communities," which was itself an attempt to enhance Kosovo's external and internal legitimacy. The stress on diversity and the denial of Kosovo-Albanians' symbolic ownership of the state created a new challenge to the state's legitimacy in the eyes of many Kosovo-Albanians. A powerful counter-narrative that rejects the suggested positioning of Kosovo as multiethnic and diverse is exemplified in the opposition movement *Lëvizja Vetëvendosje*, Albanian for "Movement for Self-Determination" (henceforth *Vetëvendosje*).

This section describes *Vetëvendosje* as an example illustrating how this framing of Kosovo as a "state of communities" failed to resonate with pre-existing local narratives and discourses about Kosovo, and in fact generated a fertile ground for a thorough critique of the new state as illegitimate. There was a profound mismatch between the local and international projects being pursued in Kosovo, as evidenced by the disconnect between their views on Kosovo's multiethnic character (Musliu and Orbie 2016). The majority of Kosovo-Albanians perceive the 1999 war and the post-conflict decade as part of a longer term political process of national liberation leading to their independence. Consequently, the vision of a first and foremost diverse "state of communities" does not resonate with them. The ambitious nature of the international actors' state-building endeavor in this regard has been described as an attempt to "utterly transform Kosovar society" (King and Mason 2006, 239). There is thus a serious discrepancy between local and international perceptions of the nature of the state in Kosovo. Scholars have described a refusal on the part of international actors in Kosovo "to engage with local self-understandings of nationhood" (Di Lellio and Schwandner-Sievers 2006, 525), which was confirmed by informants for this study. Interviewees from Kosovar civil society as well as staff members of international organizations on the ground admitted to this gap, referring to the sometimes purely rhetorical commitment, or lip service, to the multiethnic vision among Kosovo-Albanian politicians.

Vetëvendosje, founded in 2004, is a movement that became known for its public protest actions. Its ideology defies easy categorization, as it combines postcolonial and traditional left-wing elements with nationalist and populist ones. With this combination, it has managed to appeal to a surprisingly wide spectrum of the Kosovo-Albanian population, from urban, highly educated student activists to rural KLA veterans (Schwandner-Sievers 2013, 106). As the name suggests, concepts like self-government and democracy are at the center of the movement's discourse, which includes calls for a referendum on unification with Albania. Beyond Kosovo's international standing and its domestic multiethnic set-up, *Vetëvendosje* also campaigns on issues of poverty and unemployment, and has been a vocal critic of clientelism, corruption, and unresponsive government in Kosovo.

Over the years, *Vetëvendosje* has engaged the public by subverting the messages of the international community with an anticolonial discourse of self-determination and by

making use of Albanian nationalist imagery and rhetoric, “culminating into a narrative of ‘eternal foreign domination’” (Ströhle 2012, 232). Vetëvendosje’s rhetoric and protest actions have been predominantly targeted against the international presence in Kosovo, the Kosovo government, which is framed as that of a puppet state entirely dependent on international support, as well as Serbia and Kosovo-Serb symbols (see Figure 1). These actions, including protests, graffiti, and staged walkouts, and violent interventions in parliament and other institutions, have enabled the movement to successfully tap into a “local legacy of collective agency and resistance” (Schwandner-Sievers 2013, 96).

Despite its long refusal to take part in the formal political process, due to the said process’ perceived illegitimacy and corruption, in 2010 Vetëvendosje ran in the national elections for the first time as a “civil initiative,” rather than a political party, and won 12.69% of the vote, making it the third largest party in Kosovo’s parliament and the largest opposition party.²⁰

Throughout the period of international administration, Vetëvendosje activists were outspoken in their criticism of UNMIK’s rule, which they describe as neocolonial and



Figure 1. Poster mocking the Kosovo flag, put up by Vetëvendosje activists outside the Kosovo government building in Pristina. The text reads “Congratulations, bananas without a republic” (in reference to the many “congratulations” banners put up by the government yearly on Kosovo’s independence day). (Image rights: author).

undemocratic, highly critical of the privatization processes introduced by international actors following the war, as well as resistant to any dialogue with Serbia. They also vocally opposed the Ahtisaari Plan and particularly its minority rights provisions, as well as the supervised nature of Kosovo's independence (Visoka 2011). Since the declaration of independence, Vetëvendosje has persisted in its rejection of the post-independence order.

Symbolism is central here. The movement's logo is red, the color of the Albanian national flag, one which is often displayed at its demonstrations. The movement's consistent promotion of Albanian national symbols has been described as "delegitimizing Kosovo's 'civic' identity as reflected in the new flag, anthem and other symbols" (Visoka 2011, 114). Following the court ruling regarding the municipal emblem of Prizren, Vetëvendosje activists organized demonstrations to resist the decision, throwing black paint at the Court buildings (Schwandner-Sievers 2013, 103). According to its manifesto, Vetëvendosje is committed to "returning the national Albanian symbols to the state of Kosovo." This represents not a refusal of the new state as such, but of its framing as a first and foremost diverse, multiethnic state, as represented by the national symbols. It thus stands in stark contrast to attempts by the international architects of the postwar order to separate Kosovo's independence from the specifically Kosovo-Albanian narrative surrounding it.

The movement has further criticized Kosovo's constitution for "separating people on an ethnic basis" and for being held to minority rights standards that other countries in the region, as well as EU member states themselves, do not uphold (Interviewee 3). Finally, it takes issue with a perceived "ethnic fixation" on the part of the international community in Kosovo:

the politics of nation-building practiced here is no longer nation-building, it is "ethnicity-" or "communities-building." What is Kosovo to them [the international community]? Kosovo is an aggregation of groups living close to each other, and the mantra of this is multi-ethnicity [...]. They see Serbs, Turks, etc., and so we have Serbian solutions, Turkish solutions, Albanian solutions, ... Like in the Ahtisaari plan; what you see there are solutions on an ethnic basis. (Interviewee 3)

Vetëvendosje also critiques the "prescribed ideology of multiculturalism and an implied call for partial historical amnesia" (Ströhle 2012, 227). In this view, the framing of Kosovo as a multiethnic state, a "state of communities," fails to resonate with local audiences, partly because it seems to gloss over their own past experiences of multiethnicity. To international actors in Kosovo, when confronted with the postwar flight of Kosovo's Serbs, the promotion of multiethnicity became a priority that "required a quick 'resetting' of Kosovo to a time-less present of multi-ethnic tolerance" (Di Lellio and Schwandner-Sievers 2006, 526). In a speech given in one of the newly established Serb-majority municipalities in Kosovo, International Civilian Representative and EU Special Representative Peter Feith, the highest-ranking international official in Kosovo, explicitly linked reconciliation to the forgetting of the past. Comparing Kosovo to the postwar experience in his own country, the Netherlands, he made the following, remarkable claim:

Terrible things happened in the Netherlands and in Western Europe. The first years of my childhood we discussed what happened and what the enemy had done, the occupying enemy in my country. And then fortunately we shifted. We started looking towards the future, *we forgot about the past*. We started looking towards European reconciliation. (ICO 2010. Italics added)

This message reached local audiences, but was received with unease. In February 2008, to mark the declaration of independence, a monument titled "NEWBORN" was unveiled in the center of Kosovo's capital (see Figure 2). While this may signify the newborn state as a political institution, one respondent from civil society also pointed out that this



Figure 2. Newborn monument in central Pristina. (Image rights: author).

implies a clear break with all of Kosovo's history, and criticized the implied denial of the value of people's previous experiences: "We are newborns, so before this we didn't even exist" (Interviewee 4).

Vetëvendosje, despite being in favor of Kosovo's independence in principle, vehemently rejects the terms of Kosovo's independence and its framing as a "state of communities." This represents an additional internal legitimacy problem for the young state, which is once more being challenged from within. Vetëvendosje's critique of the official narrative of multiethnicity has significant appeal to Kosovo-Albanian audiences, and its discourse questions the legitimacy of Kosovo's current elite and government, as well as offering a strong critique of Kosovo's dependence on international actors. With a discourse framing Kosovo's current institutions as those of a puppet state and a refusal of the flag and other neutral symbols, this movement has a considerable following, as evidenced by its successful entry into formal politics in 2010 and its continued role as Kosovo's largest opposition party since. Vetëvendosje has capitalized on nationalist sentiments among the Kosovo-Albanian population and widespread resentment against "special rights" offered to minorities, thus directly challenging the internationally endorsed "state of communities" described above.

Given Kosovo's myriad problems, it would be reductive to attribute Vetëvendosje's success exclusively to its rejection of diversity and minority rights. However, this rejection has offered a fruitful ground for a thorough critique that has attracted a significant following, proving that the nature of the "state of communities" remains disputed in Kosovo. Spaces for alternative expressions of national self-definition are very much in demand, and by creating those spaces Vetëvendosje has acquired a significant level of what Mulaj

(2011, 249) calls “legitimacy through defiance.” Vetëvendosje’s prominent role in the months-long political deadlock over the creation of the Association/Community of Serb-Majority Municipalities since 2015 serves as a powerful illustration of this phenomenon.

Conclusion

This paper started with Kosovo’s declaration of independence and its peculiar framing as a “state of communities.” This state, explicitly multiethnic and offering extensive minority rights to its communities, is neither the nation-state of its Albanian majority, nor a civic state of all its citizens. The argument presented here explains this focus on diversity as an attempt to overcome the pressing legitimization challenges posed to Kosovo at independence – challenges of both an external and an internal legitimacy deficit. In their quest to overcome these legitimization challenges and achieve both international recognition and internal buy-in by the Kosovo-Serb minority the international state-builders, together with Kosovo’s political elite, framed Kosovo as a “state of communities.” As part of this approach, existing nationalist narratives about Kosovo were silenced and countered by elevating Kosovo’s diversity, though statistically minor, to a core feature of the state, while enshrining group-differentiated rights for minorities in its legal framework. However, this strategy was only partly successful, as Kosovo’s statehood continues to be contested both internally and externally. While the international level was touched on only briefly, this paper focused on an unintended result of the multiethnicity discourse and accompanying policies at the domestic level. Based on a rejection of the “state of communities,” an additional internal legitimization challenge appeared on the part of Kosovo’s Albanian majority. By rejecting Kosovo’s constitution and its focus on diversity, this powerful counter-narrative competes with the official and internationally endorsed one. This counter-narrative has strong appeal to significant numbers of Kosovo-Albanians, and the rejection of further minority rights and territorial autonomy for Kosovo-Serbs has been the cause of a serious political crisis in Kosovo in 2015 and 2016. The example of the Vetëvendosje movement thus illustrates a point made increasingly since the “the local turn” in scholarly research on post-conflict peace- and state-building – that resistance to and rejection of the international state-building agenda can be “used strategically to attempt to enhance the legitimacy and power of certain local agents” (Björkdahl and Gusic 2015, 273).

This paper has argued that it is the state’s embracing of diversity, multiethnicity, and minority rights, meant to alleviate international concerns over Kosovo’s independence while simultaneously generating minority buy-in locally, that has facilitated this new internal legitimacy challenge. Not only did the “state of communities” not manage to fully resolve the legitimacy dilemmas of the new state, either on the international stage or internally for Kosovo’s Serbs, but it also generated a powerful counter-narrative among Kosovo-Albanians that once again questions the legitimacy of the state and its institutions. The discourse of multiethnicity and minority rights seems thus to have found only few “buyers” locally.²¹ In today’s Kosovo, the “state of communities” remains contested.

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Notes

1. The term “Communities” is employed in Kosovo’s legal framework to mean ethnic or national groups. The use of this term – as opposed to “minorities” – is a custom carried over from earlier international proposals to resolving the Kosovo conflict, which sought to avoid prejudging Kosovo’s future status by defining which group would be in the minority: Albanians within an undivided Serbia, or Serbs within an independent Kosovo (Bieber 2004b, 117).
2. Hayden (1992) discusses pertinent regional examples from Croatia and Slovenia, among others.
3. I thank the anonymous reviewer at *Nationalities Papers* for drawing my attention to this point.
4. Others include the Roma, Ashkali, and Egyptian communities (in the postwar period often referred to jointly under the acronym RAE), as well as the Turkish, Gorani, and Bosniak communities. This study does not discuss the responses by these smaller and less politicized communities to Kosovo’s diversity-focused state-building process, and instead focuses exclusively on the Kosovo-Albanian and Kosovo-Serb communities.
5. UNMIK took over all civil administrative functions after the conflict. See, e.g. Caplan (2005b).
6. A stark exception to this is the Kosovo Police Service (KPS), which was hailed a success for being Kosovo’s most multiethnic and professional institution.
7. In 2008, Martti Ahtisaari received the Nobel Peace Prize for, among other reasons, his mediation efforts in Kosovo as Special Envoy of the UN Secretary General.
8. The question posed to the court was extremely narrow, referring only to the act of *declaring* independence, against which there is no legal prohibition. The judgment, therefore, does not touch on whether the people of Kosovo had a right to self-determination, or more importantly, whether Kosovo fulfilled the requirements of statehood (Caplan 2010).
9. Florian Bieber argues, however, that while Kosovo possesses some features of power sharing, it also lacks some crucial ones, such as grand interethnic coalitions, firm veto powers for minorities or, for example, a second chamber of parliament for ethnicities, as in Bosnia (Bieber 2004a, 2, 2004b, 126).
10. A system of 20 reserved seats for minority parties had already existed during the UNMIK period. It was included in the Ahtisaari Plan, but limited to the first two electoral mandates from independence, after which the same number of seats was to be understood as guaranteed, meaning that if minority parties won below that number (10 for Serbs, 10 for other minorities), these would be topped up to the minimum of 20 total minority seats (Annex I Article 3.3). In every legislature, since 1999 minority parties have held between 20 and 35 seats in the 120-seat Assembly.
11. Howard (2012, 162) describes a rise of “ethnocracy promotion” following ethnic conflict on the part of policy-makers in liberal democracies since the end of the Cold War.
12. I thank the anonymous reviewer at *Nationalities Papers* for pointing out this distinction.
13. This featured in many states’ official statements of recognition of Kosovo’s independence to alleviate concerns of precedent setting (Bolton, 2013). Kosovo’s declaration of independence itself takes up this language, stating that it is “a special case arising from Yugoslavia’s non-consensual break-up and is not a precedent for any other situation.”
14. The differentiation of output and input legitimacy was initially borrowed from systems theories (Easton 1965).
15. Potential resentment from the majority community, not unlike Vetëvendosje’s contestation of the “state of communities” described below, was foreseen during the negotiations of the Ahtisaari Plan. For example, in order to avoid an impression that decentralization was merely a benefit given to Serbs, an excessive degree of decentralization was simultaneously enshrined for all of Kosovo, which has since been burdened with unreasonably small, underfunded, and low-capacity municipalities (Capussela 2015, 177).
16. For a broader discussion, see also Edelman (1964) and Eriksen and Jenkins (2007).
17. Incidentally, and linked to the further internal legitimation challenge described below, this judgment faced intense opposition. Despite pressure from the International Civilian Office on the municipality, the ruling was effectively ignored (Capussela 2014, 13–14).
18. As mentioned above, the last undisputed census in which all of Kosovo’s population participated took place in 1981, finding an Albanian majority of 77.5% and a Serb minority of 13.2%. Due to migration, differing birth rates, and conflict-related displacement, these ratios have changed significantly in the past three decades. In 2008, the Statistical Office of Kosovo operating under UNMIK estimated a population of 92% Albanians and 5.3% Serbs (Judah 2008, 2). The Ahtisaari Plan was negotiated with these percentages in mind. Finally, the 2011 census found the Serb

- population to be even smaller, but should be read with caution as it did not cover the mostly Serb-inhabited north of Kosovo, and was characterized by a partial boycott on the part of Serbs and Roma in the south (Visoka and Gjevori 2013). Using the votes cast in the 2010 elections to calculate the extent of this boycott, and adding the estimated 45,000 Serbs in the North of Kosovo, leads to an estimate of Serbs making up 4.5% of Kosovo's population (Capussela 2015, 84).
19. Non-recognizing states include two veto powers in the UNSC (Russia and China) and five EU member states (Spain, Greece, Cyprus, Romania, and Slovakia). A continuously updated list of recognitions can be found at <http://www.kosovothanksyou.com/>. Accessed November 27, 2016.
 20. Vetëvendosje increased its representation in parliament in the following elections in 2014 with 13.59% of the overall vote. In a major boost for the movement, Vetëvendosje's candidate also won the race for mayor of Pristina in the 2013 local elections.
 21. Those include most notably the small political elites of Kosovo's minority communities, particularly representatives who benefitted from positions in Kosovo's state structures despite limited electoral support from their supposed constituents.

ORCID

Dana M. Landau  <http://orcid.org/0000-0003-2900-4163>

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Interviews

Interviewee 1. Senior UNMIK staff member. Author interview in Pristina, September 2014.

Interviewee 2. Kosovar think tank analyst. Author interview in Pristina, September 2010.

Interviewee 3. Senior member of Lëvizja Vetëvendosje. Author interview in Pristina, September 2010.

Interviewee 4. Kosovar civil society activist. Author interview in Pristina, September 2010.