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Equal Citizens, Uneven Communities: Differentiated and Hierarchical Citizenship in Kosovo

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ABSTRACT This paper looks at the case of citizenship in Kosovo and argues that the mismatch between the idea of a ‘liberal’ state and the practice of group differentiation, on the one hand, and the socio-political reality that emerged in the post-war period, on the other, has resulted in a citizenship regime that is hierarchical. It aims to demonstrate how despite the legally enshrined promise of equality, differentiated citizenship, together with a political context defined by an ethnic divide and past structural inequalities, as well as uneven external citizenship opportunities, contributed to the emergence of hierarchical citizenship, in which some groups (communities), or ‘rights-and-duty-bearing units’, are more equal than the others.

Introduction

In recent times, international actors (states, organisations and agencies) involved in state-building and post-conflict reconstruction have exhibited a growing tendency to promote group-differentiated rights and multicultural citizenship as a solution to issues regarding ethnic, religious and linguistic minorities and diaspora integration. In part, this is due to the fact that the concept of group-differentiated rights is often seen as a panacea for conflict-ridden multi-ethnic societies and states, such as the ones in the post-communist Balkans. However, despite the promise of achieving equality, functionality and prosperity within the newly created ‘liberal and democratic’ states, the international community’s approach to state-building in the Balkans—specifically the citizenship models applied therein, and the interplay between local and external agents—has resulted in a cluster of weak and internally divided states and societies. Moreover, in some cases, the application of group-differentiated rights in divided societies has perpetuated ethnic differences and increased group inequalities rather than contribute to achieving equality for previously disadvantaged groups. In other words, the international actors involved in the region promoted the ideal of liberalism while implementing regimes grounded in group differentiation.

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This paper argues that the mismatch between the ‘liberal’ state ideal and its practice of ‘group differentiation’, on the one hand, and the socio-political reality that emerged in post-war Kosovo, on the other, has resulted in a citizenship regime that is hierarchical. It uses the case of citizenship in Kosovo to show how despite the legally enshrined promise of equality, differentiated citizenship, together with a political context defined by an ethnic divide and past structural inequalities, as well as uneven external citizenship opportunities, contributed to the emergence of hierarchical citizenship, wherein some groups (communities), or ‘rights-and-duty-bearing units’, are more equal than the others. It addresses the situation in which the formal equality of citizens and communities is contradicted by the socio-political reality that some communities are better off, thus leading to the emergence of a hierarchy of communities in Kosovo. The paper argues that the hierarchy exists not only between the core, dominant Albanian community and the non-dominant communities, but within the latter as well. Despite the legally enshrined principle of equality, some communities in Kosovo form the core of the polity and society, while others remain in the semi-periphery or periphery.

Citizenship and Diversity: Re-evaluating the Conceptual Link between Citizenship, State and Nation

Despite the claim that liberalism provides universal citizenship (Magnette, 2005, p. 167) and the state is blind towards different particularities in terms of ethnicity, culture and so on, various disadvantaged groups and minorities have challenged the ‘myth’ of the ethnic or cultural ‘neutrality’ of liberal citizenship, thus demanding a re-evaluation of the link between state, citizenship and their ethnic/cultural/national belonging. At a normative level, this has often been articulated as the struggle for ‘recognition of difference’ (Taylor, 1994, p. 38) and ‘group-differentiated citizenship and a heterogonous public’ (Young, 1995, p. 184). By emphasising the limits of realising group claims through individual rights, this pluralist approach to citizenship renounces the liberal ‘universal’ approach of considering cultural differences and group particularities as private, thus asking for recognition and representation of group interests and rights.

Another strand of this pluralistic approach is articulated in the form of liberal multiculturalism, which rose in opposition to the established tradition of a ‘process of majoritarian decision-making’, as Kymlicka (1995, p. 5) puts it, and the ‘benign neglect’ (Kymlicka, 1995) of minority groups. It proposes a group-differentiated citizenship which is not a substitute for universal citizenship, but rather complementary to it. In short, proponents of differentiated citizenship—who advocate the incorporation of members of certain cultural groups not only as individuals but also as members of groups, their rights depending in part on group membership catering to their special needs—argue that it can be used as a tool for the advancement of an important principle of liberal democracy: that of equality.

Although group-differentiated rights and citizenship are informed by ideas about justice in current political philosophy, they often serve more mundane purposes such as conflict resolution, management and organisational efficiency (De Zwart, 2005, p. 142). Nonetheless, despite the fact that in many cases group-differentiated and multicultural policies have proven successful in mitigating long-standing inequalities, they may also promote ethnic conflict, create vested interests in group distinctions, exacerbate ethnic divisions and entrench inequality, thus raising a ‘dilemma of recognition’ (De Zwart, 2005, p. 136).
In practice, the demand of a non-dominant group for recognition and equality varies from mere recognition of its status as a minority to local self-governance and political autonomy. However, due to the fact that ‘the politics of recognition and multicultural justice remain tied to the basic principles of political modernity: the idea and practice of a state representing the people in its threefold meaning of nation, citizenry and sovereign’ (Wimmer, 2002, p. 4), in many cases when minority groups demand their differences be acknowledged within the state in the form of autonomy, what they seek, in essence, is not inclusion but partial withdrawal or the right to opt out from the common citizenship (Magnette, 2005, p. 168). Consequently, the end result may be an internally divided society and state, with various groups enjoying various degrees of rights and privileges within a pluralised differentiated citizenship.

As regards the concept of hierarchical citizenship, I draw on Stephen Castles’s definition used to describe the global order that has emerged since the end of the Cold War, which is composed of a hierarchy of states with varying levels of power, forming a hierarchical nation-state system. According to Castles, the varying power of states is reflected in a similar hierarchy of rights and freedoms of each state’s peoples: hierarchical citizenship (2005). In a similar vein, Wallerstein’s (2004) world systems theory contains a three-level hierarchy: core, periphery and semi-periphery. Yet, as will be shown in the following discussion, differentiated citizenship within the state level can be hierarchical as well. In that case, some groups form the core of the political system, whereas others are in the semi-periphery and periphery.

Hierarchical citizenship results from the discrepancy between the ideal of a liberal state that is blind to group differences and institutionalised forms of differentiated citizenship, and a reality of some groups being more favoured than others. In particular, differences in levels of group/community protection and political representation become pertinent in cases when there is a clear difference between the absolute equality of human rights laid down in the legal instruments of the state and the social reality, where although many have certain rights on paper, they lack the opportunities and resources to actually enjoy those rights.

In what follows, I look at the process of state-building and transformation in the Balkans in the aftermath of the fall of communism and the role of international actors in the establishment of new citizenship regimes.

Post-Communist State-building and Transformation in the Balkans

In the early 1990s, after the fall of communism and the eruption of the Yugoslav crisis, many international actors, states and organisations alike became directly involved in the region. A decade later, the USA and European powers (commonly referred to as ‘the West’) were deeply involved in interventions across almost every region of the Balkans (Petersen, 2011, p. 107). Post-communist Europe and Eurasia thus became ‘fertile ground for testing theories of democratisation, institutional design, interest group interaction, and identity politics that have been developed in other geographic contexts’ (King, 2010, p. 80). The international missions in Bosnia and Herzegovina (hereafter Bosnia), Kosovo and Macedonia viewed multiculturalism and multi-ethnicity as the recipe for healing the wounds of war and overcoming inter-ethnic divisions and cleavages; hence, the predominant discourse revolving around the following buzzwords: ‘coexistence’, ‘united in diversity’, ‘multi-ethnicity’, ‘peace and tolerance’ and so on.
It is important to note that the Yugoslav crisis evolved in a period characterised by the global diffusion of both a political discourse on multiculturalism and its codification into different international legal norms, mostly embodied in international declarations and conventions addressing minority rights (Kymlicka, 2007, p. 3). As a result, minority rights standards were put high on the agenda of the external state-builders. However, as observed by Woodward, although the failure of the Yugoslav state and the subsequent wars had a complex but common cause, external actors varied among themselves and across the seven successor cases in their explanations for state collapse and resulting violence, and, most importantly, in their solutions and related understandings of the state and state-building process (2011, p. 322). While in the cases of Slovenia and Croatia, the international community supported a Weberian state model, establishing the new states’ monopolies over the use of force within their respective territories, in the cases of Serbia and Montenegro, the focus was on regime change. On the other hand, Bosnia, Kosovo and Macedonia represent prime sites of international intervention in the region.

In these three cases, the new state model drafted by outsiders, either foreign government lawyers or diplomats, with the goal of ending wars between the parties imposed a fait accompli of group and minority rights (Woodward, 2011, p. 324). As a result of this imposition and lack of proper political input from local polities, these countries represent cases of polities where ‘the political sphere has been colonized by external regulation’ (Chandler, 2002, p. 203). By prioritising group-differentiated rights and perpetuating ethnicity as the main identity signifier, the internationally drafted Dayton Peace Accords in Bosnia, Ohrid Framework Agreement in Macedonia, UN Security Council Resolution 1244, Constitutional Framework for Provisional Self-Government in Kosovo, Ahtisaari Plan and Kosovan Constitution encourage the use of ethnicity both in the constitutional settings and in the political relations in these countries.

The format of the ‘citizenship regime’ (Shaw & Štiks, 2012) was at the heart of debates on the nature of the future states. As is the case with other legal and constitutional provisions in Bosnia, Macedonia and Kosovo, international intervention had a direct impact on the civic status of individuals and citizenship laws (Shaw & Štiks, 2012, p. 310). In line with the international community’s predominant ‘multicultural vision’ and group-differentiated rights, the post-conflict citizenship regimes in Bosnia, Macedonia and Kosovo are based on the principle of multicultural citizenship and the decoupling of membership and identity. As a result, these three countries put in place multi-ethnic citizenship regimes, meaning that although all citizens are considered equal, the political reality involves consociational arrangements, ethnic voting and quotas, and ethnic representation and vetoes (Shaw & Štiks, 2012, p. 317). While in the case of Bosnia, the citizenship regime established at Dayton in 1995 stands out for its bifurcated nature and the existence of a plurality of regimes and conceptions of citizenship (Sarajlić, 2012), Macedonia (Spaskovska, 2012) and Kosovo have preserved their unitary character, but are decentralised on the principle of ‘ethno-majoritarianism’ (Dahlman & Williams, 2010).

Notwithstanding the crucial role of international actors in the Balkans and similarities in state-building in the successor states of the former Yugoslavia, two important points need to be made. First, different missions had different contexts, and different compositions thus resulted in different attitudes towards group rights and liberalism. Whereas the Bosnian constitutional setting incorporated group rights and power-sharing instruments to the greatest extent, in Kosovo and Macedonia, power-sharing arrangements and group-differentiated rights are weaker, leaning towards the liberal state model. These
differences reflect both the specificities of these cases (ethnic composition of the population, above all), and variations regarding the preferred state-building model of the key players: the USA and European countries (Rupnik, 2011; Woodward, 2011). In particular, in the case of Kosovo, the USA, which was dominant throughout the process, tended toward a more liberal model of rights, whereas the EU countries were more sympathetic towards group rights and demands.

The second point is the twofold role of local dynamics and local actors in the process. On the one hand, local leaders representing groups in the majority (irrespective of their rhetoric about the unitary states and liberal model or rights) and, especially, minority groups’ leaders, showed great desire for recognition of their group specificities. On the other hand, while nominally sharing the international actors’ vision for a multi-ethnic society and equality, local leaders more often than not undermined the implementation of the legal setting or adopted and adapted it to their needs and priorities. Consequently, this led to the emergence of hybrid political orders in the region, in which:

- diverse and competing authority structures, sets of rules, logics of order, and claims to power co-exist, overlap, interact, and intertwine, combining elements of introduced Western models of governance and elements stemming from local indigenous traditions of governance and politics, with further influences exerted by the forces of globalization and associated societal fragmentation (in various forms: ethnic, tribal, religious). (Boege, Brown, & Clements, 2009, p. 17)

The often unbridgeable gap between the formal and the informal, as well as between the political rhetoric and the policy commitment, is a key factor in the emergence of hierarchies and inequalities.

As regards the selection of the case, from the three post-Yugoslav cases characterised by tension between civic and multi-ethnic elements in their constitutional settings and citizenship regimes, namely Bosnia, Kosovo and Macedonia, I have chosen Kosovo for two reasons. First, Kosovo assigns the same legal status (community) to all constitutionally recognised ethnic groups. Second, the number of ethnic groups that are recognised in Kosovo and provided with specific group-differentiated rights is larger. This, in turn, makes it possible to examine the uneven manifestation of group-differentiated rights not only in the context of the majority–minority binary divide, but also within and between non-dominant communities.

Kosovo: Multiple Forms of Uneven Citizenship

Residents of the territory of Kosovo have been subject to various forms of hierarchical citizenship put in place by various states and regimes throughout the twentieth century. The imperial Ottoman citizenship regime, the unitary citizenship of royal Yugoslavia, the federal citizenship of socialist Yugoslavia coupled with Serbian republican citizenship, a nested quasi-citizenship regime in Kosovo (1974–1989), and the new federal citizenship arrangement in the Federal Republic of Yugoslavia (1992–1999) all distinguished between various ethno-cultural or religious categories, be it millets, nations, nationalities, ethnic groups and so on. Despite the fact that UN Resolution 1244 mandated an ethnically integrated Kosovo, Kosovo was de facto partitioned along ethnic lines by default due to the passivity of the international administrators in the face of fierce resistance by local
ethnic elites and their unwillingness to implement the integrationist elements of the peace arrangements (Jenne, 2009). This post-war de facto partition was soon institutionalised with the establishment of the UN-sponsored interim legal and political framework in Kosovo. The contours of Kosovo’s new citizenship regime were set up in the aftermath of international intervention and the adoption of the Constitutional Framework for Provisional Self-Governance in Kosovo in 2001, which introduced the term ‘community’—meaning ‘inhabitants belonging to the same ethnic or religious or linguistic group’—instead of the more common terms ‘nation’, ‘ethnic group’ or ‘majority’ and ‘minority’. In addition to the legally guaranteed equality of all communities, non-majority communities were guaranteed specific group rights, such as political representation, cultural rights and quotas in employment. The Ahtisaari Plan, as well as the Kosovan Constitution, mirrors this model of membership and political organisation established by the UN Mission in Kosovo.

Despite the fact that constitutionally Kosovo is defined as ‘a state of its citizens’ (Article 1.2), meaning a civic state, ‘multi-ethnicity’ is the keyword in both the Ahtisaari Plan and the Kosovan Constitution itself. If equality is established legally among all citizens, politically every citizen is defined as a member of a community. As in the UN-drafted Constitutional Framework, in the Kosovan Constitution, the term community refers to ‘inhabitants belonging to the same national or ethnic, linguistic, or religious group traditionally present on the territory of the Republic of Kosovo’ (Article 57.1 of the Constitution). All the constitutionally recognised, non-dominant communities in Kosovo are granted specific group rights, including reserved seats in the parliament, at least two ministerial portfolios in the government, and proportional representation, as well as quotas, at other levels of governance. Thus, as I have argued elsewhere (Krasniqi, 2012), the new Kosovan Constitution, by refusing to recognise exclusions, loyalties or claims of ancestral rights, not only defends the universalist values of civic republicanism and individual liberalism, but also speaks out for group (community) rights and defends their exclusivity and group-differentiated rights. Certainly, in the case of Kosovo, there is a de-ethnicisation of state institutions on the one hand, but, on the other, a multi-ethnic composition of the society reflected in politics, that is, ethnicisation. By being deeply inscribed in the experience of everyday life of ordinary people in Kosovo, ethnic categorisations at the same time define the social, political and geographical boundaries in which individuals can operate and are reified by those experiences (Sigona, 2012, p. 1218). This results in ethnically blind civic state institutions, and yet the very functioning of the state is based on multi-ethnicity: the ethnically blind state is there to ensure that no group will dominate or be discriminated against—at least not formally. Indeed, elements of multiculturalism and civic republicanism are melted together in Kosovan legislation.

However, a closer examination of the Kosovan constitutional system and legislation shows that although all communities within the Kosovan polity are formally equal before the law, the citizenship rights assigned to each group are uneven. This stems from the mismatch between the idea of ‘liberal’ states and the practice of group differentiation, and the emergence of a hybrid political order. This unevenness, in turn, combined with the present socio-political reality in Kosovo and uneven external citizenship opportunities, has resulted in the emergence of a hierarchical order of communities. This manifests in the sphere of political representation, local self-governance, and social and cultural rights, thus affecting different communities in different ways.
The citizenship hierarchy used to analyse Kosovo does not represent a static, caste-like echelon of various groups in society or a strict constitutional pecking order of various differentiated communities or groups. Rather, it is a tool utilised to describe the present legal, social and political settings in Kosovo and the current position of different communities within that setting. Some of the key factors, or independent variables, that determine the present hierarchy of citizenship in Kosovo, and which will be analysed while looking at each of the communities, include: constitutional setting, external citizenship, historical legacies, demography, geographic position, (in)existence and role of a kin-state, relations with the core-group, political agency and resources. Last but not least, discrepancies between the equality provided for in national law and Kosovo’s social and political reality is a determinative factor in citizenship hierarchy: while certain rights may exist on paper, many communities lack the opportunities and resources to actually enjoy these rights. The gap between the formal legal setting and informal political practices is largely determined by the existence of different levels of hybridity between international and local actors in Kosovo, such as the institutional, public and hidden practices of hybridisation (Visoka, 2012).

Following Brubaker (1996) and Mylonas (2012), I consider the interaction between the host state, non-core groups and external powers to be of particular importance in the process of state-building in Kosovo and accommodation of various communities within the new state. External actors, in the form of both individual states (kin-states or third parties) and international organisations, were heavily involved in the process of shaping Kosovo’s legal setting and continue to play a great role even today. As will be made evident in the later section discussing the position of various communities, the existence of an external power in general and a kin-state in particular outweighs other factors such as size of population and political demands. Although the main focus is on internal citizenship in Kosovo, the role of the kin-state is analysed also in the context of ‘external citizenship’ and the degree of rights and privileges granted by various kin-states in the region. In other words, I will also focus on the role and impact of existing ‘citizenship constellations’, defined by Bauböck as ‘structures in which individuals are simultaneously linked to several such political entities, so that their legal rights and duties are determined not only by one political authority, but by several’ (2010, p. 848).

Thus, while looking at these aspects mentioned here, I argue that despite the almost absolute equality of communities and citizens enshrined in Kosovo’s legal and constitutional setting, in reality hierarchy prevails. As a result, some communities are more equal than others. The present hierarchy of communities in Kosovo is drawn by distinguishing between core dominant and non-dominant communities, on the one hand, and semi-peripheral and peripheral communities, on the other. Based on the present legal setting and socio-political situation, the order of groups in the hierarchy of citizenship is as follows: (1) Albanians—the core dominant community; (2) Serbs—the core non-dominant community; (3) Turks—the semi-peripheral community; (4) Gorani and Bosniaks—the elusive peripheral communities; (5) Montenegrins and Croats—the unrecognised communities and (6) Roma, Ashkali and Egyptians (RAE)—the invisible communities.

As far as methodology is concerned, depictions and comparisons are made using Scheppele’s approach of ‘constitutional ethnography’, which involves the ‘study of the central legal elements of polities using methods that are capable of recovering the lived detail of the politico-legal landscape’ (2004, p. 395). In other words, the paper combines analyses
of legal documents with other primary sources, including media articles and reports, as well as secondary sources. Rather than focusing on the legal setting alone, by examining the overall political-legal context, this approach helps elucidate the legal and socio-political factors that determine the current position of each of the communities in Kosovo’s political and social system and citizenship hierarchy.

The Core (Dominant) Community: Albanians

Kosovo is not defined as a national state of its titular nation, but as a multi-ethnic state of all citizens, guided by principles of non-discrimination and equal protection of all communities, thus pre-empting the ‘appropriation’ of the state by a numerical absolute majority (i.e. Albanians) or the ‘tyranny of the majority’. Indeed, Kosovo represents a state with a complex governance structure based on a mixture of territorial and functional structures (Stroschein, 2008). However, despite this, and the attempts to create a ‘post-national state’ where state membership and identity are, using Joppke’s terminology, ‘structurally decoupled’ (2007, p. 44), one cannot neglect the fact that ethnic Albanians constitute the overwhelming majority of the Kosovan population.6 As such, the Albanian community in Kosovo occupies a central place within the new state, including domination of central political and security institutions, as well as economic life, thus making it the core community. Despite the fact that the term Albanian figures only twice in the constitution (with reference to the Albanian community and language), the formulation in article 3.1 of the constitution—‘The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities [my emphasis], governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions’—singles out the Albanian community from the rest of communities living in Kosovo.

As a result, other communities in Kosovo, in particular the Serb community and the state of Serbia, see Kosovo as an essentially ‘Albanian state’ with a civic and multi-ethnic façade. On the other hand, many Kosovan Albanians do not consider Kosovo (including its legal framework and state iconography) to reflect properly its overwhelming ethnic Albanian majority. Nevertheless, Kosovan leaders have often acted in a way that meant Kosovo assuming kin-state-like functions for Albanians in South Serbia. A case in point is a resolution adopted in the Kosovan Parliament on the rights of Albanians in the three municipalities in South Serbia (Resolution No 04-R-011, 2013).

Nonetheless, when it comes to various citizenship rights, such as social benefits or free movement, Kosovo Albanians, most of whom have only Kosovan citizenship, are disadvantaged compared to other communities whose members are linked to other citizenship regimes in the region that enjoy visa-free benefits. Kosovan passport holders remain the only citizens in the Western Balkans who still need a visa to travel within the EU. Although Albania, which is perceived by many Kosovan Albanians as their kin-state, recently decided to grant citizenship to ethnic Albanians in the region and diaspora, it nevertheless excluded Kosovo Albanians for political reasons from the new policy of post-territorial citizenship based on the principle of ethnic selectivity (Krasniqi, 2013a).

The Core Non-dominant Community: Serbs

The Serbs’ position as a core non-dominant community is based on history,7 the recent ‘ethnic reversal’,8 its political organisation, the role of Serbia as a de facto kin-state,9

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6. For a comprehensive analysis of the role of ethnicity and community in the post-conflict period, see Krasniqi (2013a).
7. For an in-depth analysis of the role of history in contemporary Kosovo politics, see Krasniqi (2013b).
8. For an overview of the concept of ‘ethnic reversal’, see Krasniqi (2013c).
9. For a detailed analysis of the role of Serbia in the post-conflict period, see Krasniqi (2013d).
and international support, rather than their numerical superiority vis-à-vis other non-dominant communities. Above all, the wide scope of specific group rights and protections enshrined in Kosovan legislation make the Serb community stand out from other non-dominant communities in Kosovo. These rights stretch out in different areas, from human, cultural and religious rights to political participation and local self-governance. In addition, even after more than six years since the declaration of Kosovo’s independence, Kosovo Serbs remain firmly attached to Serbia’s citizenship regime, thus enjoying political and social rights derived from their Serbian citizenship. However, notwithstanding the vast array of rights guaranteed for the Serb community, it was the community worst affected after the end of the war in Kosovo. Their numbers have shrunk as a result of fleeing and deportation, and with the exception of northern Mitrovica, Kosovo Serbs today inhabit mostly small, isolated, rural areas.

Kosovo’s enhanced legislative framework grants a vast array of rights and protections to its non-dominant communities. These rights were enshrined in the Ahtisaari Plan (Annex II), the Constitution of Kosovo (Chapters II and III), Law on Protection and Promotion of the Rights and Interests of Communities and their Members in the Republic of Kosovo (Law No. 03/L-047, 2008) and other laws that derive from the Ahtisaari Plan and are of ‘vital interest’ to communities. To that end, Kosovo has provided for a wide network of institutions and mechanisms dealing with human and minority rights.

In addition to the fact that Serbian is an official language, together with Albanian, throughout Kosovo, the Serb community is guaranteed 10 seats in the Kosovan Parliament, at least one ministerial portfolio in the government, and proportional representation, as well as quotas, at other levels of governance. Moreover, the principle of double-majority is put in place for those pieces of legislation that are of ‘vital interest’ to the Serb community.

In order to prevent Albanian domination in government and extend powers to the local Serbs, the Ahtisaari Plan outlines a detailed proposal for decentralisation, including enhanced governance powers that are allocated to local-level municipalities, including the ability to engage in cross-border cooperation with Serbia and to form associations of municipalities (Stroschein, 2008, p. 657). According to the Kosovan Law on Self-government (Law No. 03/L-040, 2008), municipalities shall exercise their own delegated and enhanced competences. These enhanced competences are designed for Serb-dominated municipalities exclusively, thus creating an asymmetry of municipal competences and local self-governance powers. According to articles 22 and 23 of the Law on Self-government, all municipalities in which the Kosovan Serb community is in the majority have enhanced competences in the area of culture (including protection and promotion of Serb and other religious and cultural heritage within the municipal territory, as well as support for local religious communities) and enhanced participatory rights in the selection of local police station commanders.

As regards asymmetry, however, the principle of asymmetric rights and competences is also applied within the majority Serb municipalities. Thus, only the municipalities of Mitrovica North, Gracanica and Strpce have the competence for the provision of secondary health care, including registration and licensing of health-care institutions, recruitment, payment of salaries and training of health care personnel and administrators. Although it is difficult to determine how much this is a political decision and how much it is simply economy of scale and the size of the municipalities that influenced...
this particular outcome, this certainly establishes asymmetry across Serb-dominated municipalities.

In line with the Ahtisaari Plan and in accordance with the European Charter of Local Self-governance, immediately after the declaration of independence, the Kosovan authorities, under strong international influence, initiated the creation of five new municipalities with a Serb majority and the extension of one other. In the 2009 and 2010 local elections, four new Serb-dominated municipalities came into being, thus representing a landmark development in the integration of the Kosovo Serb community’s institutions and legal system. As a result of the decentralisation process, the Serb community in Kosovo forms a majority and holds power in 10 municipalities located in the northern, eastern and southern parts of the country.

Last but not least, the Serb community in Kosovo has extensive competences in the field of education. According to the law, primary and secondary schools that teach in the Serbian language may apply curricula or use textbooks developed by the Ministry of Education of the Republic of Serbia upon notification to the Kosovo Ministry of Education, Science and Technology. In reality, education remains one of the most segregated areas in Kosovo, with Kosovo Serb students attending schools that are part of Serbia’s educational system. Although Kosovo has prepared and approved an integrated curriculum and teaching materials for Serb primary and secondary schools, and in many cases pays salaries for teachers working in schools run by the Republic of Serbia (Helsinki Committee for Human Rights in Serbia [HCHRS], 2012), Serbs’ education in Kosovo nonetheless still functions outside of the Kosovan system. The new situation created Kosovo’s declaration of independence in February 2008 has deepened the division between Kosovo Serbs living north and south of the river Ibar that has existed since 1999. North Kosovo, which includes the Serb-dominated municipalities of Zvecan, Zubin Potok and Leposavic, as well as the northern part of the city of Mitrovica (which became a separate municipality), has in many ways become a hub for Serbs in Kosovo, an intellectual and political centre. It holds a university (officially called ‘Pristina University’) which is part of Serbia’s educational system. For most of the post-war period, local Serbs, who ‘see the North as their last stand’ (ICG, 2011, p. i), have gathered around the Serb National Council, an umbrella group representing Kosovo Serbs. In addition to the continuous boycott of elections, urged by Serbia, local Serbs in northern Kosovo boycotted the first overall census in Kosovo in April 2011. In 2012, they organised a referendum where the overwhelming majority voted to reject contact with independent Kosovo’s institutions. Serbia, Kosovo and the international community dismissed the vote as irrelevant (Barlovac & Aliu, 2012). The resistance of Kosovo Serbs in general and those in the north in particular against integration into the Kosovan system is ‘understood by them as upholding of the remnants of the Serbian legal order in Kosovo’ (Oklopcic, 2009, p. 679).

Although largely outside the Kosovan political and legal system, Serbs in northern Kosovo are in a rather specific, if not favourable, position compared to the rest of the Serbs in Kosovo. They form an overwhelming majority in that region, maintain their own institutions which are supported actively by Serbia and keep close ties with other cities across the border in Serbia. This specific position of the north was recognised by Serbia, Kosovo and the EU as it became a critical theme in the EU-facilitated dialogue between Pristina and Belgrade. After 10 rounds of often gruelling talks in the EU-facilitated dialogue, Kosovo and Serbia reached a landmark accord on 19 April 2013 (The
Economist, 2013), as the respective prime ministers initialled an agreement\textsuperscript{15} aimed at normalising relations between Serbia and Kosovo.\textsuperscript{16} This agreement is yet another sign of the strong international interest in the position of the Serb community in Kosovo.

While the agreement will eventually enable Kosovo institutions to establish nominal control in the northern part of the country through the integration of the existing judicial and security structures into the Kosovan system, certain elements of the agreement will enhance the position of northern Kosovo as a special territory within the country. This is evident in two fields: judiciary and policing. According to point 9 of the agreement, there shall be a Police Regional Commander for the four northern Serb majority municipalities (Mitrovica North, Zvecan, Zubin Potok and Leposavic). This imposed a change in the present organisation of the police in Kosovo, thus elevating northern Kosovo to the status of a separate region. Likewise, as regards the organisation of the judiciary, the agreement foresees the establishment of a panel composed of a majority of Kosovo Serb judges by the Appellate Court in Pristina to deal with all Kosovo Serb majority municipalities. A division of this Appellate Court, composed of both administrative staff and judges, will sit permanently in northern Mitrovica (Mitrovica District Court). In another attempt to single out northern Kosovo from the rest of the country and Serb-dominated municipalities, the Serbian government demanded that NATO provide written guarantees that the Security Force of Kosovo (KSF), or a future Kosovan army, will not be present in northern Kosovo (Flego, 2013).

This landmark agreement was followed by other agreements on the implementation of the April Agreement, especially on the issue of elections, as well as on energy and telecommunications. However, a key moment in the implementation of the agreement was the 3 November 2013 municipal elections, which were the first ones organised throughout the territory of Kosovo. Barring some incidents in Mitrovica North, the vote was characterised by a higher turnout on the part of the local Serbs, thus resulting in the election of new Serb mayors. Although the agreement still needs to be implemented in its entirety, including the establishment of the Association/Community of Serb majority municipalities, once implemented, the agreement could reinforce the asymmetric\textsuperscript{17} position between the Kosovo Serbs from the north and those Serbs living in the other parts of the country. In this case, one could argue that in Kosovo there exists inter-community asymmetry as well as intra-community asymmetry of rights, all part of a complex hierarchy of citizenship.

In general, the previous negotiation process that led to Kosovo’s supervised independence as well as the current EU-led dialogue revolved around the position and accommodation of the Serb community in Kosovo. The main demand of the Serbian state, as well as some Kosovo Serb leaders, has been the right of Serbs from Kosovo to opt out, partially or fully, from certain aspects of the emerging Kosovan citizenship regime and political system. Education and health care are the two main fields where Kosovo Serbs, both in the north and in the south, can opt out from the Kosovan system. However, as regards the extension of the Serbian state institutions and benefits to Kosovo Serbs, two points should be taken into consideration. First, they represent an element of political hybridity and multiple overlapping jurisdictions that emerged in post-1999 Kosovo. Second, despite formally labelled ‘parallel’ by the international and Kosovan institutions, they played a vital role in the survival of local Serbs in Kosovo.

In addition, with respect to the political agency, barring the 2000–2004 period, Kosovo Serb leaders, in particular the ones in the northern part of the territory, have refused to
participate in Kosovan institutions as a means to improve the position of the community. This boycott of Kosovan institutions has weakened the bargaining power of the Serb leaders in the Kosovan system and weakened the political position of the whole community. However, the Kosovo Serbs, backed by Serbia, participated in Kosovo’s national elections in June 2014, thus paving the way for the emergence of a Kosovo Serb leadership that is legitimate and representative of Kosovo Serb interests within Kosovo’s central institutions. Equally, despite the fact that Kosovo Serbs remain tied to the Serbian citizenship regime and receive preferential treatment, when it comes to issues such as free movement, Kosovo Serbs occupy a lower position in the Serbian citizenship hierarchy as well. A case in point is the 2009 agreement between Serbia and the EU on visa liberalisation, which excludes residents of Kosovo from the visa-free-travel regime. As a result, Kosovo’s residents, both Serbs and Albanians holding Serbian passports, are affected by discriminatory citizenship practices such as exclusion of people from one region (or, at least, tacit complicity in the EU-imposed exclusion) from the benefits enjoyed by all other citizens (Vasiljević, 2012, p. 332).

The Semi-peripheral Community: Turks

The Turkish community in Kosovo, although quite small in number, occupies a specific position within the political and legal system in Kosovo. This specific position has resulted from the rights enshrined in the legal framework, its relations with the dominant community and the role of Turkey, perceived as the kin-state of Turks in Kosovo.

As regards the rights of the Turkish community in Kosovo, it enjoys a wide array of rights, mostly in the fields of self-governance and language. It has two guaranteed seats in the Kosovan Parliament and representation in other consultative bodies for non-dominant communities, as well as in local governance. At present, the leading Turkish party in Kosovo (Turkish Democratic Party of Kosovo—KTDP) is represented in the Kosovan Parliament with three MPs and its president holds the position of the Minister of Public Administration in the Kosovan Government. As part of the process of decentralisation of power in Kosovo, the Turkish community of Mamusa was granted the status of a municipality in 2008. This is the only Turkish-dominated municipality in Kosovo. Moreover, based on the law on the use of languages (Law No. 02/L-37, 2006), Turkish, together with Bosnian and Roma, is in official use at the local level. However, although the law stipulates that this is valid only ‘in municipalities inhabited by a community whose mother tongue is not an official language, and which constitutes at least five (5) per cent of the total population of the municipality’, Turkish is an official language in the municipality of Prizren regardless of not meeting the 5% criteria. Moreover, since 2008, Turkish has gained the status of a language in official use in five other Kosovan towns, including the capital city (OSCE, 2008).

In addition, Turkey’s good relations with Kosovo in all bilateral issues and areas of interest have resulted in the former’s increased financial and cultural support to the Turkish community in Kosovo. This, together with Turkey’s favourable external citizenship policies towards its ethnic kin, has noticeably impacted the position of the Turkish community in Kosovo, in terms of both its integration into the Kosovan system and institutions, as well as its social and economic well-being.
The Elusive Peripheral Communities: Gorani and Bosniaks

While the Serb community in Kosovo has attracted continued attention from Kosovan leaders, Serbia and international actors, other communities have attracted far less attention—or none at all. The Bosniak and Gorani communities in many ways remain in the ‘grey zone’ between the more organised and politically established communities described earlier, and the RAE communities, which, as a Roma journalist put it, have become the forgotten citizens of the newly independent Kosovo (Galjus, cited in Sigona, 2012, p. 1215). In fact, being Slavic-speaking and Muslim, Bosniaks and Gorani, although recognised as separate communities in Kosovan legislation and provided with reserved seats in the Kosovan Parliament (three seats and one seat, respectively), remain caught between multiple and often conflicting political visions and interests that assign different identities to them. In particular, in the Prizren region, the divide between the Kosovo Bosniak and Gorani communities is especially porous as both communities share a number of key characteristics, with political affiliation the main distinguishing feature (OSCE, 2010). In addition, different Balkan states such as Serbia, Macedonia, Bosnia, and even Bulgaria and Turkey, claim them as co-ethnics and have even provided some with passports. In other words, the tendency of neighbouring states to ‘appropriate’ Bosniaks and Gorani through the extension of partial or full citizenship rights, despite the fact that they have their own political self-identification and mostly do not identify with an external homeland, makes them ‘claimed co-ethnics’ (see Stjepanović in this volume).

Irrespective of their numbers and their compact territorial concentration, these communities have not profited from the decentralisation of power. Thus, up to this day, they are minorities in Albanian-dominated municipalities in the southern and western part of the country. In fact, leaders of these communities have demanded the creation of two Gorani and Bosniak-dominated municipalities, one in the south and one in the west of Kosovo, respectively (KohaNet, 2012). As regards linguistic rights, Bosnian is a language in official use in three municipalities, but education remains a problem. Lacking curricula and programmes adopted by Kosovo, a number of these Slavic-speaking communities, especially the Gorani, are part of the education system of the Republic of Serbia.

So although Bosniaks and Gorani comprise sizable populations which are constitutionally recognised as separate communities, granted political representation, and reasonably well integrated into the political system, as a result of the lack of external support, lack of active elites, and limited educational and economic resources, they occupy a rather marginal position in Kosovo’s society.

The Unrecognised Communities: Montenegrins and Croats

Montenegrins and Croats represent two ethnic groups traditionally present in the territory of Kosovo, which still remain constitutionally unrecognised as separate communities. Although quite small in numbers and concentrated in certain regions of the country, these two communities were recognised as separate groups in socialist Yugoslavia but lost their status in the 1990s. As a result of the Yugoslav wars of secession and the subsequent waves of deportation and migration, the number of Croats and Montenegrins in Kosovo dropped after 1999. Nonetheless, supported by their respective kin-states, which have good relations with Kosovo, and profiting from an improved inter-ethnic
climate in Kosovo, recent years saw renewed attempts by emerging leaders of these communities to organise politically and demand equal recognition and treatment.

Although the newly emergent Montenegrin political leadership in Kosovo advocates for disassociation of Montenegrins from the Kosovo Serbs, the reality on the ground is more complex with many members of this community still reluctant to publicly self-identify as Montenegrins, especially in cases where they are integrated into the Kosovo Serb community and benefit from institutions financed by the Republic of Serbia (OSCE, 2010). Yet the state of Montenegro actively supports the idea of disassociation and consolidation of a separate Montenegrin community in Kosovo. In fact, although Montenegro recognises Kosovo’s independence, it has nevertheless made the exchange of ambassadors conditional on granting the community status and representation in the Kosovan Parliament for its ethnic kin, as well as the return of refugees (mostly Roma) from Kosovo who continue to reside in Montenegro.

Although Kosovan politicians have promised to recognise the Montenegrin and Croat communities and grant them political representation, both communities remain constitutionally unrecognised as of yet. Nonetheless, it remains to be seen how an eventual recognition and granting of reserved seats in the parliament would change the present socio-political reality, improve their position, and help them integrate into Kosovan society and the state. Although leaders of these communities perceive Croatia and Montenegro as their kin-states, at present most community members benefit from the education and health services funded by the Republic of Serbia.

The Invisible Communities: RAE

Despite being a community with a long history of living in Kosovo and the region, Egyptians and Ashkali were not recognised as separate ethnic categories from Roma until quite recently, in 1991 and 1999, respectively. Although there are different interpretations about the ethnogenesis and specific cultural and social traits of these communities, language is one of the main factors that differentiates Roma from the Ashkali and Egyptian communities in the case of Kosovo. Although all the three communities are predominantly Muslim, Roma speak the Romani language, while Egyptians and Ashkali are Albanian-speaking. Although these three communities face similar and enormous challenges as they remain caught between multiple and conflicting political structures and interests, the Albanian-speaking Ashkali and Egyptian minorities are slightly better positioned than the Roma, who were traditionally closer to the Serb community (Sigona, 2012, p. 1221).

Facing problems of discrimination, marginalisation (see Sardelić in this volume) inability to return (see Đorđević in this volume), chronic unemployment, and lacking a political elite to champion community rights, as well as lacking a kin-state to lobby for them, RAE communities in Kosovo are viewed as a human rights issue to be addressed by external organisations and agencies. Thus, as Sigona put it,

A corollary to the compartmentalisation of RAE in a human- and minority-rights discursive and policy frame is their de facto exclusion from citizenry, with the Kosovo authorities feeling legitimised in not treating RAE as Kosovo citizens and political subjects, but rather as an issue for the international community to deal with. (Sigona, 2012, p. 1223)
Despite the fact that the Kosovan government has adopted a Strategy for Integration of RAE Communities in order to provide them with better conditions and to facilitate their integration into Kosovan society, their position remains vulnerable as this community continues to face enormous political, social and economic challenges. Probably, the biggest problem faced by these communities is the lack of sustainable return and property restitution. Thus, although officially recognised as separate ethno-national communities and provided with four reserved seats in the parliament and proportional representation in local governance institutions, these communities remain almost completely invisible in the socio-political landscape in Kosovo.

In sum, unlike various other groups in Kosovo, members of the RAE communities in Kosovo struggle to enjoy basic citizenship rights within Kosovo as many of them remain stateless or have the status of refugees or IDPs (Internally Displaced People) in the region. Only a small number of Roma people benefit from social services provided by the state of Serbia in Kosovo. Undoubtedly, RAE communities in Kosovo still enjoy only partial citizenship rights within Kosovo and have no prospect of benefiting from external citizenship policies of a would-be kin-state.

Legal Equality versus Socio-political Reality

As pointed out earlier, the ‘absolute’ equality of all individuals and extensive group rights enshrined in the constitution and basic laws do not automatically translate into an equally favourable social and political reality. Individuals belonging to non-dominant communities still face many issues and challenges, ranging from partial implementation of basic laws to a lack of trust in local and central state institutions. Security concerns, lack of sustainable return, lack of socio-economic opportunities and dissatisfaction with the current political climate top the list of Kosovo’s non-dominant communities’ concerns.

One field that exemplifies both the discrepancy between the legal entitlement to rights and representation and the uneven levels of distribution of these rights is representation in the civil service. A 2013 OSCE monitoring report shows that members of the non-dominant communities continue to be under-represented in Kosovo’s civil service. Although the Kosovo Civil Service Law mandates that a minimum of 10% of the workforce must be represented by members of non-dominant communities at the central level, and that local-level representation must be proportionate to the demographic composition of each municipality, at the central level, non-dominant communities occupy approximately 8% of civil service positions (OSCE, 2013). This is a clear example of the domination of Albanians in the Kosovan civil service. On the other hand, as regards the uneven levels of distribution of representation across non-dominant communities, RAE and Gorani are proportionally under-represented, while Bosniaks, Serbs and Turks are proportionally over-represented (OSCE, 2013).

The 1999 war and its immediate aftermath had serious consequences on the lives, property and organisation of Kosovo’s smaller communities. As a result of the war, both the number of people belonging to non-dominant communities and their social capital have been reduced significantly throughout Kosovo. Nonetheless, the most dreadful legacy of the war is the almost complete inter-ethnic segregation it produced, and which is still almost intact more than 15 years since the end of the war. While in the rest of Kosovo there have been significant advancements in the realm of political and institutional integration of the non-Albanian communities, education (Pantić, 2012) and health-care
system remain almost completely segregated. This segregation has been institutionalised since 1999, with a Kosovo-run system offering services to the Albanian community and other non-dominant communities (Turks, Ashkali, Egyptian and Bosniak), and a Republic of Serbia-run institutional network providing services for the Serb community, but also other communities, including Roma, Gorani, Montenegrin and Croat.

This segregation along ethnic and linguistic lines, combined with differences in quality of services, salaries and other social benefits offered by the two separate institutional frameworks adds another major factor that contributes to the existence of an intermittent socio-political reality regarding the position of various communities, thus practically challenging the absolute constitutional equality.

**Conclusion**

Undoubtedly, recognition and a policy of group-differentiated rights is a much better solution than denial. However, as the case of Kosovo shows, insistence on group-differentiated rights and the contingency of various rights on membership of a ‘community’ can produce a clear hierarchy of citizenship rights assigned to each group, and even deeper ethnic divisions and reified group differences. This particular outcome is at the same time a result of the very nature of differentiated citizenship—‘the dilemma of recognition’—as well as of the particular Kosovan context and its hybrid political system in which politics of recognition and differentiated citizenship affect various communities unevenly. This in turn contributes to the emergence of hierarchical uneven citizenship.

Although formally all communities are included into the social and political systems in Kosovo, in reality, RAE communities, and to a certain extent the Gorani and Bosniak communities, remain ‘excluded from the privileged seats in the theatre of society’ (Wimmer, 2002, p. 4) and the state in Kosovo. In other words, despite the legally enshrined principle of equality, some communities in Kosovo are more equal and thus occupy the core of the polity and society, while some remain in the semi-periphery or periphery.

As described earlier, although Kosovo is designed as a state of its citizens with strong guarantees and mechanisms of representation and protection for non-dominant groups, the level of rights, political representation and socio-economic well-being that each community enjoys remains highly uneven. While the political dominance of the Albanian community is clearly evident, among the non-dominant core, semi-peripheral, unrecognised and invisible communities, those communities that have an active political elite and strong kin-state (Serbs and Turks), as well as access to external kin-state citizenship, occupy a higher and more favourable position in the hierarchy as opposed to communities that do not possess a kin-state (RAE and Gorani). This highlights the importance of external actors in general and kin-states in particular, as well as the impact of external citizenship and citizenship constellations on Kosovo’s communities and their legal status and socio-political positions.

Although quite complex and peculiar, the hierarchy of citizenship rights in Kosovo is one of the many forms in which the policies of uneven citizenship rights are manifested in a given polity. While unevenness is almost inherent in plural societies based on the principles of group-differentiated rights, its manifestation and the nature of hierarchical citizenship is susceptible to wider political, historic, cultural, demographic, economic and regional contextual factors. Nonetheless, the existing hierarchy and position of communities in the Kosovan citizenship regime is far from static. Rather, it reflects and is
contingent on the current constitutional setting and the political, social and economic state of affairs in Kosovo. Any change in the legal system and in the reality on the ground would certainly have repercussions for the citizenship regime in Kosovo and the relations among different communities and between the communities and the central state.

Regardless of the legal definition, in the absolute majority of cases a state is appropriated and dominated by a core group or community, be it the ‘titular nation’, ‘majority’ or ‘core ethnic group’. However, as the case of Kosovo shows, in multicultural or plural societies organised on the principle of political recognition of group difference, one can distinguish not only between the core dominant group and the non-dominant groups, but also between a core non-dominant group and other non-dominant groups. Thus, differentiated citizenship is not necessarily only about a majority–minority binary divide. It implies hierarchies as well as tensions within and between non-dominant groups resulting from an uneven distribution of rights or structural socio-political inequalities.

Notes

1. Although in the Constitution all ethnic groups regardless of their numbers are defined as ‘communities’, the Law on the Protection and Promotion of the Rights of Communities and their Members states that:

   For the purposes of this law, communities are defined as national, ethnic, cultural, linguistic or religious groups traditionally present in the Republic of Kosovo that are not in the majority. These groups are Serb, Turkish, Bosnian, Roma, Ashkali, Egyptian, Gorani and other communities. Members of the community in the majority in the Republic of Kosovo as a whole who are not in the majority in a given municipality shall also be entitled to enjoy the rights listed in this law.

   So although the prime aim of the law is to regulate the rights of the non-Albanian communities, it grants the same protection and rights to the latter in those cases when Albanians form a minority in a given municipality (Law 2008/03-L047, 2008).

2. Although in the Declaration of Independence, Kosovo was said to be ‘to be a democratic, secular and multi-ethnic republic’ [my emphasis], guided by the principles of non-discrimination and equal protection under the law’, the Kosovan Constitution (article 3.1) stipulates that ‘The Republic of Kosovo is a multi-ethnic society’ [my emphasis]. This way the constitution makes a distinction between the state which is ‘civic’ and society, which is ‘multi-ethnic’.

3. According to the Constitution, for the first two electoral mandates, the Assembly of Kosovo shall have 20 seats reserved for representation of Communities that are not in the majority (10 for Serbs and 10 for the other communities). This meant that any seats gained through elections would be in addition to the 20 reserved seats. However, as of June 2014, when the two mandates ended, non-dominant communities will have 20 guaranteed seats.

4. External citizenship is understood as ‘a generic concept that refers to the status, rights and duties of all those who are temporarily or permanently outside the territory of a polity that recognizes them as members’ (Bauböck, 2009, p. 478).

5. The distinction between dominant and non-dominant communities is based on the power relations between groups, not in terms of numerical representation, although in the case of Kosovo they correspond.

6. A new census was carried out in Kosovo in 2011, but was boycotted by most of the members of the Serb community. According to the data from this census, Albanians constitute 92.9% of the overall population of 1.7 million (Enti i Statistikave te Kosoves [ESK], 2011).

7. Kosovo occupies an important place in the modern Serb understanding of nationhood and statehood. In addition to ‘the Battle of Kosovo’ (1389), which takes a central place in the modern Serb nationalist discourse and narratives, and the fact that Kosovo was part of Serbia and dominated politically by Serbs for most of the twentieth century, Serbia’s treatment of Kosovo as its territory plays a great part in determining the present position of Serbs vis-à-vis the Kosovan state.
According to Riga and Kennedy (2009), ‘ethnic reversal’ occurs when ‘formally dominant majorities’ suffer status decline, while previously ‘minoritised majorities’ attain new political powers.

For a detailed analysis of the relationship between Kosovo Serbs and the state of Serbia see Krasniqi (2013b).

Although within Kosovan legislation, the Serb community is granted wider legal and political protection and representation compared with the other non-dominant communities, these provisions are not as extensive as the ones enjoyed by Serbs in Bosnia for instance.

Although the article argues that the Serb community is legally granted additional competences in some governing areas, it does so by comparing it with the rights assigned to other non-dominant communities and not to the dominant community (Albanians). Likewise, the article does not discuss the merits of group-differentiated rights assigned to each community.

These include: Constitutional Council for Communities (with the office of the president of Kosovo), Ministry of Communities and Return, Advisory Office on Community Affairs (within the prime minister’s office), Parliamentary Committee on the Rights and Interest of Communities, Advisory Office on Good Governance, Human Rights, Equal Opportunities and gender (within the prime minister’s office), Ministerial Human Rights Units and Coordinators, Ombudsperson, and so on.

In addition, according to the law, the Kosovo Serb community shall have access to a licensed Kosovowide independent Serbian-language television channel, which started operating in January 2013.

Despite the fact that the Kosovo Serbs from the north have boycotted Kosovan institutions and elections, three Serb political groups—SLS, SDS KiM, and a citizens’ initiative named the Joint Serbian List entered the parliament, making a total of 15 seats (www.assemblykosova.org). These parties joined forces with other minority parties in the parliament to form a coalition with two other Albanian parties. As a result, Serb representatives held the positions of deputy-chairman of the Kosovo Assembly, deputy prime-minister and three ministries. In addition, they are represented in the Consultative Council for Communities (with the office of the president of Kosovo), Advisory Office on Community Affairs (within the prime minister’s office), Parliamentary Committee on the Rights and Interest of Communities and other institutions.

No official text of agreement has been circulated. However, a Kosovo daily, Gazeta Express (‘Exclusive’, 19 April 2013), published an unofficial version of the text.

The agreement provides for the establishment of an ‘Association/Community’ of municipalities where Serbs comprise a majority of the population, initially made up of the four disputed northern municipalities, but open to any other municipalities. This body will have full overview of the areas of economic development, education, health, urban and rural planning and shall have a representative role to the central authorities. Although the agreement has been widely perceived as a positive step towards the normalisation of relations between Kosovo and Serbia, according to Gordy (2013), the agreement is more about accommodation of political lobbies than the rights of citizens:

So fundamentally what is established here is a political lobby with limited authority but with a guarantee of employment for politicians who became entrenched in the parallel structures, with the Kosovo government assuming the duty of financing their maintenance […] More telling than what the agreement provides is what it does not say. Although the dispute has been presented as involving the rights of ethnic Serb citizens, two words that appear nowhere in the text are ‘citizens’ and ‘rights’. This is an agreement between elites for the transfer of clients from one sponsor to another.

Already, according to the Ahtisaari Plan, the Municipality of Mitrovica North has enhanced competences on secondary health care, as well as competence for the provision of higher education, including registration and licensing of educational institutions, recruitment, payment of salaries and training of education instructors and administrators.

According to the last census in Kosovo, the number of Turks in Kosovo is 18,738, or around 1% of the overall population.

Many Kosovo Turks have acquired Turkish citizenship and have enjoyed various citizenship rights in Turkey. For more on Turkey’s citizenship policies of ethnic exceptionalism and selectivity see Kadirbeyoglu (2012).

Bosnia’s constitutional setting and internal divisions, as well as its stance against Kosovo’s independence, inhibit a more pro-active approach towards this community. Nevertheless, various Bosniak politicians keep referring to Kosovo’s Slavic Muslim communities as their ‘ethnic-kin’.
21. In addition to supporting Gorani education, the Serbian government sought the support of Gorani leaders in Kosovo by promising to re-instate the municipality of Gora and even include it in the planned Association of Serb Municipalities in Kosovo.

22. Although they are not part of the constitution yet, the Law on the Protection and Promotion of the Rights of Communities and their Members was amended to include those two communities and provide them with representation in the Communities Consultative Council (Law No. 04/L-020, 2011).

23. Nonetheless, due to the fact that Montenegro does not allow dual citizenship, Kosovo Montenegrins cannot acquire Montenegrin citizenship. Moreover, as Dzankic (2012, p. 344) shows, many Montenegrin refugees from Kosovo had their political rights conferred in Montenegro, for they were deemed more likely to support the pro-Serb opposition parties which would likely result in a change of political parties in power.

24. For more on the identity formation dynamics of these groups see Elena Marushiakova et al. (2001) and Lichnoffsky (2013).

25. The number of Roma, Ashkali and Egyptians in Kosovo dropped significantly as a result of migration, war and deportation. According to the 2011 census in Kosovo, there are 15,436 Ashkali or 0.9%, 11,524 Egyptians or 0.6% and 8,824 Roma or 0.5% (ESK, 2011).

26. For a detailed profile of Kosovo’s communities and challenges faced by them see OSCE (2010).

27. As regards problems with the use of official languages, see OSCE (2008).

28. For a detailed account of the emergence of the segregated health system in Kosovo see J.D. Bloom, Hoxha, Sambunjak, & Sondorp (2006).

References


Law No. 02/L-37 on the use of languages, Pristina, 2006.


Law No. 03/L-040 on local self government, Pristina, 2008.

Law No. 03-L-047 on Amending and supplementing of the law on the protection and promotion of the rights of communities and their members in Republic of Kosovo, Pristina, 2011.


Resolution No. 04-R-011 on the Rights of Albanians in Presheva, Bujanoc and Medvegja, Pristina, 6 June 2013.


