

What's Wrong To Kosova's Peacebulding?

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Abstract

Two decades since the war ended in Kosova¹, difficulties, especially those of a political nature, worsened. The combination of local and international efforts have catalyzed and facilitated achieving the rule of law and interethnic reliability within the state of Kosovo, but not reconciliation. There are still to truths, an Albanian and a Serbian. Few of war criminals for Kosova's crimes were sentenced. Hate speeches are again between. It appears that peace building is not as easily conceivable as initially thought, considering the lack of agreement between internal and international actors on the creation of a new state of Kosova. This article attempts to answer to what extent Kosovo's peace building has been influenced by international ambiguity and wrongful decisions made by the Kosova's institutions, highlighting the obstructive politics and agents such as political and socio-economic, interrupting inter-ethnic reconciliatory treatment toward sustainable peace in the Balkan region.

Key words: Kosova, Serbia; Peace building; EU ambiguity; Constructive Ambiguity; UN SC Resolution 1244;

¹ I'm using the name Kosova as is spoken by absolute majority of population.

1. Introduction

Kosova's state building is a mixed, international and local endeavor. The task appeared to be complex and problematic because of different views held by world states and indigenous challenges. The country seems to be the most turbulent in the Balkans, followed by Bosnia, Macedonia, Monte Negro, Serbia and Albania.² Based on their levels of domestic stability and institutional capacity, Kosova, Bosnia-Herzegovina, Serbia and Macedonia are all placed within the "warning" category,³ a state which is worsening the European stability.

Deep distrust and century old mutual stereotypes between Kosova and Serbia are still barriers to a process of reconciliation. Overcoming deep-rooted differences are the most problematic elements in the conflict resolution process and not achievable alongside the international community involvement. The very beginning of 21 century produced antagonistic situation between international players in relation with Kosovo and its perspective.⁴ After twenty years of peace building efforts, a resolution in part of the Kosova-Serbia dispute seems to have an unlikely solution in the immediate future. In this situation, Serbia is hampering Kosova's progress in the path toward international organization membership. Political elite from both sides are often returning at the warlike vocabulary of the 90's, inhibiting peacebuilding measures taken nationally and internationally during the last two decades in the region. Different political objectives between Kosova and Serbia regarding the political status of Kosova are impeding the process of regional stability. Lack of political will to apologize, or at least to help finding human mortal remains⁵ has undoubtedly hindered the peaceful prosperity of both

² Global Peace Index, 2018, available at: < <http://visionofhumanity.org/indexes/global-peace-index/> > (accessed 04 December 2018).

³ The Failed State Index, 2010, Washington, DC: The Fund for Peace, 2011, available at: <www.fundforpeace.org. > (accessed 04 December 2018).

⁴ Since 2013, Kosova and Serbia, under supervision by EU are holding negotiations related to several technical issues, most of them approved but not implemented in real life. Currently is underground the subject of "territorial correction" as proposal for resolving the conflict. According to Kosova President, Hashim Thaçi, it includes unification of south Serbian territories inhabited by Albanians to Republic of Kosova.

⁵ According to ICRC, Today, the number of missing persons is estimated to be over 1,665 persons, at International Commission on Missing Persons, Missing Persons from the Kosovo Conflict and its Aftermath: A Stocktaking, 2017, p.3. Available from:

countries. Even worse, there are incentives by Serbian official's figures to minimize and distort the Serbian massacres in Kosovo classifying them as activities of Albanians!⁶

Difficult achievable set of procedures and criteria's to be completed for membership by mainly international organizations will aggravate Kosovo's agony and will induce backwards towards peace building in the region.

2. International context of Kosova's independence

The task, named as peace building, undertaken in Kosova by foreign and local stakeholders during the last twenty years was challenged with internal, regional and international difficulties. Building peace in cases oriented with the creation of the new international entity (or separation, as it is in Kosova's case) is different in nature and more complex than in those of intrastate reconciliation between communities. The role of external involvement in the first situation (creation of the new state) seems to be crucial because of the role of the international community as a mediator in conflict resolution and for the recognition issue of new created ethnicity. In second circumstances, when conflict resolution is oriented towards rebuilding of breached interethnic relations and within the same state, reconciliation is easy to be achieved, especially if peace building is oriented to be locally owned. Statehood and national sovereignty restrictions, limits the Kosova's capacity to negotiate or to enter into agreements with the EU and other international organizations. This discourages the readiness of foreign investors supporting economic growth. Limitation in this nature by the international community and unwillingness of Kosovans living Serbian population to accept Kosova's statehood, are weakening and slowing institution and state building, serving as inhibitors of building peace in Kosova. After failure of Serbia's acceptance of negotiated Ahtisaari's plan, which provided Kosova's temporary supervised independence, Kosova

<https://www.icmp.int/wp-content/uploads/2017/05/Kosovo-stocktaking-ENG.pdf>
(accessed 05 December 2018).

⁶ Kosovo Prime Minister Ramush Haradinaj sacked the Serb Minister of Local Government Administration, Ivan Teodosijevic, for describing ethnic Albanians as terrorists and fabricators of massacres during the war in Kosovo. 9 April 2019. At Die Morina, Kosovo Serb Minister Fired for Calling Albanians 'Terrorists', Available from: <https://balkaninsight.com/2019/04/09/kosovo-serb-minister-fired-for-calling-albanians-terrorists/> (accessed 12 April 2019).

unilaterally declared independence in 2008. Serbia, on 15 August 2008, six months after Kosovo's independence declaration, recognized by 45 countries⁷, reacted asking an opinion from the International Court of Justice, ICJ.⁸ Given opinion by ICJ on July 22, 2010, with 10 votes in favor and 4 against that: "The approval of the Declaration of Independence on 17 February 2008, does not violate the general international law, Resolution 1244 (1999) of the Security Council, and the Constitutional Framework. Consequently, the approval of this Statement shall not affect any applicable norm of international law", was and continue to be a good milestone for recognition by states. Answer by ICJ didn't satisfied Serbia's expectations. Not surprisingly, this opinion did not change Serbian policy orientation considering Kosovo as part of her, and intensified anti-Kosovo activities at foreign plan. Aggressive diplomatic behavior of Russia and China's diplomacy against Kosovo's achievements at international scene, and unrecognizing policy of five EU countries, challenged with inner separatism, openly are opposing Kosovo's path toward integration within different levels of international organizations. Belgrade's foreign policy objective in this direction, preventing Kosovo inclusion at international organization and freezing Kosovo's status, succeeded.

Twenty years after humanitarian military intervention and a decade after declaration of independence Kosovo is being faced with economic, political and integration difficulties.

Even the fact that international community took immediate measures providing shelter and establishing secure environment in Kosovo, as Brinkerhoff identified,⁹ EU member states did not act concertedly as did not act UN SC, in direction of future perceptions about final status of Kosovo. Currently, in Kosovo and the region, with respective scarcity of political unity and without promising economic dynamics, the hopes for peace building are deteriorating. Young population is escaping from

⁷ See Ministry of Foreign Affairs, available at: < <http://www.mfa-ks.net/politika/484/lista-e-njohjeve/484> > (accessed 04 December 2018).

⁸ The question made by Serbia was: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?" available at: < <http://www.icj-cij.org/docket/files/141/16010.pdf>. > (accessed 04 December 2018).

⁹ Dealing with the police, military and paramilitary units, through rebuilding, professionalizing, reforming, dissolving, demobilization,... Derick W. Brinkerhoff. "Rebuilding governance in failed states and post-conflict societies: core concepts and cross-cutting themes", 2005, 25: 1, *Public Administration & Development*, p. 6.

Kosova, hoping for job and better life. Hopes on the talks are getting more and more faded because of Serbian intentions on dividing Kosova, backed by Russia, backing a resolution of Serbia's dispute with Kosovo which suit Belgrade.¹⁰

In Kosovo case, where state building is contested internationally in political basis and to some degree internally, by 5 % of Kosova population backed by Serbia, society can be easily channeled in prewar situation, meaning recurrence at point zero. "Renewed conflicts will be generated if domestic turmoil with ethnic dimensions becomes increasingly interconnected among neighboring countries."¹¹

Almost twenty years after the war in Kosova, the country remains underdeveloped far behind others in the region, the situation which may reflect in the use of violent choices by individuals and groups, based in ethnicity and faith. Neither side from the actors involved in the war dealt with the sources of mistrust and hates between Albanians and the Serbs. Additionally, both sides are enforcing their "rights" of fighting for their cause. There are still two "rights", and no one side gives up. Serbian side, related to Kosova's human losses, abuses, and other damages, doesn't make any difference on the responsibility between the Albanians and the Milosević's government, justifying that now is a new era for the Serbian democracy and new Albanian/Serbian relations must be established within Serbian State. Even more, within the current interethnic hostile climate, fiery political attitudes kill intentions on improving positive intergroup relations. The Serbian President, Aleksandar Vučić, visiting Kosova in 2018, he had opportunity to serve as moderate leader. On contrary, he provoked not only Kosova Albanians but the entire democratic world saying that Slobodan Milosević was "a great leader with the best intentions..."¹², for

¹⁰ AFP News Agency, (2018) *Lavrov backs Iranian deal, swipes at Ukraine and Kosovo*, 28 September, Lavrov said: Moscow would support a resolution of Serbia's dispute with Kosovo which suit Belgrade. available at: < <https://www.rferl.org/a/unga-russia-us-iran-kosovo-ukraine/29515438.html> > (accessed 11 October 2018).

¹¹ Janusz Bugajski (2013), *Return of Balkans: Challenges to European Integration and U.S. Disengagement*, Strategic Studies Institute and U.S. Army War College Press. P.4.

¹² Dusan Stojanovic, Serbian president's praise of Milosevic triggers outrage, Washington Post, 10 September 2018, "Milosevic was a great Serbian leader whose intentions were certainly for the best, but our results were very poor,... Not because he wanted that, but because our wishes were unrealistic, while we neglected and underestimated the interests and aspirations of other nations." available at:

the leader who sowed misery and death everywhere in the territory of Yugoslavia killing tens of thousand people. Promoting ideas and ideologies, glorification of aborted personalities and leaders, is sign that nowadays Serbian leaders are prone to repeating history.¹³ Paradoxically, twenty years after war, the same war leaders are current leaders. There is a big question, is possible that the leaders of the war will change the situation, will bring peace? Serbian politics and diplomacy, supported by countries with ethnic disturbances and deficit of democracy, are damaging the prospect of the absolute majority of Kosovar citizens. On the other side, the Kosova Albanians, irreversibly continue state building and enhance activities for further recognitions of Kosova's independence. Under Serbian regimes, historically inhabited with Albanian majority, Kosova has been left politically, culturally, and economically undeveloped with the clear goal to divert the Albanian majority from the territory. With the collapse of Yugoslavia, Kosova Albanians found hope to be relieved from regimes that brought only suffers to them.

3. "Mistrust" by the Kosova Serb officials vs Kosova institutions

Many foreign factors are inhibiting reconciliation in Kosova: declining EU interest for enlargement with Balkan countries and no recognition policy by five EU member states; lack of foreign investments in Kosova; the inert attitude of the EU opens the gate for the growth of Russian influence in the region, particularly the rigid attitude against Kosova's independence through the stance "for everything Serbia agrees it is acceptable for Russia"; different view by UNSC member on Kosova status at international stage; Serbian nationalistic posture over Kosova as "cradle of Serbia", implementation unreadiness of the agreements by Serbia reached during negotiations in Brussels. But, the main foreign inhibitory factor for peace settlement in Kosova-Serbian relations is Serbian nationalistic stance on Kosova. Taking in account situation of mistrust and the extension of

<https://www.washingtonpost.com/national/serbian-presidents-praise-of-milosevic-triggers-outrage/2018/09/10/ca258470-b503-11e8-ae4f-2c1439c96d79_story.html?noredirect=on&utm_term=.90fdf99c5905 > (accessed 04 October 2018).

¹³ Aleksandar Vučić, was appointed the Minister of Information in 1998, by the Government of National Unity from Serbian Radical Party, serving to Slobodan Milosević until his fall in 2000. Ivica Dačić was the right hand of Millosević's era.

disagreements, the General Assembly adopted a resolution, sponsored by the European Union and Serbia, launching the Kosova-Serbia dialogue and facilitated by the EU.¹⁴ The dialogue process, at the beginning praised in general as the biggest success and the peak of EU's policy in the Western Balkans, was characterized with contradictions, lack of transparency and accountability and constructive ambiguity¹⁵. Expectations on finalization with a legally binding agreement between the parties, somewhere at the middle of 2019, are unrealistic taking into account the launched idea of border correction and possible complexities involved within the process. Besides the fact that Kosova minorities are granted positive discriminations on issue of participating in decision-making and daily life, according to the Kosova constitution and laws, these rights are used selectively by the Serbian population in Kosova. When it comes to hamper positive achievements and reputation of institutions, they undertake actions at the opposite direction. The best example is the case of involvement in (de) engagements of the Serbs from Kosova Security Forces, KSF. After initial successes in participation of the Serbs within this important institution, in order to minimize results, Serbian leaders from Belgrade launched and supported campaign to leave the organization by Kosova Serbian members of KSF. This campaign reflected combination of political threatening and physical attacks against KSF members and their property.¹⁶ "This situation puts Serbs in a totally inappropriate situation. On the one hand, they are pressured by Belgrade, with the threats they will imprison when leaving

¹⁴ United Nations General Assembly, (2010), "Resolution A/RES/64/298", September 9. available at:

<http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/298> (accessed 04 December 2018).

¹⁵ A method to suit the parties' stance on the status of Kosovo, offered space for the parties to interpret the agreements according to their version and both sides announce their victory in negotiations. See at: Kosovo-Serbia Dialogue Challenges and the Way Forward, KDI, March 2018. p.14.

¹⁶ At the end of November 2017, explosive devices were thrown at the houses of S.T. and P. R, in Zubin Potok, Serbian members of KSF. Bombs are thrown about two o'clock, no injured, but with material damage. At the end of February, Serbian members of the KSF in this municipality reached outright messages. April and May 2018, Serbian authorities also attracted Serbian members of Kosovo's security forces, or, as Belgrade claims, "talked with them". After the arrest, Prishtina expressed "bitterness and deep concern" and urged Belgrade to "leave the politics of detention and intimidation of Kosovo Serbs". At the end of May, the car was burned to another Serb member of KSF. Serbs have also received more calls for not accessing KSF, and a slightly different message has been reported in the public.

Kosova and, on the other hand, it is perfectly normal that there will be pressure from Kosova institutions, says Nojkić. ¹⁷ In this line is the statement by Kosova President saying that for members of KSF whom decided to leave from, they will not be returned again,¹⁸ putting their life in dangerous sandwich. It was not verbal pressure against only members of KSF. Several attacks occurred aiming to humiliate the Serbs whom accepted becoming members of Kosova institutions. "... The private property of Serbian members of the KSF in north Kosovo was repeatedly the target of the attacks by unknown perpetrators, and pressure invasion by central Serbia additionally terrorized them. Serbian President Aleksandar Vučić also called on Kosova Serbs not to join the "Kosova institutions", because they (Albanians), "wants to hit the Serb on Serbs".¹⁹ Leader's statements, such that by Serbian President do not contribute overcoming negative perceptions in Albanian-Serbian relations or aid in approaching a climate of positive peace which will bring political stability and interethnic relaxation. The Kosova's Ministry of Foreign Affairs has expressed anxiety about the repetition of such acts of the Belgrade authorities which, as the MFA considers, seem to be the primary goals of intimidation, increased pressure and use of lessons to prevent the integration of Kosova Serbs into the institutional and social life of the Republic of Kosova.²⁰

The same situation is at other sectors of the institutional building. Kosova Deputy Prime-minister and ministers from Serbian community are openly implementing instructions by Belgrade. Politicians from the Serbian community within Kosova's Government and Assembly are often suspended or withdrawn from participation in decision-making bodies, by Kosova institutions. They are exposed to arbitrary actions taken by the

¹⁷ *Nga marsi, Serbia ka shtuar dukshëm presionin mbi pjesëtarët serbë në FSK*, (2018), *Indeksonline*, July 3 available at: < <http://indiksonline.net/nga-marsi-serbia-ka-shtuar-dukshem-presionin-mbi-pjesetaret-serbe-ne-fsk/> > (accessed 06 October 2018).

¹⁸ *Thaçi: Ata që janë larguar nga FSK-ja nuk mund të kthehen më*, (2018), *Telegrafi*, July 13, available at: < <https://telegrafi.com/thaci-ata-qe-jane-larguar-nga-fsk-ja-nuk-mund-te-kthehen/> > (accessed 04 December 2018).

¹⁹ *Kosovske snage bezbednosti: Srpski pripadnici zatražili raskid ugovora zbog pritiska iz Srbije*, (2018), *KoSSev*, available at: < <https://kossev.info/vesti-s-kosova-kosovske-snage-bezbednosti-srpski-pripadnici-traze-ostavke-zbog-pritiska-iz-srbije/> > (accessed 04 December 2018).

²⁰ *Dvojica srpskih pripadnika KSF-a pušteni na slobodu*, (2018), *KoSSev*, available at: < <https://kossev.info/dvojica-srpskih-pripadnika-kbs-a-pusteni-na-slobodu-2/> > (accessed 04 December 2018).

Serbian policy at the border check points making travelling difficulties²¹. They quitted participation in Assembly and government after passing the law on Trepça.²² Members of the government cabinet by Serbian community suspended participation in the work of government,²³ after the arrest of the Serbian official Marko Đurić by Kosovo Special Forces. Serbian official policy regarding the Kosova institutions, regularly use the term provisional or temporary institutions in Prishtina and for Kosova they use the name Kosovo and Metohija, as it is written in Serbian Constitution during the Milosevician era, undermining that the institutions of Kosova are provisional ones, and that Kosova will return within Serbia, continuously charging Albanians with negative predispositions against Serbia. It means that there are two elements that determine the slowdown in the integration of Serbs into Kosova's mechanisms: mistrust by the local Serbs towards Kosova's institutions and political and security pressure by Serbian politics to Serb population willing to participate. Serbia finds it difficult to withdraw from the basis of hegemonies promoted loudly during the 1990s toward the policy of acceptance of losing Kosova. The politics of hate lead to the deportation of Albanians, causing international humanitarian intervention and creating the new reality in Kosova ground. New reality relocated the status of Kosova citizens where Serbs from the majority within former Yugoslavia transformed into a minority within Kosova, contrary with the Albanians whom became majority. After declaring the independence by Kosovo institutions, confirmations by The International Court of Justice that declaration did not breached the international law, after the Serbian request to give the ICJ opinion on the declaration of independence, Serbian government policy continuously ignored the situation in the ground and ICJ opinion. Serbian diplomacy is continuously undertaking actions against Kosovo's recognition and lobbying to countries that recognized Kosova's independence in order to

²¹ *Kosovo Serb politicians stage protest at border crossing*, The Serbian police detained SLS official Srdjan Jovanovic, an advisor to the prime minister of Kosovo, N1, 26.04.2019. <http://rs.n1info.com/English/NEWS/a479390/Kosovo-Serb-politicians-stage-protest-at-border-crossing.html>

²² *Slučaj Trepca: Srpski ministri zamrzli učešće u Vladi u Prištini*, (2016), Politika, available at: <<https://www.kurir.rs/vesti/politika/2482613/slucaj-trepca-srpski-ministri-zamrzli-ucesce-u-vladi-u-pristini>> (accessed 04 December 2018).

²³ *Rakić: Srpska lista izlazi iz kosovske vlade*, (2018), Danas Online, available at: <<https://www.danas.rs/politika/racic-srpska-lista-izlazi-iz-kosovske-vlade/>> (accessed 04 December 2018).

reverse their decisions.²⁴ According to the Serbian information's,²⁵ six countries withdrew their recognition of Kosova: Liberia, Surinam, Sao Tome and Principe, Guinea Bissau, Burundi and Papua Nova Guinea. Activities and extreme Serbian propaganda against independence of Kosova and obstruction of new recognitions looks like throwing oil into the fire of the climate of mistrust, pushing away further damaging any possible reconciliation between two countries.

Following a regional paternalistic policy, similar to that of Russia in national affairs and minority care outside their territories, Serbia turns things back in the prewar years. Russia's "care" in Ossetia, Nagorno Karabagh, Ukraine (Crimea and the south-eastern part of Ukraine) ... is similar to those of Serbia in Bosnia and Herzegovina, Kosova, Montenegro, and Macedonia. This policy aims at uniting the Serbs into a single state but denies the other to take a more active role in determining their own destinies and participating in the regional political and economic relations. Changing the imperialistic character of Serbia into realistic attitude toward the neighbors will be a great contribution to sustainable peace in the region. In the current situation, it's a "war" between the future coexistence of two-state solution: the mutual recognition between Kosova and Serbia, and tendencies of returning at the beginning, at pre-war situation, saving any linkage of Kosova with Serbian state. Mistrust toward Kosova institutions by Kosova Serbs is result of political and physical pressure coming from Serbia's nationalist wing and, often, by Serbian leaders daily policy toward Kosova.

4. Mismanaged with Kosova's Institutions

Transition period during the 90's found Kosova at worst environment: Wars in former Yugoslav republics; Serbian nationalist instinct for dominance within Yugoslav space; systemic, police and administrative

²⁴ The dialogue challenged unexpected situations, as the engagement of the Serb diplomacy against recognition of the state of Kosovo, activities against Kosova membership in international organizations (UNESCO and INTERPOL), problems with the wall in front of the bridge in Mitrovica, Ramush Haradinaj prohibition by French authorities based on a warrant issued by Serbia.

²⁵ Papua Nova Gvineja šesta zemlja koja je povukla priznanje Kosova, (2018), RTS, 5 Jul, available at:

<<http://www.rts.rs/page/stories/sr/story/9/politika/3191550/papua-nova-gvineja-sesta-zemlja-koja-povlaci-priznanje-kosova.html>> (accessed 04 December 2018).

treatment measures against Kosova's population; worse economic situation; and, finally, escalation of war during 1998/99 were circumstances that put Kosovo in miserable situation. After the war, in every aspect, Kosovo started from the beginning. New type of governance, new administration and financing procedures, the life without thousands of people murdered, new psycho-social behavior, challenges with bad economic situation and depending mostly by international help. In postwar Kosova, didn't happened prioritization of good governance "as a key requirement in order to address high levels of corruption and unaccountable practices, unequal distribution of resources, and social division".²⁶ Formeralted with "the victory", thousand "commanders" and political leaders appeared and started creating their "circles" of dominance over public property and other fields of life. Today they become oligarchs, controlling political parties and organizations. Rather than dealing with strengthening the country institutions, believing that Kosova is liberated, those people, seizing the state and often private property, captured the key financing routes and incomes including green economy and trade, enriching themselves and their relatives, damaged the overall country perspective. Respectable international findings reports on a "legacy of strong formerecutive influence in judiciary ... and problems with crime and high-level corruption".²⁷ Nepotism but not meritocracy and qualified were taken in consideration for state position functions. Internationals overcome quietly this behavior hoping that this way will pacify the situation. As result, Kosova today remains with the highest number of unemployment, the poorest country in Europe, the only isolated country in Europe,²⁸ within

²⁶ B. C. Smith (2007), *"Good Governance and Development"*, Hampshire, Palgrave Macmillan, p.6.

²⁷ Organization for Security and Cooperation in Europe, European Commission and others, during 2012 reported on Kosovo's challenges. available at: < Independence of the Judiciary in Kosovo: Institutional and Functional Dimensions, 2012. p. 25. available at: < <https://www.osce.org/kosovo/87138?download=true>> (accessed 14 December 2018), referred to Monthly Report - July 2007, THE DEPARTMENT OF HUMAN RIGHTS, DECENTRALIZATION, AND COMMUNITIES Legal System Monitoring Section. P.3. available at: < <https://www.osce.org/kosovo/26468?download=true>> (accessed 14 December 2018).

²⁸ During writing the article, there is information from EU official Dimitris Avramopoulos that Kosova fulfilled visa liberation criteria. *Erdhi lajmi i shumëpritur, Kosova i ka plotësuar kriteret për liberalizim vizash*,(2018), available at: < <https://www.koha.net/arberi/105815/erdhi-lajmi-i-shumepritur-kosova-i-ka-plotesuar-kriteret-per-liberalizim-vizash/>>

rare countries without health and life insurance, people willing to leave the country and emigrate around...resulting at low level of trust toward Kosovo leaders and institutions.²⁹ Over 50% of respondents are either dissatisfied or very dissatisfied with the current political and economic direction of Kosova. Satisfactions with central levels of institutions are between 30 and 40%. Former expectations for producing any positive incomes for families and businesses are less than 20%.³⁰ In this situation, it is problematic to achieve best results in peacebuilding if population mistrust in institutions and leaders is fewer than 50%. Such people, corrupted leaders state capturers, do not want and can not achieve integration steps towards Europe, being part of rule of law environment. International and local efforts in Kosovo, despite the fact that there were invested in per capita more than elsewhere in the world, however, did not achieve to create fair and just governance satisfying people needs³¹. Political elite and their corrupted clientele are everywhere, at decision-making positions at all levels of governance creating benefits for the class and ideology, accommodating elites rather than communities. This situation limits freedoms, as Freedom House range Kosovo as “partially free country”, which increases tendencies toward high levels of corruption.³² The precondition of country stability as is the absence of ethnic confrontation in Kosovo has been achieved, however others, such as conflict resolution and economic development are ongoing. Twenty years after the withdrawal of Serbian forces from Kosova, former existence and influence of Kosovar, Serbian and international political authorities appeared to be the main producers of the status quo. Within Kosova’s territory are still in function the Serbian parallel systems in field of education, health, administration...Political parties are running based on ethnicity. The

²⁹ Erëza Pula (2017), “Determinants of Trust in Institutions in Kosovo: An empirical perspective”, Group for Legal and Political Studies, October, available at: <<http://www.legalpoliticalstudies.org/wp-content/uploads/2017/10/Policy-Report-04-Trust-in-Institutions.pdf>

³⁰ *Public Pulse Brief, XIV*, (2018), UNDP, June, p. 4.

³¹ Azar E. Edward (1990), *The Management of Protracted Social Conflict: Theory and Case*, Dartmouth Publishing Company, London, at p. 11. wrote that: “fair and just governance that would be able to satisfy human needs regardless of communal or identity cleavages, and promote communal harmony and social stability”.

³² Kaufman correlate civil freedoms and corruption as disproportional, countries with low levels of freedom have high levels of corruption. See at, *Empowerment and Poverty Reduction: A Sourcebook* (2002), World Bank 1 May, at p. 3.

divisions are a result of different former expectations from Kosova-Serbian dialogue that is going on. Above mentioned practices of managing citizen's daily life in Kosova, influenced on obstruction of social emancipation and creating preconditions for peace.

5. Kosova as a victim of the different views at international law

It is difficult to achieve peace in a territory when interests within the main decision-maker bodies are antagonistic one and in situation of former existence the three political authorities. The Kosovo case is a typical former example of disagreement between the two most important international bodies to whom Kosova claim to be member: between UN SC member states and members of EU. Russia and China's interpretation of international law on Kosovo independence is contradictory to the USA, Great Britain, and France, whom recognized Kosova as independent and sovereign state. Contradictions appeared also between EU member states, creating headache to Kosova's integration and human, economic and democratic development. Viewing pro's and contra's state statements on Kosova independence declaration, there are two mainly reasons taken by state governments on the issue: first, systematic violation of the rights for Albanians under Serbian rule, and second, unilateral independence declaration is in contradiction with the international law. How it is possible that one international concept is differently interpreted by different actors? Reason is political, not juridical nature. Formerly Kosova Forces, KFOR, civilian international missions have performed not as this community and locals formerly expected. UN mission in Kosova, UNMIK, aiming to lay the foundation of future peace, did good job in institution building but did not walk with the will of Kosova citizens and institutions because of restrictions by UN SC Resolution 1244. This resolution didn't have a clear mandate and left unresolved basic cause of the conflict, the Kosovo's final status, which is the foundation of conflict resolution but also my return society at the early stage of conflict. It happened even after the UN Special Envoy; President Ahtisaari's Comprehensive Proposal for the Kosovo Status Settlement (CSP) was approved by Kosova and international community, which provided supervised independence. The same UN SC Resolution is in place and is the main obstacle to Kosova membership at UN. Within the UN SC permanent members are of differing opinions related to Kosova's status. This attitude deepens freezing the conflict. At

regional level, minority EU not recognizing members are doing the same as are doing Russia and China at global level. In this circumstance proclaimed Kosovo independence, recognized by 116 countries, is not fully functionalized. Rests of unrecognizing countries are in formerpectation of the results by ongoing dialogue between parts in conflict. Delays and uncertainties will further endanger interethnic relations and melting Kosova's Albanians patience. "The time has come for clarity and alacrity."³³ Ahtisaari's Plan provides appropriate framework to allow normalization of life in Kosova through the liberal peace-building paradigm, meaning transformation to peace, democracy and market economy. Implementation of the Plan faced difficulties because of involvement by main factors of international politics and complformerities coming from the area of legality of creation the new states. This is because of formeristent different approaches towards international law adopted for inner or shared group states interests.³⁴ To some of them, western democracies and Japan, Australia,...Kosova's independence is result of brutal, inhuman behavior by Serbian regimes against Albanians in Kosova. To others, Russia, China, India and countries that are faced with interethnic disputes and separatist tendencies, accuse the rest of the world that illegally recognized Kosova's independence, breaching the international order, beside the fact that ICJ opinion on the issue stated contrary. Accidentally, in the same line with Russia and China are also policies by five EU member states³⁵ that are blocking Kosova's EU integration. Domestic policy of the five EU member states, Spain, Romania, Slovakia, Cyprus and Greece, condemning Kosova's independency are correlated with Russian and China's own ethnic, separatism and territorial problems, fearing unreasonably that Kosova case would interfere as possible precedence to their cases.

³³ Daniel Serwer; Yll Bajraktari; Christina Parajon (2007), *Kosovo: What Can Go Wrong?* available at:
< <https://www.usip.org/publications/2007/03/kosovo-what-can-go-wrong>> (accessed 19 December 2018).

³⁴ Samet Dalipi, Nehat Demiri, Arta Pllana-Shipoli (2016), Not-recognizing policy within the minority EU members - Challenge for Kosovo's Integration and Regional Peace-building, *ILIRIA International Review* - Vol 6, No 2 (2016) p. 176. © Felix-Verlag, Holzkirchen, Germany and Iliria College, Pristina, Kosovo, available at:
< www.dx.doi.org/10.21113/iir.v6i2.272 > (accessed 24 November 2018).

³⁵ Domestic policy of the Spain, Romania, Slovakia, Cyprus and Greece are linked to the Russian and China's intentions in condemning the Kosova's independency because of their interethnic problems.

6. Kosova's Security Forces and threatening by Serbia

Within environment of military strengthening in the region, Kosovo decided to transform mandate of Kosova Security Forces, KSF. It was done by Kosova's Parliament vote³⁶, changing three Laws. US pushed in that direction as did Germany, Great Britain, Italy, France,...but, failing NATO unanimity.³⁷ 107 lawmakers present in Kosovo's 120-seat Parliament, including minorities, formercept the Serbs, voted to back the government's plan to transform the formeristing 3,000 lightly armed Kosovo Security Force into an army that would grow up to 5,000 active troops and 3,000 reservists in the former decade. Knowing that, Serbia's Prime Minister, Ana Brnabić, reacted hardly against Kosova's movement³⁸, attempting to further disperse voices within this regional security and political organization. Backed by Russia, Serbia requested an emergency United Nations Security Council session over "the grossest violation" of the resolution governing such a formation, said Serbian Minister of Foreign Affairs, Ivica Dačić.³⁹ Paradoxically, Serbia is going to invest more money equipping 30,000 troops army with modern weapon⁴⁰, from Russia, six MiG-29 warplanes⁴¹ free of charge, 30 T-72S tanks, and 30 combat reconnaissance vehicles BRDM-2,

³⁶ Barbara Surk (2018), Kosovo Parliament Votes to Create an Army, Defying Serbia and NATO, The New York Times, December 14, available at: < <https://www.nytimes.com/2018/12/14/world/europe/kosovo-army-serbia-nato.html> > (accessed 04 December 2018).

³⁷ Kosovo legislature approves creation of national army (2018), DW, available at: < <https://www.dw.com/en/kosovo-legislature-approves-creation-of-national-army/a-46734640> > (accessed 04 December 2018).

³⁸ Serbia threatens military action after Kosovo votes to create army, (2018), Independent, available at:

<<https://www.independent.co.uk/news/world/europe/kosovo-army-security-force-serbia-military-action-invasion-ana-brnabic-a8684861.html> (accessed 14 November 2018).

³⁹ Surk (2018).

⁴⁰ SERBIAN SOLDIER OF THE 21ST CENTURY: Equipment coming for 1.500 elite soldiers, (2017) Telegraph, January, available at: < <https://www.telegraf.rs/english/2580769-serbian-soldier-of-the-21st-century-equipment-coming-for-1-500-elite-soldiers>> (accessed 04 December 2018)

⁴¹ Julija Simić (2017), Secondhand Russian fighter jets arrive in Serbia, EURACTIV.rs, available at:

<<https://www.euractiv.com/section/global-europe/news/secondhand-russian-fighter-jets-arrive-in-serbia/>> (accessed 04 December 2018).

with 14.5mm cannons⁴², but this is unacceptable when comes to strengthening Kosova's forces, even incomparable forces to Serbian ones. According to them, Kosova doesn't have right to protect it's territory and people, justifying with the fact that the new country is not part of the UN, and according to UN SC Resolution 1244, but neglecting the reality that Kosova's independence was in line with International Court of Justice. Kosova army is seeking be operational within a decade, mostly serving as part of NATO peacekeeping arrangements, as is will of Kosova's population being part of NATO organization cupolas in the nformert future.

7. Conclusion

Contradictions within international community toward Kosova's independence are damaging achieving peace within social misery mentalities in Serbia and Kosova. Challenges are of foreign and internal nature. Serbs and Albanians in Kosova can not move toward reconciliation by curbing each other's prospects and continuing believing in myths created on imaginations of dominance as the root cause of conflict. Practical step will be simultaneous integration into the EU. Initial integration of Serbia at EU, as carrot for recognizing Kosova, will cause certain international integration future problems for Kosova. Mutual recognition will solve century accumulated enemies and will open future integration development perspective for Kosovo and Serbia. Serbian false policy, transformed from Balkans black hole during the 90-ies to "moderated approach" with same wind political leaders, asking for reconciliation through compromise and consensus with Kosova is neither than prolonging of formeristing status quo. Kosova and Serbia have had chance to compromise with president Ahtisaari's Plan, which was refused by the second one. Kosova is now at the last round of formerperiencing phase sovereignty and every return could reproduce interethnic violence. Tendencies for territorial corrections based on ethnicity line will postponed stabilization of the two countries and the region. Delays and uncertainties by the international community toward recognitions of Kosova's independency may cause freezing and failure of peacebuilding process,

⁴² Serbia to get Russian warplanes, tanks, armored vehicles, (2016), b92, December available at:<https://www.b92.net/eng/news/politics.php?yyyy=2016&mm=12&dd=21&nav_id=100019> (accessed 04 December 2018).

started almost two decades ago, since withdrawals of Serbian forces from Kosova. The EU's decision-making in-dformerterity, isolating Kosovo people, contrary with their values, is creating more space for Russia's involvement in the Balkans. EU is failing to implement the will of majority member states on the Kosovo case. Failure of peace processes will be complementary to factorization of Russian policy of destabilization of the Balkan region and de-factorizing the role of western democracies and democracy as a system of governance. Internationally recognized independence of Kosova, becoming a member of international organizations, first of all at UN and EU, would be incentive for further perfection of the rule of law and democracy in order to reflect as peace producer at the region. Peace building in Kosova, as case of creation the new state, separated by Serbia, appeared to be different in nature and more complformer and difficult than the same process at the cases of intrastate conflict resolution. Because of sui generis nature, Kosova's membership in regional and global international organizations needs special soft treatment, formercluding the rigorous treatment of admission conditions.

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