

Håkan Wiberg, Roles of Civil Society: the Case of Kosovo/a”¹ (1999), Kristof Tamas and Malin Hansson (eds.), *Conference Report – International Migration, Development & Integration*, Stockholm: Ministry of Foreign Affairs, pp. 85-98

This paper describes a number of concepts and conceptual choices associated with the term ‘civil society’. In brief the paper discusses the relationships between the civil society and the state. I will also provide an outline of the historical background and the present stage of the Kosovo/a conflict and exemplify what ‘civil society’ can mean in that context. Finally I will give some indications of the possible roles for civil society in Kosovo/a and obstacles to these roles. The term ‘civil society’ has its complex genealogy and has come to live its own life. It obviously has different connotations, or at the very least different emphases, depending on whether used by social scientists, the World Bank, NGOs, governments or newspaper editors, to mention just a few. What is common to all these usages is mainly a generally positive value connotation; civil society, or even any institution belonging to it, is assumed to be something *good*.

Concepts of Civil Society

This is not of much help in establishing what concept(s) correspond to the term, and to avoid confusion in this respect and avoid ensuing logical pitfalls we must briefly consider some basic conceptual choices:

1. Relationships between state and society?
2. Relationships between the economy and civil society?
3. Relationships between legality and civil society?
4. Relationships between peace and civil society?

Depending on how these choices are made, varying sets, of theoretical and empirical questions remain to be asked about these relationships, while answers to some other questions become tautological and empty by the choices made.

The first choice: the state and/or civil society

The essential choice is between 'non-state' and 'anti-state' connotations. The first notion is neutral: 'civil society' comprises those sectors of societal organisation that are not part of, or ruled by, the state apparatus. In the 'anti-state' interpretation it is taken for granted that 'civil society' is somehow antithetical to the state. The latter notion originated in Polish sociology in the communist period, where in some sense there was little or no civil society, the state apparatus, under the party, controlling virtually all legal voluntary organisations (except the Church). In some usages, 'civil society' is not only antithetical to an authoritarian state but to *any* state intervention.

Consequently, I shall use 'civil society' in the 'not-state' sense; it is not assumed that civil society is necessarily against the state, only that it is independent of it. That leaves us a set of open questions; the theoretical/empirical ones about how state and civil society are actually related in each specific case or type of cases. It also leaves us another set of open questions the normative ones concerning what is the desirable balance and division of labour between state and civil society in satisfying various social functions.

The second choice: the economy and civil society

'Civil society' often carries an undertone of 'grassroots' or even 'small is beautiful', by contrast to big and powerful apparatuses like states. The crucial question then becomes: *are transnational corporations parts of civil society or not?* In some usages, e.g. of the World Bank, the answer is clearly *yes* although many TNCs are bigger and more powerful than most states in the world. The answer *no* is analytically tempting, since it would lead to interesting theoretical and empirical questions on the relationships between state actors, market actors and civil society. Making the *no* a radical one would exclude *all* market actors, including family enterprises, co-operatives, etc., and making it less radical would call for inescapably arbitrary and tricky decisions on exactly where to draw the line (for instance in terms of *size* or

organisational form) between economic actors that belong to and those that do not belong to civil society. Consequently, no economic actors will therefore be excluded.

The third choice: legality and civil society

Poland has a tradition of a very strong underground society, even under Nazi occupation, it published some 2,000 books and about 1,000 journals, magazines, newspapers, etc. When I called this 'underground civil society', a leading Polish sociologist objected that this was a contradiction in terms. Is it? And is civil society fully described by listing all NGOs? The first question asks whether we should conceptually limit 'civil society' to organisations with a legal existence in a specific state at a specific time, whether in the weak sense of not being forbidden or the stronger sense of having a recognised existence as a legal personality acting through its elected representatives. The best answer is *no*, so as not to get too dependent on what happens to be legal where and when.

Should we go beyond formal organisations (with their statutes, membership registers, etc.) to include different kinds of informal social organisation, which are in many societies more important than the existing formal ones? For instance, what social scientists call a 'social movement' often comprises (many) formal organisations but cannot be identified with any single NGOs are mainly state-financed and this is true even in Western democracies, which makes the degree of dependence a matter of research. Therefore drawing a line between 'state' and 'non-state' is a moot issue.

Consequently, I shall assume a maximally inclusive definition: an organisation need neither be formal, non legal, to be a part of civil society. The alternative would be conceptual chaos, where 'the same organisation' would be located differently in different countries, depending on their specificities. Such issues should be made empirical based on the composition of civil society in different countries rather than apparently resolved by definitional *fiat*.

The fourth choice: peace and civil society

The notion of 'civil society' is sometimes taken to connote 'civilian', meaning that armed organisations are excluded by definition, even when they are not parts of the armed forces of the state. Here, too, we have a matter of conceptual choice since such organisations may be strictly illegal or quite legal, organisationally independent or linked to political parties. And one person's freedom fighters is another's terrorists (although some objective criteria may be possible to make in terms of methods used and targets selected). There are often linkages between political movements and armed groups, we probably create more difficulties by making exclusive rather than inclusive definitions, and I shall therefore not *a priori* exclude armed organisations. Again, the price to pay lies in some of the militias in war-torn countries being 'civil society at its least civil'.

There are good arguments for choosing inclusive definitions however the result becomes a 'civil society' as a very mixed bag. Including parties from the extreme left to the extreme right and from civil to nationalist, single-issue NGOs of 'moral reform' type, religious groups from broad churches to narrow sects, interest organisations of very different kinds, farm co-operatives and drug rings, pacifist groups and militias. We must therefore abandon the assumption of civil society being good in itself, any normative judgements must be about civil society in much more specific form.

Civil Society and the State: Mutually Dependent?

Some theoretical problems with empirical ramifications concern the relationships between state and civil society. Their relative size and influence varies considerably between different countries, and the desirable balance is a matter of political judgement, but what about the extremes?

Can we have a state without a civil society? In theory: *yes*, in a totalitarian state controlling *all* social organisation, however in reality, *no*, since no state was ever able to avoid informal organisations beyond its control.

Can we have a civil society without a state? The argument for *no* is that the state is needed to protect at least parts of civil society that would otherwise be crushed by political enemies or powerful economic actors. The argument for *yes* is that where the state has collapsed or broken up into competing states, civil society may provide the only functioning social structure there is. One example maybe found in southern Somalia at present. Another example was found in Lebanon during its long period of internal division where a number of NGOs served as the only structures transcending the militia boundaries. Their basic strategy being to weaken the militias by providing services for which people would otherwise have to look to them and pay in loyalty, but not so quickly that the militias saw themselves threatened and regarded the NGOs as hostile.

The Case Of Kosovo/a

A historical summary

It is as true for Kosovo/a as elsewhere that who does not know the last century of conflict is fairly helpless to understand its dynamics or doing much constructive about it.

In *state* terms, Kosovo/a belonged to the Roman, Byzantine, Serbian and Turkish empires until 1912. It was conquered by Serbian in 1912, under Austrian occupation in 1915-18, became a part of Yugoslavia in 1918 and of the Greater Albania created as a puppet entity under Mussolini's Italy in 1941-44 and then became a part of Serbia whose autonomy was largely nominal until 1974, then much more real until abolished in 1989. At present, its exact

political status is an enigma in terms of the relative roles of NATO and the UN as administrators of what is theoretically but fictitiously still a part of Serbia.

Demographically, there were great fluctuations and much of the history of the province is a history of migration. Serbian and Albanian historians disagree strongly about patterns of migration in history: was there ever a Serb majority which was repeatedly expelled by the Turkish massacres and then replaced by Albanians, or were the Serbs only a ruling minority before the Turkish invasion? In any case, there has been an Albanian majority for several generations its size depending, in our century, on who expelled whom in that period. After 1918, new Serbian groups were settled and there was a campaign in the late 1930s to resettle Albanians in Turkey (the actual figure seems to be a few tens of thousands). During World War II, the Albanian Balli Kombetar movement co-operated with the Italian fascists in killing and expelling many Serbs, some of whom returned after 1945. The Albanian majority grew from about two thirds in the early post war period to just over 80 per cent in the 1980s (the widespread figure 90 per cent was mythical until after the 1`999 bombings, but has now been far exceeded; with the present pace of disappearance of Serbs, Roma and other groups it will be close to 100 per cent within a year).

There is much disagreement on the long term elements of this process. There is clearly differential fertility, with a much higher natural growth in the Albanian population. There is also differential migration, the Serbian/Montenegrin population reduced by about one third (some 100,000 individuals) between the 1950s and late 1980s. In one interpretation, they were mainly fleeing Albanian discrimination and oppression, especially during the autonomy period: in another interpretation, this was more of a 'pull' migration from the poor Kosovo/a to richer parts of Serbia (and Western Europe).

The Albanian population in various areas has had a different pattern of 'pull' migration: some of it was labour migration to unskilled jobs in the northern Yugoslav republics or all the way to Western Europe. The specific Albanian pattern has combined this with illegal migration from Albania to Greece (estimated at a few hundred thousand), plus migration from the very poor Albanian to the poor Kosovo/a and the slightly less poor predominantly Albanian parts of Macedonia. The illegal migration from Albania to Kosovo/a through the 1980s has been assessed at 100-200,000, and in 1999 to 150-200,000. In 1998-99, some 800,000 Albanians fled the province, some 60 per cent to Albania, 30 per cent to Macedonia and about 10 per cent were received in Western Europe. The great majority of the first group has now returned, as has that of the second (a few tens of thousands still remain as illegal immigrants in Macedonia, however), whereas those in Western Europe have been less willing to return. Of those who have returned to Kosovo/a, however, many are still internally displaced, their place of origin providing no livelihood. During and after the bombings, some 150-200,000 Serbs, Montenegrins, Roma, etc, have fled, primarily to Serbia.

The *political* status of Kosovo/a was long disputed. The initial demand from the Albanian opposition was to make it the seventh republic of Yugoslavia. After demonstrations in 1968, it became an autonomous province in

1974. Many Serbs saw this as an injustice (with no such provinces for the Serb majority areas in Bosnia or Croatia). Many Albanians, on the other hand, saw the reform as falling short of what they had asked for and started an uprising in 1981 which was crushed bloodily and received at that time no support in any other republic. (Among the arguments against making it a republic, those about the Serb cultural heritage were mainly for consumption in Serbia, but two others were generally accepted by the other republics: the Marxist-Leninist definition of nation and national self-determination in its Titoist version, and the security argument building on worst case scenarios of further Soviet expansionism after Afghanistan and secession of Kosovo/a to join Albania).

After the abolition of autonomy in 1989, soon followed by demands for loyalty oaths that led to most Albanians being fired from the jobs they had in public administration or publicly owned enterprises, the Albanian demands escalated to full independence. Both sides then protested their eagerness to negotiate, but negotiations were blocked for several years for procedural reasons (Belgrade demanded bilateral negotiations, Ibrahim Rugova and his LDK party the inclusion of some powerful Western third party as 'mediator') as well as substantial ones (whether independence must or must not be on the agenda). Almost all Albanians in Kosovo/a (but not in Montenegro and Macedonia) boycotted all Serbian and Yugoslav elections in the 1990s. This meant that almost all Kosovo/a seats in the Serbian and Yugoslav parliaments went to Milosevic's Socialist Party or to the even more nationalist Serbian Radical Party of Seselj, giving the more liberal opposition no chance to get into government and making for little understanding between the Albanian leadership and the liberal opposition.

At the same time, the Albanians arranged elections of their own in 1992 (and later), which were tolerated but not recognised by Belgrade. The elected president Rugova and his LDK party stood for non-violent resistance and achieved impressive results in some respects, as we will see below, including being recognised as negotiation partner by Belgrade. They were, however, eventually increasingly challenged by the multifarious UCK, out of whose different fractions one is for Greater Albania, one Leninist (or Enverist) and one closely linked with the corrupt Berisha faction in Albania, at the same time as at least parts of the UCK have been drug-financed. UCK eventually emerged as political victor by virtue of the indiscriminate use of political violence (see below).

Migration effects

Let us, between the history and the social analysis, briefly map the different types of effects of migration. Since Yugoslavia opened up for legal migration in the mid-1960s, labour migration was by far the dominant type of migration from all parts of the country, including Kosovo/a.

This migration had several effects: 1/ it improved the economy of families and the country by the repatriation of hard currency incomes from the migrants; 2/ many of the returning labour migrants had acquired new skills

and/or saving that permitted them to improve their position when returning, however they were often frustrated when local protectionism at home prevented this; 3/ the returning labour migrants had experience of Western European trade continued dominance of the Communist party at home; 4/ new networks were built up between the areas of origin and the parts of Europe from where the migrants returned or where they remained, to the benefit of trade, whether legal trade connections or various kinds of illegal traffic. Some of these effects could also be seen on a minor scale from the integral labour migration in Yugoslavia, primarily from the poor Southeast (especially Kosovo/a) to the rich Northwest (especially Slovenia), GDP/capita ratio between Slovenia and Kosovo/a had grown to eight times by the late 1980s.

Another type of migration was primarily individual and political, starting with groups of the losers in 1945 and continuing with political dissenters. In some cases, the result was embittered communities of nationalists (especially Croatian in Germany and Sweden) that served as a propaganda platform and supported attempts to destabilise Yugoslavia.

The third type of migration is what we may describe as forced migration in a wider sense; the ethnic groups who fled their place or origin or who were even ejected. For Kosovo/a, this first meant Serbs going primarily to Serbia and forming a loud lobby there, contributing to the wave of anti-Albanian Serb nationalism that spread in the 1980s when reduced censorship permitted it to be heard and which eventually brought Milosevic to power. After the bloody repression of the Albanian rebellion in Kosovo/a in 1981, there was also an increasing number of Albanian refugees coming into Western Europe and supporting Albanian opposition in Kosovo/a from there. This migration tended to have the same effects as the second, until we got a new type in 1999, previously only seen in Bosnia and Croatia, the large scale expulsion of people because of their ethnic origin - first Albanians, then Serbs and Roma. What made Kosovo/a special was that in the other cases there has been very little return of refugees, at least to territories not 'their own', which meant that the new situation gradually stabilised, whereas the great majority of Albanian refugees from Kosovo/a returned within a year, many eager to continue the fight against what they saw as their ethnic enemies.

A social analysis of Kosovo/a

In order to look at the roles of civil society and how they have changed with development, we take as our point of departure, a traditional analysis of subsystems in a society (following Talcott Parsons). This analysis is based on the *functions* that a system must fulfil to survive: adaptation to environment and provision of livelihood (the *economic* subsystem); providing for integration in the sense of defining and implementing norms for interaction as well as for who does and does not belong to the society (the *social* subsystem); and preserving basic patterns of beliefs and values (the *cultural* subsystem). It

should be underlined that these subsystems are abstract ones, defined by these functions; what concrete institutions, and in particular, what elements of civil society belong where is a matter of empirical analysis.

The economic subsystem

Kosovo/a was always the poorest part of Yugoslavia (with the lowest literacy levels and unemployment). After 1945 this trend accelerated as the production sector consisted primarily of a slowly modernising agriculture and some mining. From the 1960s, remittances from the labour migrants in Western Europe became important, but were gradually reduced as the European demand for such labour force decreased from the 1970s and also due to the more restricted migration laws. In general, the economy was less marketised and more embedded in the kinship structure than elsewhere in Yugoslavia. Correspondingly, both trade unions and self-managing enterprises had rather weak structures within civil society, to the extent that they were indeed as independent of government in practice as in legal theory.

From the 1980s, heroin and other illegal drugs also became an important source of income, and increasingly so when Albania changed from Communist dictatorship to de facto anarchy and the (largely Kosovar) Albanian drug Mafia became dominant in, e.g. Hungary, Austria, Switzerland and Germany. The war meant a temporary disruption in this traffic, but it now appears to be fully restored.

A new major source of income has now been added: providing (legal or illegal) goods and services in Kosovo/a to KFOR, UNMIK and the plethora of IGOs, INGOs and their staffs. This source is almost of the same magnitude as traditional production.

Experiences from Bosnia suggest that there will not be much private investment in production in a situation where nobody knows how long the foreign troops are going to stay and everybody knows that when they leave there is a great risk that all hell will break loose again. Weaning Kosovo/a from drug incomes and international clientelism and transforming it in the direction of a modern economy with a normal set of civil society economic actors, such as trade unions, corporations, co-operatives and employers' associations will thus be a very formidable task taking an extremely long time.

The political subsystem

The widened autonomy in 1974 gave the first historical opportunity to formulate and implement collective goals for the entire province of Kosovo/a, albeit within the monopoly of the Communist party at that level, while political decisions at lower levels remained largely clan-based. At the same time in all of Yugoslavia, including Kosovo/a, this was a period of increasing ethnification and/or regionalisation of politics. The local party organisation were turning from 'transmission belts' of the national party organisation into 'ethnocracies' of party bureaucrats and technocrats, buying the loyalty of their constituencies with local protectionism and unrealistic wage increases paid with borrowed money. In Kosovo/a, the increased tensions and abol-

ished autonomy led to the ethno-national 'bifurcation' of politics described above, the Serb minority de facto representing Kosovo/a in the Serbian and Yugoslav context while the Albanians set up their own political system, led by Ibrahim Rugova and his LDK party. This also meant a possible transcendence from clan-based to party-based politics. How much of that survived the demise of Rugova remains to see.

This Albanian political system faced two major tasks: resistance against the Serb takeover of political power and institutions and counteracting its effects (unemployment and disappearing social services) by building parallel institutions. Rugova's line of non-violent resistance showed impressive defensive results, building up independent welfare system, schools, hospitals, etc. Much of it was financed from abroad. There were very few international results however. The interest of the West was focused where there was manifest violence, hence jumping from place to place, so Kosovo/a was not on the agenda in the Brioni agreement in 1991, the Vance plan in 1992 or Dayton in 1995. Nor did Carl Bildt succeed after Dayton in his repeated attempts to interest the West for serious negotiations with Belgrade about Kosovo/a.

As a result, Rugova's non violence was undermined and factions of UCK started using violence, on a small scale in 1996-97 but escalating greatly in 1998 to a war in three phases:

1. February 1998 - March 1999: A classical pattern of guerrilla/counterinsurgency war: The UCK started occupying areas and were pushed back, after which the West, represented by Holbrooke, brokered a cease-fire and a partial withdrawal of Yugoslav forces. This was followed by a new cycle of UCK offensives and Yugoslav repression and re-conquest, until NATO intervened militarily. In this period, there were approximately 4 killed and some 600 refugees out of Kosovo/a per day (plus a great number of internal refugees). It was a minor war by comparison with many other ongoing wars in the world or even with the recent catastrophe in Bosnia, but the biggest one in Europe for decades.
2. 24 March - 11 June 1999 : With the NATO bombings, which provided both opportunity due to the previous withdrawal of all international observers and motive, the number of killed in Kosovo/a per day multiplied to perhaps 100-200 Albanians and the number of refugees to about 10,000 per day, as various armed Serb forces started a mass expulsion. This mass expulsion may have been planned anyway and may have been a contingency plan for precisely the case of a Western military intervention - we do not yet know.
3. 12 June - present (mid-October) 1999: Approximately 4 killed and 1,000-2,000 refugees per day, this time predominantly Serbs and Roma, at the same time as the great majority of the Albanian refugees from phase 2 returned.

After its successful moves to get NATO as an ally by provoking Serbian over-

reactions, the UCK emerged as the political victor after the war. Without any democratic mandate, it now controls local administration and is the major local actor at the higher level, theoretically as a civil organisation after UCK and KFOR agreeing to pretend that UCK is demilitarised. The combined task for UNMIK and Albanian civil society is now to set up a system of political parties that can eventually compete for power in free democratic elections. To what extent and when this will be possible in reality must remain an open question in a situation where KFOR and UNMIK have so far been unable to bring the daily figures of killings and refugees much below what they were before the bombings and are even unable to stop assaults and murder on their own staff.

The social subsystem

Two questions predominate under this headline: 1/ what are the boundaries of the society; 2/ what is the functioning system of, in particular legal, norms?

As for the boundaries of society, some problems are inherited from the very complex and contradictory constitutions of Former Yugoslavia, which granted the right to national self-determination both to republics (but not to autonomous provinces) and to nations. For republics, this right included that the right to secession, but with the often forgotten proviso 'provided that the other republics agree'. A *nation* was defined as a people with its primary domicile in Yugoslavia: Serbs, Croats and Slovenes (from the beginning), Macedonians and Montenegrins (after 1945) and Moslems (after 1970), but not Albanians, who were thus defined as a *nationality* together with Italians, Hungarians, Turks, etc. By this constitution, neither the Albanians as a people, nor the province of Kosovo/a were granted the right to national self-determination bestowed to other peoples and units, including some smaller than the Albanians or Kosovo/a.

The theoretical contradictions in this constitutions became highly practical when fighting broke out in 1990-91 and the rights of republics and of peoples were invoked by republic leaderships as well as minorities in these republics. Which rights had priority? The Badinter Commission was asked to take a stand on this thorny issue, but managed to side-step it. The Western position soon became that territories, rather than people, have the right to national self-determination and added the principle that the old republic boundaries should become new state boundaries. Given the history of the country and the convictions of the local populations, the actual effect for the quarter or more of the population of Former Yugoslavia that did not live in their 'own' republic was a choice between fight, flight or suicide.

Since there is no peace treaty, Kosovo/a has been left in a limbo: it theoretically remains a part of Serbia and Yugoslavia (who, however, cannot exercise any sovereignty there) under the combined administration of KFOR and UNMIK. There is no decision as to what is to happen if and when KFOR withdraws (which is any case is likely to take a very long time): since a return to Yugoslavia appears as excluded as independence (which the West can not support, since that would make the Bosnian facade crumble by

Republika Srpska and Herzeg-Bosnia asking for the same right), an indefinite protectorate seems the most likely outcome.

Whereas KFOR and UNMIK stand for a 'civic', territory-based conception of who belong to Kosovar society, eventually elected bodies, whether clan-based or dominated by (greater) Albanian nationalism, are likely to be dominated by the opposite philosophy that Albanians belong to the society, the others that may be left do not. KFOR and UNMIK can then be expected to continue to try to create bodies defined as multiethnic. Such creations from above will, however, be part of the state apparatus beaded by UNMIK and KFOR and *not* parts of civil society. Given the great political distance there is already between the most moderate Serbs and the most moderate Albanians, the creation of any transethnic organisations that genuinely belong to civil society and has at least some support in the ethnic communities will be a major challenge for a very long time; we are speaking of generations.

The second question is about 'rule of law': and here the next question is mid-1970s revealed the coexistence of three legal systems to regulate conflicts: first, the formal legal system (which was considered as a bad form to invoke in conflicts between Albanians); second, Islamic law, Sharia, defining family law and some other aspects of civil law at least for the great Moslem majority among the Albanians; and, third, the pre-Islamic 'Lek Dukagjin's Law', whose recognised representatives could serve as mediators in issues about e.g., blood feuds and honour. The formal legal system administered by UNMIK is now expected to base itself on Serbian law (after UNMIK has weeded out laws considered discriminatory), in addition to which UNMIK (and in some respects KFOR) has the authority to pass law, as will an eventually elected assembly, although it is not yet clear within what constitutional framework. Nor is it clear how much of the prestige of the institutions of 'civil society law' (Sharia and Lek Dukagjin) have survived the recent enormous social upheavals. From a legal point of view, we have one of the most chaotic situations in the world and are likely to see in the future complex conflicts of competence between 1/ these civil society institutions; 2/ future legislation ultimately emanating from civil society; and 3/ legislation (Serbia, UNMIK) that does not emanate from civil society.

The cultural subsystem

The cultural subsystem of a society is defined by the function preserving and arranging the tradition of basic definitions of reality and value systems. While many institutions in society can carry parts of this function, schools and churches are the classic examples.

Religion and language are the most fundamental cultural markers, both of them containing central definitions of reality, or even defining reality in their societies. From this point of view, Serbs and Albanians have always essentially lived in different cultures. In most other divisions inside a country in Europe it is either language or religion, but not both that define otherness; among the other exceptions we find Greek and Turkish Cypriots, or Estonians and Russians. The Serbian and Albanian languages are mutually incomprehensible. A Serb is almost by definition at least nominally an Orthodox Christian (although there are a few Catholic Serbs and like virtually all other groups, the Serbs were largely secularised, at least until recently). Albanians are predominantly Moslem, especially in Kosovo/a (although there is also a small Catholic and an even smaller Orthodox minority, and also a high degree of secularisation), which for a long time defined commonality with the Turkish rules until Albanian nationalism started to appear at the end of last century, with language rather than religion as main emphasis. The bonds that have existed between local Serb and

Albanian communities, have been across cultures rather than bonds defined by a common culture. Theoretically, one could conceive of two criss-crossing groups in Kosovo/a as cultural mediators: the Serbian-speaking but Moslem Gorani and the Orthodox Albanians. Both minorities are too small, however, to have and significant influence.

One central element in cultural tradition is the teaching of history. Even in Scandinavia it took long time until the history taught in one country became at least roughly compatible with that taught in another. This was a problem in Former Yugoslavia, where the generally anti-nationalist history defined by the Communist Party with its emphasis on 'Brotherhood and Unity' increasingly clashed with the collective memories in the Serb, Croat, Moslem and other communities. Such memories are social facts, defined by their very existence which does not necessarily mean that they are 'true'. They may differ little, much or totally from what professional historians have to tell us (to the extent that *they* agree); and they may of course be manipulated by state authorities as well as sections of civil society.

The problem has re-emerged in a different form in almost all parts of Former Yugoslavia. The dwindling Serb minority in East Slavonia has its children in schools where they are taught the official Croatian version of (especially recent) history, and this is one of the reasons for its dwindling. Serb, Croat and Moslem schools in Bosnia-Herzegovina have separate history books. A major stumbling block for the reopening of Albanian-language schools in Kosovo/a agreed several years ago between Rugova and Belgrade was that they were to follow the school curriculum of Serbia, which was unproblematic in mathematics, but highly problematic in history. A new version of that problem will re-emerge under UNMIK; whose history is to be taught to whom?

An Enormous Agenda for Civil Society

What elements of civil society exist in Kosovo/a? What tasks lie before them? How, if at all, can outsiders assist in these tasks?

If we take as benchmarks some ideal model of a 'civic' society coinciding with territory, which is therefore also 'multiethnic' in the sense that other divisions are more important than the ethno-national ones, the picture of Kosovo/a necessarily becomes a bleak one. Civil society is generally weak, and is to a large extent based on kinship. To the extent kinship has been transcended, the conflict processes there have mainly introduced ethno-national membership instead. This seems to be the case, whether we look at economic, political, social or cultural elements.

We have already noted that (non-kinship) civil society is weakly developed in the *economic system*, and one of the first problems on the agenda after the vast and wanton destruction in 1998-99 is to re-establish and develop an economy of their creation. To the extent that an important aspect of civil society is the counterbalancing of government, we also have a completely new situation. Previously, an Albanian civil society was trying to counterbalance a Serb-dominated state apparatus; now, 'government' means a combination of UNMIK at the macro-level and (largely) UCK at the micro-level in a troubled and uncertain balance with each other. We thus get three rather than two sides in the counterbalance. Yet another problem is that substantial parts of the economy are criminal. It is a formidable task to counteract a drug economy and even more so where it is clan-based and has access to its own apparatus of violence. The development of legitimate parts of civil society will largely take place from inside, but will have as its framework the structures created or defined by UNMIK. There is another way in which outsiders can assist: trade unions, co-operations,

corporations, etc. abroad can invite those interested in developing or expanding such structures in Kosovo/a to share their experiences by study visits and other forms of training.

In the *political system*, developments during the last generation meant a considerable growth of civil society among the Albanian population, at the same time as the system bifurcated more than even into one Serb and one Albanian part. This means that several problems lie ahead.

One of them is intra-Albanian, after the regression in the form of an at least temporary weakening of the nonviolence-based, more democratically oriented, system in favour of the violence-based UCK. Furthermore, examples from elsewhere (South Yemen, Somalia and for that matter Albania) show the great difficulties in eradicating a clan structure from above, by the state, even by the draconian means available to these former Communist dictatorships. Creating transcending structures is primarily a task for civil society. In Kosovo/a, this means among other things, that UNMIK and/or KFOR must be able to offer mechanisms and even protection for elements of civil society challenging the traditional clan structures, again a formidable task. Civil society elsewhere can assist by political parties, NGOs etc. inviting study visits and providing training for those interested in developing similar structures in Kosovo/a.

Another problem is ethno-national, to the extent any Serbs and other groups remain in Kosovo/a, given the strong bifurcation of the political system and the virtual non-existence of bi- or multinational political structures. The recent (and longer) history of mutual atrocities means that the building of mutual confidence necessary to stimulate such a process from below is going to be a very long process, taking generations. UNMIK is to some extent trying to build them from above, but this has its own problems. If UNMIK hand-picks the members of such bodies, their representativity for their nominal constituencies easily becomes a problem. If they are democratically elected, on the other hand, these bodies may be more or less blocked from the beginning.

The *social system* will have its own complexities, as indicated by the above review of various legal system. 'Rule of law' presupposes several things at the same time, which are interrelated (sometimes supporting each other, sometimes counteracting each other): that the bodies supposed to implement it, actually have power enough to do so; that these bodies are not themselves corruption-ridden, whether by money or by fear; and that they enjoy a popular legitimacy. All three are essential and to a varying degree depend on the development of civil society. For example, if the law (in this case, the 'official' legal system sponsored by UNMIK) is non or even openly anti-discriminatory, it faces the challenge that it is nevertheless civil society that decides whether there is any future at all for the minority group in terms of education, employment, protection, etc. As even Scandinavia demonstrates, there is only so much that can be done from above by an enlightened and benevolent state. Civil society abroad may assist from countries that have had their own deep and bitter ethno-national conflicts and somehow managed, or are trying to manage to overcome them (e.g. Spain, Northern Ireland, Finland), or have managed to gradually split up in a civilised way (like Belgium or Canada).

Something similar can be said about the system that lies deepest of them all: the *cultural system*. Experience from elsewhere shows that it *is* possible to develop elements of a common civic culture, or 'a culture of peace' even where the cultures of the different groups are far apart, not so much by creating a hybrid culture as by agreeing to see coexistence as a positive value and agree on ground rules for it, by

emphasising positive cultural elements that are common, by agreeing to see some areas of interaction as 'neutral'. But experience also shows that this is often very difficult and if a success, takes very long time.

There are no simple recipes here, as demonstrated by the great variety developed in other countries when it comes to definition of official language(s) at various levels of government, (non)relationships between religion and state, legislation about teaching of language, religion, history etc. in schools. One thing is to legislate about this from above, in this case by UNMIK, another and much more complicated thing is to find legislation that *neither* group sees as discriminatory. At the same time, the great variety just referred to also indicates that civil society abroad, especially from countries that have undergone similar problems, may assist by sharing experience.

¹ Kosovo is Serbian (although in Serbian the entire province is referred to as Kosmet, short for Kosovo and Metohija). Kosova is the Albanian form. I try to avoid any normative connotations by writing Kosovo/a.