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State-building and local resistance in Kosovo: Minority exclusion through inclusive legislation

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ABSTRACT

This article focuses on the participation of local citizens in Kosovo in the process of state-building and their engagement with the institutions imposed by the international community. While previous literature focuses either on the constitutional and institutional framework or on the more direct forms of local resistance to international intervention, this article looks into more subtle forms of resistance whereby local citizens change the meanings of imposed institutions. To this purpose, this article examines the process of adoption of two minority-relevant laws: the Law on Historic Centre of Prizren and the Law on the Village of Velika Hoča/Hoçë e Madhe. By employing a critical frame analysis, this paper points to the very subtle forms of resistance to the international rule such as: exclusion of citizens from participation in decision-making, defining citizenship in ethnic terms or changing the meaning of minority relevant legislation by framing it from the perspective of state- and nation-building. All of these actions resist the international efforts to build Kosovo as a multiethnic state and impugn the legitimacy of the system. These findings indicate the important role of local citizens in creating the sustainable peace.

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1. Introduction

Ethnic conflicts in the Balkans during the 1990s created weak nation states with institutions significantly shaped by international actors. Kosovo, the youngest of the Balkan states, is usually defined as a failed (Economides, 2011) or minimalist state (Bieber, 2011) with a society deeply divided along ethnic lines. Seven years after the self-proclaimed independence, Kosovo's sovereignty is still being challenged both internally and externally. Despite broad support for its independence, Kosovo has not been recognised by either all of the UN or EU member states, which prevents it from joining the most important international organisations. The constitutional and institutional design of independent Kosovo was decided by international actors without consulting the local citizens. Furthermore, Kosovo is ethnically deeply divided; it does not control all of its territory and the Serb population in Kosovo does not recognise its independence. In order to provide stability and reduce inter-ethnic tensions, international actors pressured Kosovo to create power-sharing institutions and ensure legal protection of minorities.

Previous research has argued that the international community has failed as a state-builder in the case of Kosovo and that power-sharing and institutionalisation of ethnicity have contributed to the perpetuation of ethnic conflict and state weakness (Jenne, 2009; Vladisavljević, 2011). In a similar vein, most of the literature on post-conflict deeply-divided societies focuses either on the weaknesses and strengths of external interventions (Fearon and Laitin, 2004; Krasner, 2004) or the impact of constitutional and institutional engineering on the outcome of the statebuilding process (Horowitz, 2002; Lijphart, 2004; Reilly, 2001; Roeder and Rothchild, 2005). However, the focus on international policy prescriptions and institutional

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design has increasingly been challenged by the local turn in peacebuilding (Mac Ginty and Richmond, 2013). The local turn argues that more attention should be paid to the local context and local engagement with the peacebuilding process.

This article contributes to the local turn by focussing on the participation of local citizens in the process of state-building and their engagement with the externally imposed institutions. While previous literature focuses more on direct forms of resistance to international intervention (Björkdahl and Gusic, 2015; Richmond and Mitchell, 2011; Visoka, 2011), I am interested in more subtle forms of resistance. Subtle resistance analysed in this paper relates to processes in which local actors seemingly comply with internationally imposed norms and institutions, while at the same time, subtly reject these norms and institutions by changing their meaning. Under a veil of compliance, local actors discursively reframe the international norms and reinterpret their meaning in ways that essentially contract the intentions of international peacebuilders. This may be done through discursive actions such as: passing internationally imposed legislation while excluding citizens from participation in decision-making; passing laws that promote multicultural rights to minority citizens while discursively defining who the ethnic 'Other' is; or changing the meaning of minority relevant legislation by framing it from the perspective of state- and nation-building.

I illustrate this argument in the case of the legislative debate on two externally imposed laws in Kosovo: the Law on Historic Centre of Prizren (hereafter: Law on Prizren) and the Law on the Village of Velika Hoča/Hoçë e Madhe (hereafter: Law on Velika Hoča). By employing a critical frame analysis, I examine the legislative process by asking who participates in the debates and how political and cultural representatives shape imposed institutions. The analysis demonstrates that local resistance can work through direct opposition to international peacebuilding strategies, but also through more subtle ways by reframing the meaning of imposed institutions. Indicating how even the most inclusive of legislations may contribute to and perpetuate the exclusion of minority citizens, this article adds evidence to the critiques of the liberal peacebuilding framework. Since subtle resistance to international peacebuilding has particularly been under-analysed in the post-communist context and Kosovo more specifically, this article also contributes to understanding the complexity of the peacebuilding processes in the post-communist region.

The structure of the paper is as follows: The first section introduces various forms of local resistance in the peacebuilding literature. The second section introduces the case study and critical frame analysis as a method for investigating the legislative process while the following sections present the results. The analysis shows that Albanian citizens in Kosovo approached the laws from the state-building perspective framing them in ethno-cultural terms delegitimising thereby multicultural institutions imposed by international actors and denying Serbs equal citizenship rights. Both the actors participating in the debate and the frames shaping the debates indicate the variety of ways in which local citizens may oppose international interventions and modify the imposed institutions. Instead of focussing on minority integration, as aimed by international administrators, the legislative process was framed in terms of ethno-cultural othering and control over resources.

2. The local turn in peacebuilding: resistance to international peacebuilding

Since the 1990s, peacebuilding has been linked to the liberal peace framework, which focuses on security and institutional reforms that seek to provide the rule of law, free market and human rights guarantees (Chandler, 2013; Richmond and Mitchell, 2011). Exported by the UN and other international actors, the liberal peace is associated with humanitarian interventions from Cambodia to East Timor, Afghanistan, Iraq, Bosnia and Herzegovina (BiH) and Kosovo. The liberal peacebuilding strategies are treated as a blueprint that can be transferred to any context. Local actors are expected to comply with the neoliberal institutional design and norms regardless of their own interests or identities.

Recently, however, critical scholars have turned our attention to local actors, arguing that citizens are not passive recipients of the values and interests promoted by international peacebuilders. They actively respond to it by various forms of resistance producing thereby hybrid forms of peace (Mac Ginty, 2011; Richmond and Mitchell, 2011, 327). If international peacebuilding strategies fail to gain legitimacy among the local population, they can hardly produce sustainable and long-lasting peace. Indeed, evidence from Kosovo, BiH, Afghanistan or Iraq, among others, demonstrate how statebuilding interventions have resulted in a "virtual peace" (Richmond, 2009, 563), failed states and intractable conflicts (Richmond, 2014, 9). Therefore, to understand the peacebuilding and statebuilding processes it is not sufficient to only focus on the constitutional and institutional framework. We need to be aware of all the complexities, which include not only the institutional and constitutional framework, but also the ways local actors interact with each other and international actors.

There are various ways in which citizens and their local representatives may engage with internationally imposed peace. First, local actors may openly reject international norms and institutions. Previous literature points to various examples of open resistance through protests or confrontation. For instance, in Kosovo, Vetëvendosje (VV), an opposition movement, has openly resisted the international peacebuilding framework through acts such as large scale protests, deflating the tires of the UN vehicles, paint bombing the parliament building, or campaigns for 'naming and shaming' political leaders (Björkdahl and Gusic, 2015; Richmond and Mitchell, 2011; Vardari-Kesler, 2012; Visoka, 2011).

In addition to open resistance, international peacebuilding strategies may be resisted more implicitly by non-compliance, foot-dragging, co-option or alternative ways of achieving the peacebuilding goals. In BiH, common forms of resistance are exploitation of the peacebuilding framework in order to maximise the autonomy of nationalist groups or delay in implementation of internationally imposed legislation (Mac Ginty, 2011, 155). In addition, local actors may strategically engage with external peacebuilders by fake adoption and instrumentalisation of global norms. The implementation of formally adopted norms may be subverted through corruption, informal redistribution of aid or intimidation of different stakeholders

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