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**‘Shadow States’?
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under external constraint
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Abstract

Kosovo and East Timor have often been jointly considered for their common experience of new ‘international protectorate’. These two territories were ‘liberated’ in 1999 by multilateral ‘interventions’ and thereafter ruled by United Nations transitional administrations. This feature is at the core of nearly all comparative exercises about the two territories to this day. However, another less obvious set of resemblances calls for renewed attention: it was indicated by the post-liberation resilience of indigenous institutions that had emerged during the 20 to 25 years of resistance. From this initial observation, I spent months in the field between 2000 and 2003 and uncovered a wider array of similarities. Three main parallels appeared.

In both, the clandestine resistance networks, described here as ‘crypto-states’ have 1) directed their strategic choices on the resort to violence according to perceived international opinion, 2) while remaining a hybrid association of anti-state kinship groups and ‘modern’ urban elites, 3) with the result of producing a dual discourse on nationhood: exclusive and militant on the one hand, inclusive and ‘liberal’ on the other.

After empirically discovering what may well be a singular political object, a necessary step was to assess its relevance to social science research. This required testing its set of similar features against established political theory on state and nation building: First by assessing the very ‘stateness’ of these clandestine administrations, then by exploring their rich and often contradictory production on national identity. In conclusion, this preliminary exploration suggests that the parallel trajectories of Kosovo and East Timor during the past 25 years point to a new way of nation-state building in a context of external constraint, directed by the changing post-cold war norms on international intervention. I argue here that this type of ‘externalized’ state construction and nation building is perhaps ill-fitted for the post-conflict construction of stable institutions.

Résumé

Le Kosovo et le Timor Oriental ont souvent été étudiés ensemble du fait de leur expérience commune des « nouveaux protectorats internationaux ». Ces deux territoires ont été en effet « libérés » en 1999 par des interventions multilatérales, puis placés sous administration provisoire des Nations Unies. C’est cette caractéristique commune qui a justifié jusqu’à présent la quasi-totalité des exercices comparatifs à leur sujet. Toutefois, un autre ensemble de ressemblances, d’un abord moins immédiat, mérite aussi d’être étudié : en témoigne tout d’abord, la continuité, post-libération, des institutions indigènes qui ont émergé pendant les vingt à vingt-cinq années de résistance. A partir de ce constat initial, des mois de recherche sur le terrain entre 2000 et 2003, m’ont permis de découvrir un éventail plus large de caractéristiques communes. Trois parallèles principaux se sont en effet dégagés.

Sur ces deux territoires, les réseaux clandestins de résistance, qui seront appelés ici « crypto-Etats » ont : 1) en grande partie orienté leurs choix stratégiques concernant le recours à la violence en fonction de leur perception des exigences de l’opinion publique internationale, 2) tout en se maintenant comme alliance fragile entre groupes segmentaires « anti-Etatiques » et élites urbaines « modernes », 3) cette tension constructive ayant pour résultat de produire un discours duel sur la nationalité : exclusif et militant d’une part, inclusif et « libéral », d’autre part.

La découverte de cet ensemble de similarités entre les deux cas étudiés réclamait par conséquent une étape de validation de sa pertinence pour la recherche en science sociale. Pour ce faire, il convenait de mettre cette configuration apparemment originale à l’épreuve des théories établies en matière de théorie de l’Etat et de la construction nationale : d’abord, en évaluant le caractère proprement « étatique » de ces administrations clandestines, puis en explorant leur production riche, et souvent contradictoire en matière d’identité nationale. Pour conclure, cette exploration préliminaire m’a semblé indiquer que les trajectoires parallèles durant le dernier quart de siècle pourraient fort bien être révélatrices d’un type nouveau de construction nationale dans un contexte de contrainte extérieure renforcée par l’évolution continue des normes d’intervention en matière d’intervention internationale dans l’après-Guerre Froide. Enfin, cette discussion suggère que ce type de construction « externalisée » de l’Etat et de la nation pourrait bien s’avérer inadapté à l’enracinement d’institutions stables dans un contexte post-conflituel.

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INTRODUCTION

Unexpected relatives: The incidental discovery of ‘family resemblances’ between Kosovo and East Timor

In 1999, Kosovo² and East Timor³ moved almost simultaneously to the fore of the international scene. Ostensibly for humanitarian motives, multinational military coalitions were called in to rescue majority populations exposed to intense state-sponsored violence. In an apparent breach of the sovereignty of Yugoslavia and Indonesia, a relatively new type of international intervention was being tested, which some hailed as a new ‘liberal interventionism’⁴.

Following months of Serbian repression against ethnic Albanian civilians in Kosovo, NATO bombed Serbian assets from March to June 1999. It finally deployed an international military force after the signature of the ‘military technical agreement’ in Kumanovo on 9 June 1999. A multinational authority under UN auspices was then charged with governing the territory, pending an uncertain diplomatic settlement. In East Timor, an overwhelming majority voted for independence in a UN-organized ‘popular consultation’ on 30 August 1999, thus ending 24 years of rule from Jakarta. Indonesian-trained militias soon launched a mass-scale punitive operation that left the territory in ruins. International outrage and diplomatic pressure led Indonesia to accept the dispatch of an Australian-led military force, soon followed by the

² In this paper, I have chosen to mention both the Albanian and the Serbian spelling for place names, according to UNMIK’s usage, i.e. the spelling of the majority population of the locality been mentioned first. In certain cases, the Serbian name of some small villages – if there is any – has become difficult to find (e.g. Strellc, Glogjan, etc.) In the case of the capital, I will use the Albanian definite mode ‘Prishtina’, which is phonetically identical to the Serbian ‘Priština’. One main exception here is the use of the word ‘Kosovo’, which although Serbian has become the rule in English and is being used even by the staunchest foreign advocates of Kosovo Albanian rights. The Albanian name is Kosovë (indefinite mode) or Kosova (definite mode).

³ Following endless debates on the future name of an independent East Timor, it was finally called *Timor Leste*. Although it exactly means ‘East Timor’ in Portuguese, it has been imposed at the UN as an exclusive to any other name. It must be noted that East Timor was widely expected to be called *Timor Lorosa’e*, also meaning ‘East Timor’, in the main indigenous language, Tetun. Given the political content of this final choice, and the fact that ‘*Timor Leste*’ was only established officially after 2002, I will use here the name ‘East Timor’.

⁴ For an informed overview on the subject by a believer in humanitarian diplomacy, see Badie (2003). On the moral dilemmas and the ambiguity of humanitarian intervention, see Michael Ignatieff (2000). For more background on the issue, see Paris (1997) and ICISS (2001).

establishment of a UN 'Transitional Administration'⁵. Global media coverage, from March-June 1999 in Kosovo, and from August-September of the same year in East Timor, underlined disturbing similarities in the scorched earth campaigns waged by departing Yugoslav and Indonesian authorities⁶.

It is naturally this common experience in multilateral nation-building that attracted the attention of most analysts. Staged within a very short interval – June in Kosovo, September in East Timor – and immediately followed by the establishment of so-called 'international protectorates', they naturally invited comparison (Chesterman, 2004). There was however one major difference between Kosovo and East Timor that must be stressed from the outset. Whereas UNTAET (United Nations Transitional Administration in East Timor) was clearly given the role to prepare East Timor for independence within a few years⁷, UNMIK's (United Nations Mission in Kosovo) mandate was much more ambiguous. It seemed tasked with indefinitely preserving the status quo of the Kumanovo compromise between NATO and Russia which maintained Kosovo legally within the state sovereignty of Serbia. In the deliberately vaguely worded UN Security Council resolution 1244, it stated that UNMIK was to provide: '*... an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia...*'. It is reported that Bernard Kouchner, the first head of UNMIK, '*claimed to read the text of resolution 1244 (1999) twice every morning and still have no idea what "substantial autonomy" meant*' (Chesterman, 2001: 4). A growing consensus is emerging that this open-ended international commitment in Kosovo is a factor of regional instability. By depriving local stakeholders of a reliable 'roadmap', it sets a premium for the establishment by extremists of 'facts on the ground' ahead of a settlement⁸.

Despite these differences, the TAs represented a relatively new international object which suggested that 'exportable' standards of multilateral governance were being tested. However,

⁵ Michael G. Smith insists that the use of the term 'intervention' here is 'liberal rather than technical' since the so-called intervention was preceded by Indonesia's formal agreement to withdraw. In the case of Kosovo, the ground phase of military action was similarly preceded by the departing power's agreement (Smith, 2003: 17).

⁶ For instance, John Sweeney, 'Yugoslav court martial reveals Serb war crime', *The Observer*, 22 April 2001. See also the *Human Rights Watch* reports issued in 1999 on Serbian rights violations in Kosovo (Human Rights Watch, 1999).

⁷ East Timor's independence was finally proclaimed on 20 May 2002 under the international name of 'Timor Leste' ('East Timor' in Portuguese).

⁸ The International Crisis Group (ICG) has twice issued roadmaps toward a clear political settlement, arguing that independence with strong safeguards for minorities guaranteed by an international monitoring mission would be the best possible scenario. Similarly the Independent International Commission for Kosovo (IICK) had previously argued for 'conditional independence'.

research soon revealed the relative shallowness of these 'new trusteeships'⁹ and their weak impact on local communities. To be fair, one must recall that the UN was not equipped to deal with assignments of this scale and nature. Beyond useful 'lessons learned' that tentatively set new benchmarks for future operations, field studies with an anthropological viewpoint revealed a more important feature of the post-1999 situation. They gave an explanation as to the enigma of the maintenance of relative stability and social order under largely superficial UN stewardship. Beneath a thin layer of international authority ran discreet indigenous parallel institutions¹⁰ that had remained unofficially in charge at the local level: where it really mattered (Chopra, 2001). Supported by overwhelming majorities, these clandestine institutions had first taken shape in 1974-5 then survived and/or mutated under state repression, until they finally regained clout in 1999-2000. Kosovo and East Timor had indeed much more in common than just UN Transitional Administrations (TAs).

A summary of the discussion

This shared experience shows resistance movements which established clandestine governing structures with a nation-building agenda. Since it may indeed point to new and singular political combinations, it calls for deeper investigation. This paper represents the first step of a more ambitious research project. At this early stage, it is indispensable to better identify the subject, to set a methodological approach, and to assess the main theoretical questions it raises.

I will therefore begin the discussion with a reminder of the relevant historical period. Given the limited size of this essay, most longer term historical issues will not be addressed, although they will appear in future research. Exploring the history of the past 25 years in East Timor and

⁹ Richard Caplan places the TAs in historical perspective and underlines their continuity with trust territories and previous UN operations. (Caplan, 2002).

¹⁰ The scope of this discussion does not include the study of the parallel institutions established in the Serb-majority region of northern Kosovo after 1999. It is a worthy object of research which has already been documented (cf. OSCE Report, *Parallel Structures in Kosovo*, October 2003. Available online at <http://www.reliefweb.int/library/documents/2003/osce-kos-07oct.pdf>). The focus here on the Albanian component of the population of Kosovo should not be regarded as a dismissal of the interests of the other national components. It is studied here in the light of a comparison with similar features observed in the period of clandestine resistance in East Timor.

Kosovo, I will first outline the short-lived experience in self government and/or emancipation starting in 1974 and the constraints placed upon nascent urban elites at the internal and external levels. I will then briefly describe the emergence of clandestine state-like structures aimed at rescuing the population and organizing the resistance in a context of so-called 'cooperative conflict'. I will attempt to establish the way these national movements coped with the need to 'externalize' their struggle despite adverse geopolitical circumstances in order to improve their position on the international scene. In the last section of this first part, I will explain what these decisions owed to 'strategies of victimhood' (Nicolas, 1992-1993)¹¹ and how they resulted in decisive choices concerning the recourse to political violence in the hope of sparking intervention in their favor (see Finnemore, 1996).

The second part will be dedicated to the examination of the clandestine structures that proved especially resilient after 1999 in the face of utter destruction. This will imply questioning both their originality and the relevance of treating them as states. To that end, I will first assess their apparent newness by comparing them with the established category of 'de facto states' (Pegg, 1998). By delineating the main differences of Kosovo's and East Timor's clandestine structures with this ideal-type of non recognized states, I will gradually define the state-like structures observed in Kosovo and East Timor. The realization of their utter discretion, followed by the description of their specific relationship to the exercise of political violence will draw us nearer to a working definition of so-called 'shadow states'. Finally in this part, I will define how disagreement between conflicting social groups regarding the use of violence underlines the fragility of the state-building enterprise in both cases.

In the third and last part, I will turn to the expression of nationhood. It may provide helpful indications about the shadow states legitimacy among the population, itself a potential explanation to the clandestine state's post-liberation resilience. Here, the so-called 'crypto-states' will be observed as the bearers of intensely contradictory stances on nationhood which question the success of the nation-building agenda of the clandestine resistance. I will first underline the contrast between the plethora of nationalist symbols in Kosovo and its quasi

¹¹ Here I will use the phrase 'strategies of victimhood' as a translation for Guy Nicolas' "*stratégies victimaïres*". I however wish to distance myself from the rationalist and cynical connotations of his article. I believe 'strategies of victimhood' to be a limited and last-resort element in the politics of resistance of immensely victimized populations. It is a contextual and intermittent factor and certainly neither the cause nor the justification for the occupying state's violence against civilians. It should by no means be associated with the accusations of 'phony' victimization often issued by Serb extremists during the Bosnian and the Kosovo conflicts. Xavier Bougarel (1996) similarly borrows Nicolas' phrase in his study of the Bosnian war without endorsing its author's conservative approach. On similar issues, see also: Bonnafous, Fiala and Krieg (1996).

absence in East Timor after 1999. Attempting to resolve this apparent contradiction will lead me to emphasize the distinction between 'nationhood' and 'nationalism'. This distinction will underline in the following section the opposition between two distinct types of nationalist discourse: the belligerent nationalism promoted by the groups linked to violent resistance and the almost inaudible nationalist discourse of the 'non-violent' former elites of the 'crypto-state'. The hypothesis here is that competing views on the strategic resort to violence have produced contradicting discourses on national identity. After stressing the contrast between these two inspirations and tracing them back to opposing social groups, I will attempt to understand the enigma of continuing widespread support for the 'shadow state' authorities despite the weakness of the coercive factor. By setting the stage for an investigation of popular national sentiment, rather than official nationalism, I will attempt to draw an outline of the relationship between the brand of nationalism discreetly promoted by the ex-'shadow state' authorities, and the often elusive '*répertoires*' which may well be the 'hidden transcripts' of popular identity (Scott, 1990). In so doing, I will show the importance of the figure of popular martyrdom. The success of national resistance in Kosovo and East Timor and its impact on the formation of state-like structures and national identity however may produce less-than-optimal conditions for the establishment of stable post-conflict states. In this regard, the picture that has emerged from Kosovo and East Timor since 1999 is mixed at best.

Set at the crossroads of external and internal factors, the story of the past 25 years in Kosovo and East Timor may have a lot to reveal on post-cold war nation-state formation at the periphery of the international system. The main hypothesis here is that changing global norms on human rights and legitimate intervention may have led to the emergence of a new 'regime' of nation and state formation. Understanding its implications in terms of post-conflict institutional reconstruction may shed light on some of the major issues that have plagued the transition in Kosovo and East Timor since 1999.

Methodological remarks

Given the wide scope and the numerous implications of this main hypothesis, this essay should only be seen as an initial step. It is intended to set the stage for a deeper examination of

the issues at stake within the framework of doctoral research work. For instance, my exploration of 'the *répertoires* of national identity' at the individual level, aside from the expressions of nationalism by competing social groups, is still ongoing and will require additional fieldwork. It will only be briefly presented at the end of the discussion.

This essay results from several periods I spent in East Timor and Kosovo between 1999 and 2003. I first traveled to East Timor in June 1999 as an independent researcher, and later had the opportunity to work with the UN between 1999 and 2001. I was also able to work in Kosovo with the OSCE in 2001 and to return there for fieldwork in 2003. Initially centered on the study of UN protectorates, my project thus benefited from prolonged exposure to the realities of the field and access to innumerable participants of the 'nation building' experiment. Regular interviews with various actors of the nationalist struggle, such as former cadres of the clandestine structures, ex-guerillas, local administrators, student leaders and NGO workers have deeply informed my work.

Since the choice of subject for this paper emerged from empirical observation rather than theoretical questioning, the observed similarities between the two cases needed to be put to the test of established political theory. It was essential to assess their 'comparability', the singularity of their combination and their heuristic value from two perspectives: 'state-building' on the one hand and 'nationhood formation' on the other. In fact, the very resilience of what I will call here 'shadow states' in Kosovo and East Timor was due to two complementary characteristics. It owed both to the extent of their authority on the population at the local level and to the extreme degree of voluntary allegiance they received from the population. Being largely deprived of means of coercion, the 'state-like' authority they commanded was intricately linked to their image as nation-builders. In both cases, they were widely perceived as the torchbearers of a national awakening.

The dual origin of their continuing relevance after 1999 therefore oriented the theoretical questionings in two directions. They had to be assessed first, as embryonic 'states' and second, as 'nation-builders'. In fact, the empirical circumstances of the discovery of the subject were not the only immediate obstacle. Within the context of intense repression, the development of statehood and nationality in both territories had grown underground. An essentially 'cryptic' phenomenon, the signs of its existence can be expected to be elusive and at times deliberately misleading. As James C. Scott indicates: '*The more menacing the power, the thicker the mask*'

(1990: 3). Given the elusive nature of any evidence concerning the subject under scrutiny, one had to remain aware of the risk of bending facts in order to make them fit, first, the resemblance between the two cases, and second, the essay's hypotheses. One can only hope that consistently cross-checking secondary sources with first hand information in the field and vice-versa have significantly reduced such risk. The resort to an anthropological perspective through the practice of long-term 'immersion' in such communities as Aileu in 2001 and Peja/Peč in 2003 has hopefully provided an additional degree of prevention from these pitfalls. As François Laplantine insists, the anthropological approach is "*an unrelenting confrontation of the 'thought' ('le pensé') and the 'unthought' ('l'impensé'), the said and the unsaid, the manifest and the repressed*" (Laplantine, 1987: 207).

The comparative approach, however, demanded as it was by the existence of striking similarities between these two cases, did not merely arise from such empirical 'close encounters of the third type'. Kosovo and East Timor both suggested the emergence of a new regime of state-building and nationhood formation in interaction with externalized constraints set by changing global norms on intervention. Comparing these two cases therefore seemed logical, although methodologically difficult. It should be emphasized here that this approach is not one of 'pure comparatism' (Pouligny, 1999: 27-29). The observation here is limited in time (1974-2002) and focuses on the interaction of three main factors involved in the emergence of state structures and discourses of nationhood: the social competition between urban and neo-traditional actors, the recourse to violence, and the perception of changing global norms on intervention. As such it will remain open to additional comparisons with other cases where such interaction has also played an important role. Palestine and Iraqi Kurdistan are two cases which suggest that the 'family resemblances' encountered in the cases of Kosovo and East Timor may well bear more universal teachings. As Béatrice Pouligny insists, such comparative perspective in the field of International Studies is still often considered unorthodox. It however extends a healthy invitation to escape the lure of 'the more systemic, mono-causal, and universalizing' aspects of IR theories (Pouligny, 1999: 27). Primarily aimed at clarifying the dynamic interactions between the factors described above, this discussion does not claim to provide a definitive explanation of late-20th century state-building and nationhood formation under external constraint. It remains deeply attached to the heterogeneity of the situations under scrutiny. Concluding the argument by proposing to study national sentiment as a mode of 'subjectivation' (Foucault, 1978), I insist on observing the studied '*political object not as the purveyor of universal meaning but rather of the meaning bestowed upon it by different actors*' (Pouligny, 1999: 29). This approach owes as much to anthropology as it does to international studies and political science.

PARALLEL TRAJECTORIES IN NATIONAL RESISTANCE: THE RECENT HISTORY OF KOSOVO AND EAST TIMOR

In this first section, I intend to present a brief outline of the recent period of resistance in the two territories. In so doing, I will emphasize the ambiguities of the national movement and the severe internal and external constraints faced by their fledgling elites. I argue here that these 'nationalizing' actors sought to overcome these circumstances by designing strategies aimed at improving their perceived 'international image'. The sociological consequences of this policy had a deep impact on the nature of the resulting clandestine authority and on the type of national identity that it promoted.

The 1974 liberalization: A belated political awakening at 'peripheries of the periphery'¹²

In 1974, the traditionally foreign-dominated and underdeveloped regions of Kosovo and East Timor simultaneously entered a period of relative liberalization. The altered political environment opened a period of renewed national assertiveness.

Following the peaceful revolution of April 1974 in Lisbon, Portugal suddenly dismantled its colonial empire. On the fringes of the Indonesian archipelago, its possession of East Timor had been under its loose and mostly nominal control since the 16th century. The new liberal Portuguese administration established in 1974 faced the task of 'facilitating' East Timor's accession to independence. Long neglected by its colonial masters, the half-island of East Timor was still relatively new to concepts of self-determination and independence, having never openly pressed for self-government on a national scale (Anderson, 1993). Only a handful of Lisbon-educated young Timorese, encouraged by this new political climate in Portugal, were articulating the first political claim to statehood for the East Timorese, despite a long tradition of local resistance (Pélissier, 1996; Gunn, 2000). In a context of mounting threats to East Timor's future, awareness-raising campaigns carried out through its main political outlet, FRETILIN, yielded

¹² Ger Duijzings quotes social geographer Michel Roux who called Kosovo the "*véritable périphérie de la périphérie*" (Duijzings, 2000: 5).

rapid results (Hill, 1978). Popular mobilization at the national level gathered momentum in a surprisingly short amount of time (Taylor, 1995).

In Kosovo, another backwater region¹³, the majority ethnic-Albanian population had a longer tradition of asserting its national identity. After centuries of Ottoman domination marked by spectacular demographic shifts, the territory had become a bone of contention between its two main ethnic components. To Serbs who ruled since 1912, it was the historical cradle of medieval kingship (the battle of Kosovo Polje - 1389). To Albanians, it was the birthplace of their national movement (the League of Prizren - 1878). Successive diplomatic arbitrations following the Balkan war of 1878 had however repeatedly denied Albanians the right to a unified independent homeland. Later, despite their deep consciousness of being Albanian, most Kosovo Albanians had shown a decreasing interest for unifying with the 'motherland'. What increasingly mattered was equal status with the other – Slavic – constituent peoples of Yugoslavia. In 1974, a new Yugoslav Constitution provided the initial momentum in this direction. It encouraged devolution of powers to Albanian representatives, albeit under continued communist control¹⁴. During the following seven years, newly trained ethnic-Albanian urban elites gradually emerged and led the cultural and linguistic renaissance of Kosovo Albanians. In both territories, 1974 therefore marked the opening of a new political chapter. This first generation of university-trained, mid-level administrators became, almost overnight, the main players on the political stage. As such, they became the promoters of national identity while large segments of their majority populations still had ill-defined claims to political nationhood (Clark, 2000)¹⁵.

¹³ Michel Roux also called it 'the Third World within Europe' (Duijzings, 2000: 5)

¹⁴ The term 'liberalization' should be understood within the limits of continued communist structures. Significant prerogatives were transferred to the provincial level, but the province itself remained under the control of the Kosovo League of Communists. Discussion with Pr. Jacques Rupnik, Paris, October 2004.

¹⁵ In both cases, this process was often more complex: while these elites embarked on a 'nationalizing' endeavor, the repression inflicted by the occupiers had the reverse effect of bringing re-patriarchalization in the rural areas, as a substitute to the community support mechanisms that had been largely weakened during the protracted crisis.

Self-rule with humble goals: The straitjacket of internal and external constraints

The political program of the new indigenous authorities remained ambiguous and prudent. In Kosovo, the deep awareness of an Albanian identity among the majority population had not translated into a clear plan to separate from Yugoslavia or unite with Albania, and in East Timor, largely dominated by patrimonial modes of domination, national identity was a relatively new concept. In this context, the newly formed indigenous elites deliberately framed their national program within what they perceived as stern limits domestically and internationally. On the domestic side, their assessment of the territory's readiness for independence was bleak, limited as it was by extreme destitution and political heterogeneity (Ramos-Horta, 1996). On the international side, they had few illusions about the diplomatic community's future acceptance of eventual claims for independence.

- The internal factor was sociological: both societies had a very limited experience in centralized government, albeit colonial. They retained strong kinship-based social structures and elements of a clan-like non-state organization in certain parts of their territory¹⁶. This was directly related to a long history of resistance against state authority and of reliance on customary law. In Kosovo as in East Timor, recurrent attempts by the Ottoman, Serbian or Portuguese authorities to levy taxes or draft army recruits had always been met with armed rebellion at the local level. The Albanian novelist Ismail Kadare described this peculiar state of affairs in his famous novel, *Broken April*: "*Rrafsh* [Rafsh-i-Dukagjinit, in western Kosovo and northern Albania] is the only region in Europe, which, although an integral part of a modern state, has rejected its law, its tribunals, its administration...and has replaced them with another set of moral rules just as complex and comprehensive: *Kanun*... As a result, [its population] has managed to remain out of the government's reach." (1981 – translation by the author). In East Timor, extreme political fragmentation within a complex allegiance system had proved the most effective defense against forays by the colonizer (Pélissier, 1996). As a result, the Portuguese presence remained all but nominal beyond the northern coastline until the 1950s. This tradition of resistance had not however converted into a strong sense of shared national identity. Suddenly handed the burden

¹⁶ In the case of Kosovo, very few localities actually remained outside the reach of the Yugoslav state, as the Montenegrin valley studied by Christopher Boehm (1984). However, a strong tradition of *kaçak* resistance in the first half of the 20th century and the implantation of UÇK in these areas have deepened their symbolic importance. Similarly, the East Timorese resistance first found its strongest bases of support in the most isolated and traditional regions of the East, among the *Firaku* people.

of self-government after 1974, the urban elites became more than aware of the uphill struggle they faced on their way to modern nationhood¹⁷ and political integration¹⁸.

- The external factor was diplomatic: both territories, due to their sheer military weakness and underdevelopment, felt that they had no chance of imposing self-determination by their own means. Although consistently neglected at diplomatic conferences, they still considered international intervention their only hope for change. The Kosovo Albanian population, for instance, had been denied the right to self-determination reserved to neighboring Slavic and Greek populations in 1912 and 1919. In fact, both territories had had no luck with the historical fluctuations of the implementation of the 'right to self-determination'. In both cases, the international perception of their social and economic 'backwardness' played against them at critical junctures.¹⁹ The first such opportunity had been the general redefinition of European borders following the First World War, at the height of the newly enforced 'right to self-determination'. As one among the many central European nationalities under foreign rule, Kosovo Albanians could in theory have claimed the right to decide their own future. Three main negative elements played against them however, as they had when Albania had been granted independence in 1912 over less than 50 percent of all Albanian speaking populations. First, Serbia was considered a victor in 1918 and seen as the future bulwark of regional stability in the Balkans. Its historical and religious claims to Kosovo, supported by a demographic situation on the ground that was more balanced, were therefore heeded. Second, the racist perception that Albanians were unfit for self-rule, widely circulated by South-Slav 'experts', had gained credence in diplomatic circles.²⁰ Third, their national identity remained much of a mystery, as they were deeply decentralized, divided by religion and dialect, and organized in 'clans' often beyond the reach of state administration. As a Muslim majority people, they were also considered objective allies of the Ottomans. Kosovo was therefore maintained within the grip of Serbian-dominated Yugoslavia, despite the fierce resistance waged by '*kaçak*' fighters centered in the Drenica

¹⁷ '*Feja e Shqiptarit është shqiptarija*' from a poem by Pasko Vasa.

¹⁸ Following the recommendations of Stephanie Schwander-Sievers, one is warned of the 'orientalist' exploitation of the theme of *kanun* and the 'essentialist' dangers of denying the historicity and plurality of Albanian identities. (Ref: Stephanie Schwander-Sievers '*Martyrs, menaces, memory. The political and social life of the dead in post-war Kosovo*', draft available at http://www.europamet.org/conference2002/papers/j5_schwand.doc).

¹⁹ It must be noted that the indigenous elites themselves often showed little faith in their own territory's immediate 'viability' as an independent state. It is striking that both the LDK and CNRT repeatedly called an international protectorate of at least a few years.

²⁰ Among the many works of anti-Albanian propaganda from Serbia, a pamphlet claimed that some Albanians had monkey tails...

valley. The brutal crackdown that ensued left a deep legacy and a reinforced tradition of political insubordination. The post-1945 period hardly improved the plight of Kosovo Albanians. Once again treated as a loser of the war for siding with Fascist Italy, it was treated as a 'nationality' (*narodnost*) rather than a 'nation' (*narod*) in the more decentralized Communist Yugoslavia. According to the Leninist system also enforced in the Soviet Union and Czechoslovakia, this deprived it of the constitutional right to self-determination reserved to 'nations' such as, say, Croatia or Slovenia. The renewed post-WWII insistence on the right to self-determination in the Atlantic Charter, the Yalta Declaration, and above all the Charter of the United Nations (Article 1, paragraph 2), did nothing to improve the position of Kosovo Albanians. In fact, it was by then de facto reserved to issues of extra-European decolonization, within the established borders of colonized territories, according to the principle of 'state succession'.²¹ In these circumstances, the only realistic claim that Kosovo Albanians could make was to be granted the status of a constituent republic of Yugoslavia, rather than that of a mere province of Serbia. The liberal constitution of 1974 added momentum to this aspiration as it gave the newly Autonomous Province a status equal to that of a Republic with one exception: the right to self-determination. The claim to be recognized as a Yugoslav republic therefore remained the central line until the 30 September 1991 unofficial referendum on independence. In 1999, geopolitical considerations, including the need to secure Russian support for the international settlement, again maintained (UNSC res. 1244) its uncertain status as an autonomous province of Serbia. Several jurists have however made the case that independence, be it conditional, can be grounded in the fact that the 'autonomous province' status of 1974-1987 was tantamount to that of a Republic, and that Kosovo could as such be granted the right to decide its own fate (see Malcolm, 1998 and IICK, 2000).

In East Timor, as soon as the decolonization process started, the regional power balance also headed in the wrong direction. Indonesia, with the support of the United States, was scarcely concealing its intention to take over the territory. The case of East Timor however fits more neatly into the provisions of post-1945 international law. As a colonized territory of Portugal, it was considered a legitimate candidate to the right to self-determination under the practice established by the UN. A few problems however remained: first, the decolonization process was officially never brought to its conclusion. When Indonesian forces invaded on 7 December 1975,

²¹ Among the many limitations placed upon the right of self-determination, one can mention the UNSC resolution n°1541 known as 'bluewater', which states that only peoples separated by sea from their state capital can be considered 'dominated'. In this situation however, Bougainville was never granted independence from Papua New Guinea.

the East Timorese declaration of independence had not been recognized by the diplomatic community at large. The Indonesian claims to represent the will of the people through the series of bogus votes that took place under its authority were also not considered valid at the UN (Gunn, 1997). Portugal therefore remained the legal 'administering power' pending a referendum. A very similar case of belated decolonization occurred when ex-Spanish (Western) Sahara was invaded by Morocco, while still in the midst of its decolonization process. More generally, as the example of Western Sahara illustrates, international legal provisions on self-determination were often disregarded when geopolitical interests dictated otherwise.

The new leaderships in both cases therefore focused on the gradual acquisition of more autonomy, until a favorable context could emerge on both the domestic and the international fronts. The elites of these two newly autonomous territories showed considerable restraint in their claims for self-rule by showing a readiness to postpone independence or seek alternative arrangements. In Kosovo, they restricted their demands to that of obtaining the status of a constituent Republic within the Yugoslav federal system. In East Timor, they asked for a continuation of colonial patronage under a refashioned overseas Portuguese Union. Only after Portugal repeatedly refused to extend its stay did the young Timorese politicians finally consider the grim prospect of independence. By then, in the summer of 1975, the gathering military menace from Indonesia had become yet another, albeit unfortunate, incentive for national mobilization.

The crackdown: Learning to survive amidst international indifference

In 1975 in East Timor, and in 1989 in Kosovo, long held fears of a reversal of fortune were finally vindicated.

On 7 December 1975 in East Timor, Indonesia staged an intense land, sea and air invasion. From the outset, the East Timorese had been warned against unfavorable geopolitical circumstances: communists insurgents had just driven the United States out of South-Vietnam and were seen as a growing threat in Southeast Asia. Abandoned by Portugal and ignored by Australia, the inexperienced new leaders of East Timor appealed in vain to Western powers for

guarantees. Finally, following a failed coup by temporary allies of the Indonesian government in August 1975²², the East Timorese government shifted sharply to the left and staged a last ditch effort to secure assistance from the Eastern bloc²³. Sending half of its government ministers abroad in this last attempt, they finally declared independence. The intention was to strengthen their legal case for international protection under the United Nations Charter as an independent nation under attack: when the national flag was raised for the first time on 28 November 1975, Indonesian fighter planes could be heard in the background²⁴.

Among Kosovo Albanians, as we have seen, the perception of their own strategic impotence had become obvious even earlier. The Albanian population of the Balkans had long been set apart from the rest of region by a combination of discriminating factors mentioned above (Backer, 2003). Following a crackdown on student protests in 1981 by the Yugoslav state apparatus, the gradual scaling back of the 1974 devolution of powers was thus perceived as the return to old ways. An inflammatory speech by Slobodan Milosevic on the historical battle site of Kosovo Polje in 1987 set the stage for the imposition of a state of apartheid on the province, pushing the entire Kosovo Albanian society underground (Silber and Little, 1995). Almost overnight, all Albanian civil servants were dismissed and their language banned from the public sphere. The intense campaign of 'Serbianization' that followed elicited little international reaction except for occasional diplomatic warnings. After 1991, when the constituent republics of the Soviet Union, Yugoslavia and Czechoslovakia exerted their constitutional right to self-determination, the Kosovo Albanian leadership remained aware of its weakness both on the internal – military – side, and on the external – legal – side. They therefore did as East Timor had in 1974-5: they attempted to promote their international standing as a non-belligerent, status quo player, by enforcing non-violent self-discipline among their ranks.

In many instances after 1945, the right to self-determination, even when guaranteed under International law, had been disregarded in the name of geopolitical pragmatism. Only exceptional circumstances would ever spark intervention by foreign powers. In the mid-1970s more specifically, a change was perceived in the international rules of the game: aligning oneself

²² The coup was staged by the more conservative East Timorese party UDT, which later joined the struggle for independence against Indonesia.

²³ Although Fretilin had always been suspected by Western powers of being communist, it is however only after the coup attempt that the leftist wing prevailed, until it was decimated in 1977. (Taylor, 1995; Dunn, 1996)

²⁴ Interviews of the author with Francisco Xavier do Amaral, the former President of Democratic Republic of East Timor, Dili, August 2000.

with one of the two ideological 'blocs' of the Cold War offered less guarantees for protection than in the past. More ambiguous, less predictable norms of international intervention were gradually replacing the old 'system'. In this context, the national leaderships in Kosovo and East Timor made the assessment that international intervention would only be staged in defense of populations unambiguously seen as civilian and apolitical victims, and only in a geopolitical context that would suit great power interests²⁵. This perception was the 'external constraint' to which they gradually learned to adjust their policies²⁶.

The emerging 'clandestine state': Rescuing populations inside, seeking help outside²⁷

From their original business of negotiating a gradual devolution of powers from central authority, nascent elites were suddenly faced with the daunting task of guaranteeing the physical and cultural survival of their constituent populations. While pursuing day-to-day relief efforts, they also remained committed to their goal of obtaining international help. Starting in 1975, they embarked on a perilous trial and error process on two fronts: internal nation building against foreign occupation on the one hand, diplomatic activism in pursuit of international intervention on the other²⁸. The sacrifices made to keep 'Radio FALINTIL' broadcasting to Australia at the height of Indonesian state terror in 1975-77 is one of the many examples of the priority given to this external side of the resistance²⁹. From an embryo of autonomous government in the mid-1970s, they became clandestine administrations with a diplomatic agenda.

²⁵ For an account of these policies of self-promotion as victims of state violence, see Bob (2002). It has the advantage of not showing the same bias in favor of the occupying state as Guy Nicolas'.

²⁶ Interview with Ymer Muhaxheri, the former head of LDK for Peja/Peč, Peja/Peč, July 2003.

²⁷ A widely used term when referring to LDK institutions of the 1990s is 'parallel state', or 'clandestine state'. However, the situation in East Timor is more complex, since there were resisting state authorities from 1975 to 1977 that catered for a beleaguered population in the East, and later, a pervasive clandestine network throughout the country during the 1990. The latter did not gather sufficient clout and freedom of operations to be called a 'clandestine state'. The use of the phrase 'crypto-state' however carries the multiple connotations of clandestineness, façade acceptance of the occupation, and the less material existence of a dreamed state, fashioned at the level of the individual.

²⁸ 'Nation-building' is not used here with the usual meaning of internationally mandated institution building, but rather as the voluntary process of modern nation building used for instance by Karl Deutsch (1963).

²⁹ Discussion with Pr. Ben Kiernan at Yale University, New Haven, April 2004.

In East Timor, the leadership of FRETILIN (*Frente Revolucionária de Timor Leste Independente*), the party founded in 1974 by the first generation of Portuguese-educated public servants, played a central role from the early stages of the resistance. Just ahead of the Indonesian invasion, its leaders had left the capital and organized armed resistance in the mountains of the interior. Drawing on a timeless tradition of resistance to foreign incursions (Pélissier, 1996), FRETILIN maintained large pockets of 'free' territory in the mountains of the east for about two years. In these areas, 'nation-building' policies that FRETILIN had initiated in peacetime were kept apace in a context of extreme material and strategic hardship (Budiardjo & Liem, 1984). The alphabetization and land reform campaigns initiated in 1975 were replaced with the provision of emergency health services and continued education under intense strain from the invading forces. Until 1977, under the helm of wartime president Nicolau Lobato, the East Timorese leadership made tireless efforts to remain the official government in these dwindling 'free zones'. The decimation that year of the top leadership of FRETILIN, however, imposed complete strategic rethinking: frontal resistance had become pointless. Following a lapse of a few years after the death of Lobato and his men in 1977, the resistance was revived by Xanana Gusmão as a highly decentralized confederation aimed at uniting all the political and social tendencies existing in the territory. Running parallel to the Indonesian colonial administration, FRETILIN networks of support and intelligence covered the entire territory of the heavily occupied half-island³⁰. Numerous interviews with former heads of the resistance in 2000 and 2001 have shown the pervasive nature of these structures. Deep into strongholds of Indonesian occupation, FRETILIN leaders at the local level continued to coordinate many day-to-day operations. The continuous traffic of *estafetas* (undercover messengers) kept communication at adequate levels and enabled leaders to meet in secret virtually anywhere in the country.³¹ Their activities were obviously reduced to key functions such as organizing humanitarian aid for besieged populations, coordinating armed resistance and directing the strategic orientations on the external front. Large numbers of the conservative, often '*mestiço*', establishment of the island had left the country ahead of the invasion in 1974-5. Gathered in Australia and Portugal, they had gradually rallied the resistance following Xanana Gusmão's efforts at 'depoliticizing' his previously leftist party and at engineering 'National Convergence'. Through a coalition of associations based in Melbourne and Lisbon, the Timorese diaspora organized outreach campaigns aimed at sparking international reaction to the crimes committed by the Indonesian military. In this context, the Catholic Church often supported the resistance

³⁰ A common East Timorese adage says: '*The people are the water and FALINTIL are the fish*'.

³¹ Interviews with CNRT leaders in Dili and Aileu, August 2000 and April-May 2001.

and put its infrastructures at the disposal of the clandestine apparatus, stepping in to replace the collapsed social system of the 1975 FRETILIN government. Everywhere in the country, a close-knit network of churches, religious health centers and catholic schools provided shelters for a civilian population under extreme strain. From a left-leaning party with a nation-building agenda, FRETILIN had become the core of what I will term a 'shadow state', that coordinated all activities related to the survival of a population under extreme strain. During that period, about a quarter of the population of East Timor reportedly died as a result of Indonesian terror.

In Kosovo, the gradual implementation of discriminatory policies from the mid-1980s had reinforced the sense of a common national destiny among Kosovo Albanians. Given that the local branch of the State-party, the League of Communists of Kosovo, had been the key promoter of the 1974 *Rilindja*, the infrastructure for a united stand by Kosovo Albanian society in the face of repression was already established. The leading proponents of Albanian organized resistance however originated in academic circles at the University of Prishtina, founded in 1968, rather than in the communist establishment. After the March 1989 suspension of the Constitution and the subsequent imposition of martial law on the territory, this first-generation of intellectuals founded the Democratic League of Kosovo (*Lidhjë Demokratikë e Kosovës* – LDK) in December 1989. It soon became a mass movement reminiscent of Poland's *Solidarnosc* commanding a quasi universal popular support: just eleven months after its creation it successfully organized a clandestine referendum for the return to the 1974 constitutional status, with an estimated 80% turnout. Following mass dismissals of Albanian public servants and the enforcement of *apartheid* and Serbian colonization, LDK became the key factor behind the establishment of a clandestine administrative system (Clark, 2000). Two years later, its first general elections established a national assembly and a government. As in East Timor, beside its role in reaching out to international public opinion, it became involved in the provision of educational and health services to the Albanian population who had been denied access to all such public services. The Mother Theresa Organization, linked to LDK, delivered medical services from makeshift mobile clinics and humanitarian aid to the neediest³². By 1993, it was also reported to provide basic foodstuff to approximately 50,000 families. Most of the financial backing for this effort was gathered externally through a 5% income tax collected among Kosovo Albanians living abroad, mostly in Switzerland and Germany. A Government in exile was established in Germany and started collecting funds and exposing the human rights situation in Kosovo to an international

³² Interview with a former head of clandestine health services in Prishtina, Prishtina, July 2003.

audience. More than in East Timor, that was sealed off by a military blockade until 1990, the resistance movement in Kosovo maintained itself thanks in large part to its active Diaspora.

Competing actors: Urban ‘modernizing’ elites and neo-traditional kinship entrepreneurs

These state-like organizations providing support to their besieged populations can therefore be seen as having merely inherited the personnel, the infrastructures and the general impulse of the 1974 liberalization movements³³. When interviewed about this, former cadres of LDK in Kosovo still insist that the clandestine government merely ensured the legal continuity of the Kosovo institutions of 1974 against the illegal constitutional changes imposed by Milošević’s men in 1989. Such a political assessment however would do little justice to another critical aspect of the resistance movement: in an attempt to unify all social and political trends of their communities within popular resistance, the urban elites opened their ranks to the deeply rural populations outside the main townships. In both Kosovo and East Timor, the rapprochement with local power groups possessing little knowledge of western standards of education and government often took the appearance of voluntary contribution. ‘Pre-national’ kinship-based patrimonial actors who had repeatedly taken up arms to keep central state authority at bay soon became an integral part of the Timorese national movement.

As the brief account of the first years of Timorese resistance has shown above, the process of unifying and strengthening the clandestine movement was not a seamless transition from 1974 self-governing structures to clandestine administrations. Following the decimation of its top leadership in 1977, Xanana Gusmão, a relatively unknown member of FRETILIN, suddenly found himself the highest-ranking member of the battered group. If FRETILIN was to survive and the resistance to continue, its new leader would have to extend its membership to all segments of society. From a party of mid-ranking public servants tempted by ‘progressive’ ideologies, it slowly mutated into a united front regrouping the few surviving FRETILIN ‘intellectuals’ with the traditional populations of the interior.

³³ Interview with ex-cadres of LDK, Gjakova/Đakovica, December 2001.

A story drawn from Xanana Gusmão's official biography published in 2000 gives an embellished account of this alliance (Gusmão, 2000). After running for his life and seeking refuge in the mountains of the East, 'Xanana' approached the traditional chieftain who had given him shelter. After some time, Xanana Gusmão managed to rally his interlocutor to the resistance. The 'nation-building' myth has it that the warlike Fataluku people of Chief Carvalho pledged allegiance to the FRETILIN leader in these terms: "*Brother, those of us that wear the langutim*³⁴ *are still here [fighting with the resistance against Indonesia] and those that wore pants and spoke of politics like the flowing of Ue Bui River are today living in the towns [after turning themselves in to the Indonesian occupiers].*"³⁵ (Gusmão, 2000: 61)

In a somewhat similar manner, LDK also needed the support of traditional rural communities (Malcolm, 2000: 272-9). Its efforts in clandestine schooling for all, in promoting the social role of women and in reconciling blood feuding families, had given promising results. By the mid-1990s, however, deepening disagreement over the effectiveness of LDK's non-violent strategy against Serbian occupation led the leaders of some traditional communities to challenge the League's authority (Hamzaj, 2000). By launching an armed campaign in 1997, which soon sparked massive reprisals by Serbian authorities, it widely contributed to the internationalization of the Kosovo question and to the eventual 'liberation'³⁶ in 1999. Despite this bitter conflict between LDK and the supporters of the armed struggle, the Kosovo Albanian 'shelter state' eventually assimilated the unwelcome contribution of these non-state patrimonial actors to national construction: the main monument to national resistance is a cluster of traditional Albanian houses, in the center of Drenica, that had once belonged to clan Jashari. Set in the heartland of Albanian resistance to political authority since Ottoman times, the former family headquarters of the self-styled guerilla leader Adem Jashari, have been maintained in the state of destruction in which Serbian security forces left them in 1998. Adorned with red Albanian flags and a massive statue of Adem Jashari, these ruins have become the main memorial venue for Kosovo Albanians in commemoration of the 'heroic' battle that took the life of Jashari and 55 members of his extended family. Invoking a millenary tradition of insubordination

³⁴ The *langutim* is the traditional loincloth worn by the East Timorese of the easternmost and most traditional part of the territory.

³⁵ Notes added.

³⁶ The word 'liberation' will here be used with quotation marks. In the view of an overwhelming majority of East Timorese and Kosovo Albanians, 1999 is considered a year of 'liberation'. For many Serbs and Roma in Kosovo and Javanese migrants in East Timor, it conjures up memories of forced departure or worse, acts of revenge by hard-line supporters of independence.

among Albanian clans, however, the leaflet distributed to visitors describes Jashari as the proud descendent of these traditional chieftains who fought tyranny and... “*enormous degree of taxation (sic)*” (Halimi and Shala, 2000: 12).

Viewed in this light, shelter-states were more than just the 1974 political establishment gone underground. In the face of extreme repression, rallying all components of society to the resistance movement had become essential. In that it echoed earlier calls by the urban elites to engineer deliberate ‘nation-building’ aimed at unifying traditionally divided communities.

Addressing the external constraint: The strategic choice of non-violence and national unity

Strategic decisions during both the periods of liberalization and resistance were therefore not only a function of the ‘external constraint’. They were deeply conditioned by the changing balance of power between these two ideal-typical social groups. This balance itself was largely determined by military conditions in the field, in terms often dictated by Yugoslav and Indonesian security forces. The internal factor – the rocky relationship between competing sociological ideal-types – interacted with the external factor – the assessment of the external constraint – in a highly dynamic way.

In East Timor, the incidental ‘discovery’ of the traditional village chieftains described above, illustrates this nexus between internal and external factors. In the face of the extreme prejudice inflicted by the Indonesian military on the armed resistance movement, Xanana Gusmão changed the course of the struggle. It was necessary, he explained, that the struggle of the East Timorese people be seen not as an ideological civil war between a leftist resistance movement (FRETILIN) and a US-backed reactionary government (Indonesia)³⁷. The key to any future foreign involvement was the international perception of the East Timorese as a victimized people, regardless of their political orientation. As countless interviews in 2001 with former cadres of the resistance have revealed, however, the objective of national convergence was much more than just an externalized gimmick aimed at sparking international sympathy. The encounter with Chief Carvalho, an ideal-typical embodiment of the pre-national, anti-state patrimonial actor allowed

³⁷ Interview with José Ramos-Horta, Dili, July 2000.

the resumption of armed resistance by the inclusion of 'professionals' of anti-state insurrection. It was however inspired by a wider reorientation, away from the revolutionary objectives of the original resistance movement. The mass victimization of all sections of the East Timorese population by Indonesian 'annihilation' campaigns had blurred the distinction between the 'nationally conscious' and the traditional villagers, between the 'alphabetized' and the illiterate, and further, between the conservative circles of the Diaspora and the young leftist leadership of 1974. Abandoning communist-inspired heroism for an all-inclusive and non-violent approach, Xanana Gusmão probably preceded the end of the Cold War by a few years. His adoption of a non-revolutionary sense of nationhood that did not discriminate between 'positive' and 'negative' social groups also confirmed the growing irrelevance of armed resistance. FALINTIL, the armed wing of FRETILIN, was reshuffled in 1983 to become a 'national' guerilla force. Its role became increasingly limited to rescuing local populations on a reactive, case-by-case basis. In that, it came to embody yet another function of clandestine 'shadow-statehood'. Since all East Timorese regardless of political or social differences were equally suffering under Indonesian oppression, resistance became perceived – and promoted – as the result of mass martyrdom of civilian populations. Xanana Gusmão therefore accelerated the 'de-politicization' of the resistance and distanced himself from FRETILIN, which was ultimately integrated into a grand coalition of political parties, the National Council of *Maubere* Resistance (CNRM – 1987), later replaced by the National Council of Timorese Resistance (CNRT – 1998). This accompanied an increased reluctance to the recourse to armed force. In this before-the-fact adjustment to post-Cold War politics, he was in agreement with the more conservative East Timorese Diaspora that provided support to the 'external front' of the resistance. To the 'external front' led by Foreign Minister José Ramos-Horta, promoting the East Timorese destiny as a martyred movement of peaceful disobedience was likelier to elicit universal condemnation abroad. Increasingly shy to intervene between conflicting parties in internal conflicts, great powers were slightly less reluctant to enact their 'responsibility to protect' victimized civilian populations (Finnemore, 1996). From the mid-1970s to the late 1980s, the 'external constraint' had undergone impressive changes. Political alignment to one of the competing ideological 'blocs' of the Cold War was no longer the 'best way' to receiving great power protection. Perceived neutrality, impartiality and above all, civilian 'victimhood' were increasingly perceived as a safer path to 'human rights'-inspired intervention...

Deeply aware of the consequences of this change, Xanana Gusmão had sternly limited the recourse to armed action. He had ruled out terrorism against Indonesian civilians in the

1990s³⁸ and reined in rampant 'warlordism' among guerrilla chiefs tempted by territorial defense of local interests (Rees, 2004). The archetype of the East Timorese freedom fighter therefore changed from that of the bearded guerilla fighter to that of the marching student. When in November 1991, nearly 300 youths were mowed down by Indonesian machineguns during a peaceful demonstration at Santa Cruz cemetery in Dili, calls for intervention grew louder than ever before outside Australia and Portugal. However, this implicit turnaround against armed force had come at a cost: later when Xanana imposed absolute non-belligerence to FALINTIL in the face of militia-led rampage in 1999, in order to preserve his people's international standing as non-violent victims, he put himself at odds with some FALINTIL local leaders with a strong regional base.

As the case of Kosovo suggests, identical methods were not applied with equal success everywhere. Coming nearly fifteen years after Xanana Gusmão's 1978 reappraisal of the external constraint, the non-violent stance embraced by Ibrahim Rugova fell neatly into the changed norms for international intervention that the East Timorese leaders had anticipated. In this regard, LDK-engineered passive resistance stood in sharp contrast with decades of intermittent small-scale insurrections against the Serbs by the local clan chieftains of central and western Kosovo. Rugova's program was clearly aimed at breaking the age-old stereotype of the Albanian rebel-cum-bandit that Serbian propaganda had endlessly exploited in the past. His was a program of active nation-building aimed at uniting Kosovo Albanian society into a cohesive ensemble for the first time. The emphasis was put on the peaceful resolution of the blood feuds that still took a heavy toll among Albanian families of rural Kosovo (Judah, 2000). The universal provision of social and educational services, accompanied by successfully managed elections, was staged with the goal of reinforcing a civic sense of nationhood among Kosovo Albanians (Clark, 2000). This social engineering program was also dictated by immediate perceptions on the external constraint. In 1992, the republican government of Bosnia Herzegovina had placed its hopes in the post-cold war implementation of International Law and had taken the gamble of declaring independence despite an open challenge by its armed Serbian minority. The calculation was its constitutional right to self-determination as a constituent republic of Yugoslavia would be enforced by the 'international community'. The ensuing civil war underlined just how much the republican government had overestimated the resolve of that alleged 'community' to guarantee the integrity of a legitimate government in adverse circumstances.

³⁸ Interview with Avelino Coelho, leader of the Timorese Socialist Party (PST), Dili, August 2000.

Bosnia had to wait another three years before an international military intervention was finally sent to the rescue.

However, just as the last-ditch alignment to the eastern bloc by FRETILIN had in the second half of 1975 failed to deliver expected Soviet support, the peaceful stance of Rugova's LDK showed its strategic limits just as the Bosnian war came to an end. By acknowledging the fait accompli of ethnic cleansing, the Dayton Peace Conference in 1995 made Bosnian Serb extremists appear as unexpected beneficiaries of the US-imposed settlement. Moreover, not one Kosovo Albanian had been invited to the Peace Conference. Military confrontation by an illegal entity – the Bosnian Serb Republic – had finally proved partly successful³⁹.

Long kept in check by LDK's increasing hold on Kosovo Albanian society, rural groups made a sudden comeback on this occasion. Dayton had shown that the diplomatic community would keep ignoring Rugova's strategy of non-violent resistance. A new group, the Kosovo Liberation Army (known under its Albanian acronym UÇK) floated a radically new policy of open confrontation with Serbian forces. It received increasing public support as it broke the increasingly immobile and conservative stance of LDK. Built upon rural networks of Albanian extended families and trans-border criminal connections, UÇK mounted a frontal challenge against LDK. The aim was not necessarily to prevail militarily but rather to spark Serbian retaliations on the civilian Albanian population. A well orchestrated media campaign could subsequently pave the way to an international intervention. Just as squabbles about the international best use of violence had pitted Xanana Gusmão against some insubordinate leaders of FALINTIL, a similar tug-of-war developed between LDK and UÇK. In this case however, the violent anti-state actors temporarily prevailed and their stance proved successful in sparking international intervention in 1999.

This brief account of 25 years of national resistance in Kosovo and East Timor underlines the dynamic interaction between internal and external constraints and its consequences on the balance of power between competing internal actors. This essay is intended to build upon this initial assessment and present the following hypothesis: that this interaction has brought about the construction of so-called 'shadow states' and that the competition between the two main social groups in the resistance left a legacy of blurred and deeply ambiguous nationalism. The

³⁹ Interview with Ramush Haradinaj, Prishtina, August 2003.

more ambitious question at stake here is whether this kind of externalized national trajectory provides firm ground for post-liberation institutionalization.

KOSOVO AND EAST TIMOR: A NEW WAY OF INTERNAL STATE BUILDING?

Proceeding gradually, I will here assess the singularity of this experience in terms of state-building and try to determine whether the category of 'state' applies to the clandestine resistance structures established in Kosovo and East Timor. I will then develop the hypothesis that an original kind of indirect coercion was implemented by the clandestine states. Finally I will show that this type of coercion was not sufficient to ensure full national compliance under the aegis of the 'nationalizing' elites. This section therefore delineates some explanatory factors concerning the post-'liberation' resilience of the clandestine structures.

Are Kosovo and East Timor 'de facto states'?

Does the existence of resilient clandestine administrative structures in the face of widespread repression make Kosovo and East Timor an exception on the international scene? Most resistance movements have in fact included a civilian component aimed at providing intelligence and support for their armed wing, sometimes establishing future post-liberation state structures. The Vietnamese *Viet Minh* and the Algerian FLN established similar civilian political structures. And their state-making constructivist approach, with the revolutionary objective of engineering a new society was no exception: Mao Zedong's *de facto* administration of the province of Jiangxi after the fall of Shanghai in 1927 can be viewed as the first modern instance of such a phenomenon. Placed in this historical perspective, clandestine administrations in Kosovo and East Timor are little more than just a recent illustration.

A more contemporary phenomenon is 'de facto statehood'. It was described in some detail by Scott Pegg in *'De Facto States and the International System'* (Pegg, 1998). Selecting the examples of Northern Cyprus, Northern Sri Lanka, Eritrea and Somaliland, Pegg defines 'de facto' states as '*entities which feature long-term, effective and popularly-supported organized political leaderships that provide governmental services to a given population in a defined territorial area. They seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood. They are, however, unable to secure widespread juridical recognition and therefore function outside the boundaries of international legitimacy.*' (Pegg, 1998: 4) His book is however a mainly 'internationalist' discussion focusing on the – generally negative – global response elicited by 'de facto' statehood. From an empirical starting point similar to that of this essay, Pegg locates the difference between classical and 'de facto' statehood in the latter's inability to secure international legal recognition.

Looking deeper into the emergence of these unofficial entities, and opening the perspective to other cases such as Iraqi Kurdistan or Southern Sudan underlines another significant feature: their belated emergence as state structures at the end of the 20th century. This sets them in a historical sequence distinct from that of other state-building experience, related to industrialization and decolonization processes. Here lies a fundamental difference with classical state-building, be it in pre-industrial Europe or in post-colonial environments. The mere chronological discrepancy with processes elsewhere, whatever the nature of their state-building experience is enough to make them markedly different from their forebears. Even if they had simply followed the same path as say, 1960s decolonization in Sub-Saharan Africa, the mere fact of their belated emergence would still have given their experience an entirely new meaning. This paradox is reminiscent of Jorge Luis Borges' short story *Pierre Menard, Autor del Quijote* (Borges, 1944). It describes the discovery of the works of an obscure French author of the 20th century that include entire sections of the *Quijote* entirely re-copied by him. In Borges' fiction, the so-called 'creation' – in fact the mere repetition of the 17th century masterpiece in the early 20th century – is presented as a deeply singular literary 'creation', since its emergence in an entirely different setting from the original *Quijote's* gives it a totally new significance. Similarly, state-building processes set in the last part of the 20th century – hence in a largely different international environment – ought to be studied for what they are: a clearly distinct phenomenon.

Adding to that, one must observe that processes here are in fact different. These late 20th century entities are orphans of the two main genitors of classical state-building: industrial and

mass communication modernism on the one hand, state importation by virtue of decolonization on the other. Economic development and the establishment of a “modern” industrial society, usually seen as conditions to the emergence of the modern state had hardly occurred in these laggard regions at the margins of the international system. Plagued by massive illiteracy, for instance, these territories gave little hold to theories based on social communication⁴⁰ (Deutsch, 1966; Anderson, 1983). Perhaps, the post-colonial model of “state-nations” (Deutsch and Foltz, 1963), ‘artificially’ created along colonial borders in the 1950s and 1960s, could provide more valuable indications. But in most de facto states, the situation was quite the opposite: Kosovo and East Timor, like Southern Sudan or Iraqi Kurdistan, were not shaped artificially by arbitrary diplomatic settlements. On the contrary, they emerged in situations where increasingly cohesive national movements had resisted occupation for decades often against the external imposition of postcolonial borders.

These few examples underline the salience of studying late 20th century *de facto* statehood as a singular path to state formation. Unexplored in Scott Pegg’s essentially IR-centered discussion, this could have been a very instructive research program. In this case, then, would Kosovo and East Timor have neatly fallen into the category? Scott Pegg’s insistence that de facto states ‘*seek international recognition and view themselves as capable of meeting the obligations of sovereign statehood*’ indicates otherwise. In Kosovo and East Timor, international claims to recognition as sovereign states were often considered unrealistic, overambitious, and at times, downright suicidal... In fact, their claims to statehood were at best intermittent and in the face of extreme hardship, they did not achieve the degree of organization, coordination and national integration that would have allowed them to credibly claim for immediate recognition of state status. The resistance structures in Kosovo and East Timor were above all ‘embryos’ of states.

⁴⁰ Ben Anderson himself admitted that the rapid emergence of nationalism after 1974 did not fit into his theories described in ‘*Imagined Communities*’. In his article, he however suggests important new orientations which take into account the extreme underdevelopment of the half-island and the importance of mass victimization (Anderson, 1993).

Statehood in Kosovo and East Timor: Don't ask, don't tell

As mentioned earlier, state structures in Kosovo and East Timor were clandestine. Although not unknown to occupation forces, they never openly declared themselves, and only requested immediate recognition as independent states in exceptional and isolated circumstances. This very discretion is one reason why they long eluded academic attention.

Even their own claims to sovereign statehood were often unclear, ambiguous and intermittent. In countless interviews, the following admission was repeated by different actors of the struggle: "*Had the Serbian [or Indonesian] authorities behaved humanely, we would have remained citizens of Yugoslavia [or Indonesia] and not demanded full independence.*"⁴¹ In 1974-1975, Timorese elites advocating the departure of Portugal and immediate independence were almost nonexistent. Generally, national elites called for extended Portuguese administration or a prolonged caretaking exercise by multilateral authorities until the country would be considered 'ready'. These concerns about the viability of their state were repeated in 1999 when plans were made for an international protectorate to deal with the preparatory groundwork ahead of independence. Similarly in Prishtina, between 1974 and 1991, Kosovo Albanians advocating a clean break with Yugoslavia were seen as extremists. In both cases, national mobilization seems to have been the consequence of extreme repression as much as the result of deliberate clandestine nation building policies. In many ways, blind repression – which in East Timor killed about 150 000 of a total number of almost 700 000 inhabitants (Kiernan, 2004: 210-1) – was key to instilling a sentiment of shared destiny among hitherto fragmented populations. Even well after the liberation from repressive forces, populations often showed mixed feelings the benefits of internationally recognized independence.

In any case, if embryonic states did emerge during that period in Kosovo and East Timor, it was with extreme discretion. The fact that the leading national elites of both Kosovo and East Timor never claimed to establish themselves as self-sufficient sovereign states is indicative of a certain singularity. Their reliance on deliberate strategies of 'publicized victimhood' in a context of extreme internal and external constraint stands in sharp contrast with the trajectories of Eritrea or Somaliland for instance. While in the case of Kosovo and East Timor clandestine state structures long remained invisible to outsiders, Scott Pegg's de facto states never made a secret

⁴¹ Several interviews in East Timor in 2000 and 2001 and Kosovo in 2001 and 2003.

of their objective of final recognition. They indeed offered more obvious features of classical statehood than Kosovo and East Timor: Eritrea, Tamil Eelam and Abkhazia for instance, were from the outset ostensible efforts at establishing authoritarian and militarized state-like authorities.

‘Shelter states’: State building without a monopoly on violence?

While de facto states carved out ‘liberated zones’ by military force and subsequently established state-like administration over them, East Timor and Kosovo abandoned hopes of a military victory very early on. Even the military campaign waged by UÇK in 1998 that led to the short-lived ‘liberation’ of a few localities such as Malisheva/Mališevo in Drenica was not an attempt at achieving definitive military victory.⁴² Rather, it was a revisited version of the strategy of publicized victimization. The intention was to spur a Serbian crackdown against civilian populations, with the hope that its rendition in the global media would spark international outrage. Interviews with former leaders of UÇK in 2003 confirmed this analysis.⁴³ The role of clandestine administrations in both cases was therefore not to administer liberated zones, but rather to facilitate the physical and cultural survival of their populations under occupation. Under these conditions, in the contemporary proliferation of ‘collapsed states’ (Zartman, 1995), ‘quasi states’ (Jackson, 1990) or ‘de facto states’ (Pegg, 1998), I have tentatively called this category ‘shadow states’. For their lack of coercive power, their reliance on international ‘humanitarian’ intervention and their caretaker functions for victimized populations, they were set apart from the highly militarized, authoritarian de facto states like Eritrea, Abkhazia or Tamil Eelam in Northern Sri Lanka. While de facto states strive to produce facts on the grounds for future international recognition, ‘shadow states’ endlessly reframed their objectives according to perceived norms of

⁴² Jakup Krasniqi, often considered the true leader of the UÇK behind the official figure of Hashim Thaçi, is often criticized in Kosovo for having initiated this ill-fated policy of ‘liberating’ entire townships in 1998. It is generally acknowledged that this initiative was mainly aimed at sparking a Serbian crackdown on the local civilian population rather than at securing durable UÇK control over the areas.

⁴³ The international response to the bombing of the Markale market in Sarajevo in 1994 has left a deep impression in the region. It is widely considered to have sparked NATO bombings in defense of the besieged Bosnian population. Serbian propaganda subsequently accused Bosnian Muslims – without credible proofs – of bombing their own civilians in order to spark international intervention. Again, I wish to insist that my use of the term ‘strategy of victimhood’ is by no means an endorsement of this type of accusations.

good international behavior. However, in the absence of any centralized coercive power, should Kosovo and East Timor's clandestine entities be treated as states?

The historical trajectory of these two territories indeed contradicts Max Weber's classical definition of statehood as the custodian of a monopoly on legitimate violence over a given territory. Not only do they escape, just as Pegg's 'de facto states', the mold of modernist state building models – industrialization, mass communication or decolonization – they also stand in contrast with historical narratives of state building as a function of coercion. The analysis of state building as the gradual concentration of military might and capitalistic accumulation at the hands of an ever-shrinking minority originates in the works of Norbert Elias (Elias, 1978). Also focusing on the path from feudal power to state centralization, later studies have stressed pre-modern, pre-industrial patterns of state-formation. Stein Rokkan (Rokkan, 1999) and later, Charles Tilly (Tilly, 1990), have erected monumental historical studies spanning several centuries supported by extensive quantitative data. Tilly, in particular, with a neo-Marxist viewpoint, underlined the determining materialistic factors of state building in pre-modern to modern Europe, while entirely neglecting the importance of collective identity formation. Offering a model of state-building which conveniently did away with the usual biases of the modernist and the decolonization approaches, it emphasized the role of coercion and capital accumulation in the production of states. Here Kosovo and East Timor are clearly poor contenders for this definition. In the case of 'shelter-statehood', however, the coercion factor may come with a twist... through the indirect threat of proxy retaliation.

Indirect coercion: The shelter-state's monopoly on legitimate non-violence

Indeed, both clandestine structures served as refuges from violence for the civilian population throughout the period of the occupation, rather than proponents of armed struggle. By securing shelters in the mountains, providing hiding places in the towns and diverting the occupiers' attention whenever necessary, they saved the lives of many. By organizing mobile health clinics and in Kosovo, clandestine schools, they provided the minimal conditions of physical and cultural survival. Under these circumstances, how did they establish features of unchallenged statehood without disposing of the means to impose their will on their populations?

The key weberian factor of state coercion here might have to be reversed. Flipping it around allows for a fresh new look at non-violence in Kosovo and East Timor. The deliberate pursuit of publicized victimization described earlier may indeed have given rise to an indirect form of coercion. Adopting a strategy of national unity was an indispensable step in the implementation of this program.

In East Timor, Xanana Gusmão gradually distanced himself from FRETILIN and embraced a neutral, depoliticized stance, aimed at gathering the universal support of all components of East Timorese society. Following a series of conferences of 'national convergence', the East Timorese leadership finally united into the *National Council of Maubere Resistance* (CNRM) in 1987. In Kosovo, when mounting Serbian repression suddenly flared up in 1991, the Democratic League of Kosovo (LDK) led by university professor Ibrahim Rugova, became the main organizer of civil resistance. It rejected calls for armed struggle, and later, during the Yugoslav wars, refused to open a third front against Serbia. At stake was the credibility of the Kosovo Albanian population as a victimized nation, and, given the widely superior firepower of the Yugoslav military, its physical survival.

The rejection of violence was therefore never presented as an ethical decision. It remained distinct, strictly speaking, from non-violence or civic disobedience (see Sémelin, 1999). A type of 'passive resistance', it was also aimed at uniting the population.

Additionally, it owed directly to another feature of changing global politics: in contemporary faltering states, with rampant economic woes and semi-privatized armies, battlefield enemies increasingly seek mutually profitable arrangements. Based on illegal commercial exchanges and unofficial ceasefires, these situations seem to have generalized in the 1990s, and have been defined as 'cooperative conflict' (Keen, 1998). This term describes the artificial maintenance of conflict at a low level of intensity by the belligerents in order to extend mutually profitable wartime arrangements. In East Timor, the indigenous businessman Chico Kalbuadi, praised for being an important sponsor of the resistance, was known however for his profitable connections with the Indonesian military, thanks to his father, the Indonesian general Dading Kalbuadi.⁴⁴

⁴⁴ Interview with a UN political affairs officer, Dili, September 2000.

However, such temporary agreements of 'cooperative conflict' proved highly vulnerable to any breakdown of discipline within the ranks of one of the parties. In East Timor from 1991 to 1999, and in Kosovo from 1991 to 1997, the general maintenance of non-belligerence by the leaderships of the 'shelter-states' guaranteed the continuation of this 'cooperative' climate, punctuated by the odd outbreak of state-sponsored violence. This strategic configuration therefore subjected the general welfare of the occupied population to its own respect of the embargo on armed resistance. It sometimes happened, however, that disruptions of this equilibrium also originated in a policy change on the occupier's side. For instance, the 1991 massacre of East Timorese students in Santa Cruz cemetery has been presented as the consequence of internal squabbles within the local Indonesian military. It was the response of low ranking corrupt Indonesian officers to the arrival of a new general bent on cracking down on corruption among his troops. Having organized the bloody incident, these officers made sure that the general was held responsible and dismissed. He was then replaced by a more ordinarily corrupt general.

Engineering and monitoring such de facto armistices meant that the clandestine state leaderships were able to convince their 'constituency' that non-belligerence was in their long-term interest. As long as the 'shelter state' could ensure discipline within its own ranks, it was respected and obeyed for its ability to maintain the pains of occupation at 'bearable' levels. This practically amounted to a shelter-state monopoly on non-violence. Despite lacking actual coercive means, 'shadow states' maintained themselves through the indirect threat of resumed repression by the occupier. The discipline imposed by shelter-states upon their own ranks however implied that all internal actors perceived their interests as compatible to these of the clandestine state. As Xanana Gusmão often claimed: '*Resistir é vencer*' ('to resist is to win'). This meant that as long as the East Timorese population did not surrender altogether and kept resisting, albeit passively, the chances were not lost that liberation would happen one day thanks to a sudden change on the diplomatic stage. It was however essential that this reliance on indirect coercion be seen as not precluding the chances of an international intervention. An overly 'cooperative' situation, facilitated by a strategy of passive resistance pushed to an extreme, posed the risk of depriving the occupied populations of their status of 'good' victims. The fragile equilibrium of 'cooperative conflict' upon which the shelter state drew its indirect coercive capabilities always remained vulnerable to a handful of spoilers.

The limits of 'shelter-state' authority: Cracks in non-violent self-discipline

Owing so much of its survival to this arrangement, the shelter-state leadership had a vital interest in showing that the arrangement benefited the whole population, and not only its own cadres. They owed everything to their role in the international advocacy of the cause, pending a long-awaited 'liberation' by outside powers.

In 1995, the Dayton Peace Conference that marked the end of the war in Bosnia shattered the unspoken agreement that had kept LDK at the helm of the clandestine state since 1989. All sovereign states engaged in the Bosnian conflict, including Serbia, had been convened, while Kosovo Albanian leaders, despite years of exemplary non-violent behavior, were sidelined. Unsuccessful in mustering active sympathy on the international scene, passive resistance underwent a damning reappraisal. It had missed its objective of sparking decisive external action. It was reassessed as an instrument of continued control in the hands of the 'shadow state's apparatus. In 1996, the UÇK staged its first public appearance in broad daylight and vowed to break the LDK's perceived apathy. As UÇK attacks on Yugoslav state assets provoked a flare up in repression, the population shifted toward UÇK and temporarily withdrew their support from the clandestine 'shadow state'. In 2000, however, the LDK structures would be swiftly restored through democratic elections, and its leading role upon Kosovo Albanian society reaffirmed.

On the contrary, Xanana Gusmão's calls for tactical restraint remained obeyed throughout most of the period starting in the late 1980s to the eventual liberation in 1999. During the final stage of the struggle, during and after the referendum, he had ordered FALINTIL to enact a policy of absolute non-belligerence. While the Indonesian military suddenly unleashed its militias, the guerilla enforced the order with remarkable discipline. This allowed the East Timorese resistance to avoid the pitfall of being described as party to an armed conflict, an undesirable prospect by all contemporary measures. In succeeding to attract the long awaited armed intervention of Australia and its allies, Xanana Gusmão reinforced the standing and the cohesiveness of CNRT. Months later, CNRT – and later FRETILIN, which broke away from the umbrella coalition – became the real power lying beneath the fictive sovereignty of the UN Transitional Administration.

The 1999 violence: A late challenge to 'shadow state'-building by neo-traditional actors

This contrast in the maintenance of discipline within the ranks of the two shelter-states is not without significance. Initial conditions were obviously not entirely similar: in the late 1990s, prospects of international negotiation had darkened in Kosovo while they had considerably lightened up in East Timor. Whereas Kosovo Albanians had felt increasingly neglected after Dayton, East Timorese leaders, after the signature of the tri-partite agreement in New York between Indonesia, Portugal and the UN (5 May 1999) grew more confident of the likelihood of significant international involvement. In East Timor, the strategic choices of CNRM/CNRT were widely vindicated and commended increasing respect. When in 1999, the UN organized a referendum on a new status for the territory; CNRT was able to organize a broad civic education campaign down to the village level. Despite intense pressure by Indonesian security forces, it effectively countered the expected effects of intimidation ahead of the vote. In early September, overwhelming results for independence showed the extent of CNRT's popularity and the pervasiveness of its underground networks. This came in sharp contrast with the failed Indonesian divide-and-rule policy of exploiting inter-tribe grievances. In East Timor, liberation and ambiguous state building had been two facets of the same phenomenon.

In Kosovo by contrast, LDK had become, by 1995, a less representative party based on urban elites, increasingly out of touch with its constituency, especially in rural areas, due to its strict enforcement of passive resistance. In response to what they perceived as the growing convergence of interests between LDK and the Serbian state, some nationalist activists prepared the first armed operations against Serbian state assets. Based in western and central Kosovo, UÇK engaged in a campaign of hit-and-run operations against Serbian security forces. However it originated in more than just a disagreement with LDK on the best way to liberation UÇK cadres bluntly accused LDK of treason and refused to let its corps of reserve military officers (FARK) fight alongside UÇK. Hashim Thaçi, the official head of UÇK is said to have pledged '*to fight FARK as fiercely as he had fought the Serbs*'. High profile assassinations followed, effectively decapitating FARK's leadership before and after the arrival of NATO. In 2003, the western region of Dukagjini was still bristling with the continuing cycle of assassinations and reprisals between ex-UÇK and ex-FARK leaders. In Kosovo, an armed group funded and manned by members of the clan-like extended families typical of rural Kosovo had thus challenged the newly formed forces of the 'shelter state'. However their apparent

victory was short-lived. The LDK dominated 'shelter-state' had trembled but not collapsed. Indeed, by reviving the strategy of 'deliberate victimization', UÇK had merely taken the relay where LDK had left it.⁴⁵ At stake was not as much the survival of the 'shadow state' as its ability, later, to re-establish its authority once the Yugoslav occupier was gone. The arrival of another, however benevolent and multilateral, occupier would set the stage for a second step in the fight between LDK and UÇK. The fundamental dynamics of 'shelter-state' formation had however remained unchanged.

Pushing the externalized strategy to a breaking point: The limits of indirect coercion

This challenge raised in Kosovo, and more marginally in East Timor, by violent patrimonial actors, is indicative of the stern limits to 'shelter-states' authority. In fact, it indicated the breaking point in the implicit monopoly on non-violence described above. Not only did it point to the lack of actual coercive power at the hands of the state-building elites, it also exposed cracks in the strategy of victimhood. If the representation of civilian suffering had not elicited international response, increasing civilian suffering might. As Ramush Haradinaj once said to me in colloquial French: '*on a fait le compte,*' literally: 'we worked out the numbers'.⁴⁶ Witnessing apparent international unwillingness to shake the status quo, the future UÇK commanders had assessed 'the costs and benefits' of pushing the strategy of victimhood further when they finally opted for open belligerence. By provoking a Serbian crackdown, it would hopefully trigger a broader international outrage followed by intervention. The strategy of victimhood here was brought to a degree of cynicism of which the more moderate leaders of LDK could not be accused. Despite the success of this strategy following the intensely publicized massacre of Reçak/Račak in January 1999, the debate is still raging in Kosovo over the moral legitimacy of this provoked sacrifice.⁴⁷ Under these conditions, the very 'monopoly on legitimate non-violence', a function of

⁴⁵ The extreme importance of publicized victimization calls for a parallel with the Palestinian experience during the *Intifada Al Aqsa* and will be explored in more detail in my future work.

⁴⁶ Interview with Ramush Haradinaj, Prishtina, August 2003.

⁴⁷ Several UÇK sympathizers indicated in interviews that the Memorandum of the Serbian Academy of Science (1987) and the political ascension of its main genitor, Dobrica Ćosić is the proof that the Serbian crackdown and the expulsion of Albanians would happen sooner or later anyway. Several interviews in Prishtina in August 2003.

the strategy of victimhood, could only crumble. LDK's pseudo-coercive power vanished and the reality of its powerlessness was exposed.

In East Timor, where the abandonment of violent action was somewhat less ostensible and rational, the 'monopoly on legitimate non-violence' was not as clearly established. It however represented the main *raison d'être* of Xanana Gusmão's broad agenda of national reconciliation: by shifting the core of the resistance from its armed wing to its civilian wing, Xanana was able to include all the former Timorese factions into one movement for national liberation. This allowed for the phased in rallying of the former enemy, UDT, and at another crucial level, it played against the exploitation of traditional regional feuds by the Indonesians. From the outset, Indonesia had attempted to bank on the customary fragmentation of the half-island by offering key positions to local rulers. The *liurai* (local ruler) of Atsabe sub-district near the border played a key role in the first stage of the invasion as an ally of the occupier. Later, Xavier do Amaral, the former largely ceremonial FRETILIN president of East Timor in 1976-77, left the ranks of the resistance and settled in Turiscai which was the center of his *liurai* fiefdom. He is known to have ruled as a king in his kingdom (Gusmão, 2000). In any case, CNRM/CNRT, as much as LDK, did not enjoy extensive pseudo-coercive powers. Its main instrument had been its symbolic authority as the torchbearer of the national movement. The extreme respect and obedience commended by its parallel structures was mainly a function of this.

In fact, the establishment of state-like structures in Kosovo and East Timor had required the intense cooptation of regional actors with deep reservations toward any type of state authority. The central plain of Drenica and in the western mountains of Dukagjini, along with neighboring areas in Albania and Montenegro have often been singled out for the remaining tradition of blood feuding. Analyzed in the 1970s by Christopher Boehm in Montenegro, this custom runs at the heart of the traditional legal system of the area and has even left a deep imprint on the human landscape of the region (Boehm, 1984). The *kulla* are square towers that were built as refuges for men condemned to death in blood feuds. They can still be seen everywhere throughout western Kosovo.⁴⁸ Conversely, some studies of revenge killings in East Timor have shown the salience of age-old vendettas under the new guise of post-1999 score settling (Rawski, 2002).

⁴⁸ It is worth noting that Adam Jashari completed the construction of his family's own *kulla* in Prekaz shortly before being killed by Serbian Special Forces.

In these traditional societies, the continued salience of blood feuds is tantamount to a private monopoly on legitimate violence and enters in direct contradiction to the 'shelter-states' monopoly on political intermediation and symbolic authority. Several anthropologists have however noted that this practice sharply declined after 1945 and that it had become some sort of an 'exotic' feature largely exaggerated by foreign visitors.

In the aftermath of the 1999 violence, however; East Timor and more strikingly Kosovo experienced sudden 're-patriarchalization'. In Kosovo, in the central and western areas where UÇK had taken up arms and advanced in areas evacuated by Serbian forces, the picture was not a pretty one: former representatives of the LDK-controlled clandestine state were methodically eliminated and family-based feuds between ex-combatants took a heavy toll, often replicating old vendettas between villages. In East Timor the CNRT networks, remarkably resilient before and during the referendum, receded deeply during the post-referendum mayhem. As a result, a few FALINTIL commanders left their cantonments and became loose cannons involved in illegal traffics. In the regions of the east, they reasserted their traditional authority by circulating mythical narratives linking them to hybrid cults laced with odd messianic symbols. Similarly, CPD-RDTL, a breakaway left-wing group which accused CNRT of 'betraying' the spirit of the resistance, found a sympathetic ground in the former fiefdom of Xavier do Amaral in the central mountains of Manufahi and Aileu districts. It was involved in several violent incidents at the village level in 2000-2001, often aimed at settling old scores with members of the resistance.⁴⁹ In both Kosovo and East Timor, violence was exerted under the guise of revamped traditions of insubordination and was staged as an open challenge to the fledgling state structures (see Schwandner-Sievers, 2001).

Such observations should come as no surprise. In his study of blood feud in Montenegro, Christopher Boehm underlined the social function of these mountains as 'tribal shelter areas'. According to most research on the subject, these inhospitable areas were populated with people fleeing foreign domination and were thus able to remain organized according to kinship allegiances rather than centralized authority. Documented since Evans-Pritchard's study of the Nuer people of Southern Sudan, kinship-based political organization provides for fragmentation in times of peace and unity in times of war against a foreign intruder (Evans-Pritchard, 1940). Balandier went further in this direction and identified such mode of political organization as the

⁴⁹ It must be noted here that Xavier do Amaral was dismissed from FRETILIN by Nicolau Lobato at an early stage of the war of resistance and has been at loggerheads with the leadership of the resistance ever since. He is widely considered to have benefited from the 'benevolence' of the Indonesian top brass.

'best weapon' (Balandier, 1985) against political domination, internal or external, enabling the community to effectively 'keep the state at bay' [*garder l'Etat à distance*].

Neo-traditionalism: A counteroffensive against 'shelter-state' social engineering

Against these centrifugal tendencies, the LDK 'shelter-state' had taken an active role in bridging interfamily strife in rural areas of Kosovo. Ethnology professor Anton Çetta had organized several gatherings of Albanian families in Peja/Peč in the early 1990's, with the aim of settling their age-old blood feuds.⁵⁰ At stake was the unity of the population against the common Serbian enemy. His efforts were hailed as a milestone on the long road to Kosovo Albanian nationhood. At the same time, comparable efforts had been made toward improving women's access to literacy and employment. More than the mere provision of shelter and education, the LDK shelter-state was a state-building project.

Similarly in East Timor, FRETILIN had, as early as 1975, initiated very ambitious literacy and political awareness raising campaigns in the rural heartland. Called '*We are Timorese and East Timor is our country*', the alphabetization handbook was historically the first instance of an 'awareness-raising campaign' for national unity: in an attempt to overcome parochial kinship identities, rural communities were for the first time exposed to the concept of common nationhood (Hill, 1978).

By 1999, Kosovo and East Timor were therefore no longer 'stateless areas' and even the most remote of their provinces had been exposed to the modernizing enterprise of the 'shelter-state' or the occupying administration, mainly through schooling (Anderson, 1993). In any case, the self-styled 'traditional' actors who suddenly reared up their heads and attempted to reclaim local power in 1998-9, had long been interacting with the urban elites of the 'shelter-states'. Their claim to original purity was unconvincing and set in the background of their border traffics and their connections with the Diaspora, smacked of pure propaganda. In any case, as Jean-

⁵⁰ Stephanie Schwandner-Sievers suggests that the reconciliation proposed by Anton Çetta actually amounted to a symbolic rehabilitation of *Kanun* by using it to promote large scale national reconciliation/unity... This amounts to saying that the 'nationalizing elites' may have contributed to reifying traditional customs as part of their nation-building effort. They may in fact have unwittingly made them ready-for-use by ex-UÇK extremists later.

Loup Amselle (1990) aptly remarked, there is no such thing as 'pure forms' in political anthropology: traditional political organizations are always the result of mixed influences and heritages. Their hybrid nature is compounded by a remarkable flexibility in dealing with internal and external challenges. Hence, rather than the expression of a hypothetical traditional 'purity', the claims to traditional modes of organization are staged as a functional response to a perceived threat. Deliberately reactivated against the shelter-state, in a context particularly conducive to renewed 'identity-crafting arrangements' – '*bricolages identitaires*' – 're-patriarchalization' was directed by highly functional actors which were engaged in illegal activities with the support of international networks and foreign secret services, while remaining genuinely rooted in the 'micro' level of their family allegiances... These self-styled 'traditional Albanians' were indeed archetypal of modern actors engaged in the production of 'identity' and in a sense, their emergence owed a lot to the modernizing work of the self-made state (Reineck, 1993).

They were thus more 'neo-traditional' than traditional. The population at large gave little credence to their loud references to *Kanun* and to historical tradition⁵¹. Similarly in East Timor, the most active of such 'traditional clans', supporting an extreme pro-independence agenda and involved in martial commemorations of individual martyrs, were also the most involved in smuggling and allegedly in interacting with the Indonesian military across the border. Classical distinctions between traditional groups, expatriate communities, and organized crime were increasingly blurred. To criminal entrepreneurs, a working state authority was no more seductive than it was to 'traditional' chieftains. Embracing refashioned traditional identities in times of turmoil was an opportunity few were willing to miss.

Building their power on indirect coercion and lacking basic means of asserting their authority, the clandestine state-like administrations of Kosovo and East Timor were apparently poor contenders for the classical definition of statehood. However, for all their internal contradictions, and after a short period of reestablishment in the field, both 'shadow state' leaderships gained renewed popular support for national liberation and won all elections since 1999 with usually wide margins.

A new path to statehood, 'shadow state' formation remains somewhat of a mystery calling for further investigation. Its three main features described earlier should be summarized again

⁵¹ Several interviews in Peja/Peč, Deçani/Dečan and Podujeva/Podujevo in July/August 2003.

here: First, the non-violent stance displayed by the 'shelter-state' stems from a deliberate pursuit of international aid through the interpretation of alleged norms of intervention. Second, national mobilization, through armed resistance in particular, owes a lot to the interaction of traditional kinship groups with the 'shadow state' leadership. Finally, its ability to build pervasive clandestine structures throughout the two territories owed little to coercive power. Its powerlessness to rein in private neo-traditional actors at the local level shows the limits of 'indirect coercion'.

If its exertion of so-called 'indirect coercion' through an agenda of national union was at times ineffective, what then explains the continued authority of the clandestine structures after 1999? The answer resides perhaps in the legitimacy of nation-builders that both movements established during the period of resistance. In such case, one should expect the post-1999 discourse on nationhood to be strong, unambiguous and consensual. cursory visits through the streets of 'liberated' Prishtina and Dili seem at first to indicate otherwise.

EXPLORING THE LIMITS OF CLANDESTINE STATE NATIONALISM: PUBLIC NATIONALISM AND POPULAR REPRESENTATIONS OF 'NATIONALITY'

The ambition of this third section is to explore the public expressions of nationalism in both territories, and to investigate the extent of their congruence with 'private sphere' national sentiment. My objective here is to assess whether the clandestine state structures draw popular support from their legitimacy as the producers of a discourse of national identity despite their lack of strong coercive instruments.

I will therefore first describe the striking contrast between the hegemonic expression of nationalism in Kosovo and its dearth in East Timor after 1999. Attempting to understand the cause of such a difference, I will be led to identify two different types of nationalist inspirations in each territory and trace them back to the two 'ideal-typical' social actors described earlier. Advancing deeper into the study of popular sentiment, I will attempt to decipher some of the

main symbolic 'répertoires' of national identity and clarify their relationship with the moderate 'official line' promoted by the ex-clandestine state structures. I then conclude by arguing that 'strategies of victimhood' and a heavy reliance on the symbolism of civilian martyrdom may have had an adverse effect on the potential for institutionalization in the two countries.

East Timor and Kosovo: The diverging paths of public sphere nationalism

Walking through the streets of East Timor's capital toward the end of 2001, one was at pains to identify public symbols of newly liberated nationhood. Racist graffiti left by departing Indonesian soldiers was still waiting to be erased from the charred walls of the city, and a large wooden propaganda panel, exhorting the Timorese "*to speak correct Indonesian to express an appropriate thinking*" was still standing in front of the main government building!... Even more troubling, the walls of the Santa Cruz cemetery, where nearly 300 Timorese students had been massacred in November 1991, had been painted afresh a year earlier. The colorful pro-independence frescoes reminiscent of the Berlin Wall, featuring portraits of Che Guevara and Xanana Gusmão and the colors of the national flag had been erased forever.⁵² Across the street, the cemetery for Indonesian soldiers had been left untouched: the entrance gate still stood, with the name: 'Cemetery of the National Heroes' [*of Indonesia*], written on it. In the meantime Timorese leaders were squabbling over the design of the future national flag, the wording of the national anthem and the appropriate date for the national holiday...

As national symbols went, the road to the airport previously named after the infamous wife of Soeharto had been rechristened, '*Avenida dos Martires da Pátria*' ['Martyrs for the Motherland'] and the drive along the seaside, '*Avenida dos Direitos Humanos*' ['Avenue of Human Rights']. Finally, in 2002, ahead of the ceremonies of independence, it was finally

⁵² The American anthropologist Elizabeth Traube suggested to me that one explanation may be simply that East Timorese traditional culture is not 'a culture of monuments'. However seducing the argument, the question remains concerning the apathy observed in 'modern' Dili. Discussion with Pr. Elizabeth Traube, Aileu, May 2001.

announced that a large national monument would finally be built near Dili airport, with the financial support of the Portuguese government...⁵³

Exploring Prishtina for the first time in October 2001, I was taken aback by its contrast with the Timorese capital I had left a month earlier. Although it had long been first a bilingual and later a 'Serbianized' city under Milošević, Prishtina now had the appearance of a 'purely' Albanian place. Everywhere Cyrillic inscriptions were covered with black paint or replaced with their Albanian equivalents. Contrasting with the dearth of national symbols in Dili, a gigantic equestrian statue of the 16th century Albanian hero Skenderbeg stood in front of the government building. All streets had been renamed and red Albanian flags were flying on literally every other building.⁵⁴ Traveling outside Prishtina, I was struck by the ubiquity of large statues of soldiers at the center of every major town. Instead of celebrating 'Brotherhood and Unity' among the peoples of Yugoslavia, as their old communist design suggested, they commemorated individual UÇK 'martyrs'.⁵⁵ On the main roads between urban centers, dozens of memorials had been built along the roads, showing realistic engraved portraits of the fallen. Completing this comprehensive redesign of Kosovo's public space, many towns and villages with South-Slavic names had been given new Albanian names: the entire map of 'liberated' Kosova had been entirely revamped.

Nationalism: A strategic resource

These cursory explorations of public space in Dili and Prishtina reveal a striking contrast between the two territories. Should this lead to the conclusion that that East Timor lacks the most basic public expression of nationalism, while Kosovo is literally saturated with it? Not necessarily.

⁵³ Even among the staunchest actors of national resistance no apparent effort was being made to symbolically mark national identity. In Aileu in August 2000, I often came across cantoned FALINTIL soldiers idly chatting among themselves in fluent Indonesian! (fieldwork in Aileu, September 2000)

⁵⁴ Eleanor Beardley, 'In Kosovo, 'map politics' send letters astray', *The Christian Science Monitor*, Boston, 21 January 2003.

⁵⁵ 'Opinion: The lesson of Prizren: Through the statue issue, the word 'minority' can gain new respect', *Koha Ditore*, 6 July 2001. Available online at <http://www.unmikonline.org/pub/features/fr073.html>.

First of all, the issue of final status differs widely between Kosovo and East Timor. It can provide by itself an element of explanation. Since 'liberation' in 1999, the earlier has been awarded a very ambiguous degree of 'substantial autonomy' under UN Security Council resolution 1244. This meant, and still means, in practice, that Kosovo is legally set to remain under the sovereignty of Serbia, while enjoying self-rule within the limits set by the international protectorate.⁵⁶ Under this unclear arrangement, one can interpret the intense expression of nationalism as a means to rule out the prospect of a Serbian comeback. Establishing facts on the ground ahead of an international settlement may play a large part in this symbolic 'marking' of the territory. Seen from this angle, the 'Albanization' of the symbolic space in Kosovo is closely linked to the infamous orgy of anti-minority violence which plagued Kosovo shortly after the departure of Serbian forces.⁵⁷

This interpretation of public sphere nationalism can also clarify, almost by default, the very discretion of public nationalism in East Timor. There, although liberation from Indonesia was a long-awaited relief, independence has appeared as a mixed, or rather a premature blessing. As often expressed by Timorese leaders, it has raised the dangerous prospect of an early departure of aid and development agencies. Almost every week, local politicians, international activists and NGO workers have stressed the dangers of abandoning the newborn nation to its own devices. As Xanana Gusmão often repeated, independence means little to the hungry. Eager to reassure donors and development agencies of their conversion to market economics and to political pluralism, the Timorese leadership imposed a ban on political expression, which had the extreme result of muting publicly expressed nationalism.⁵⁸

In both cases then, contrasting 'volumes' of expressed nationalism should therefore be seen as the result of strategic initiatives, staged with the aim of influencing the diplomatic community. They therefore relate to rational calculations wielded by the leaderships of the former resistance rather than to the actual 'content' of national identity in the two territories.

⁵⁶ Michael Walzer argues that the case could be made for self-determination for national minorities within sovereign borders in situations of extreme state repression. According to Badie, systematizing such measures may however encourage cynical 'strategies of victimhood' by cynical leaders, at the expense of their populations. (quoted in Badie, 2002: 70)

⁵⁷ Reports about the March 2004 Anti-Serb riots in Kosovo support the thesis that the forced expulsion of Serbs was such an attempt at creating a de facto situation in the run-up to expected negotiations on status. (Pettifer, 2004).

⁵⁸ See the conclusions of the Congress of CNRT, August 2000.

Structural processes vs. elite-constructed ideologies: From nation-building to theories of nationalism

A broad distinction ought to be made at this stage: Nationalism is not the same as national identity (Jaffrelot, 2003). As Jaffrelot insists, nationhood formation, as the slow emergence of a perceived common identity, is distinct from nationalism, which is a symbolic construct, deliberately produced by defined actors with a specific agenda. There exist two discrete phenomena that are both legitimate objects of study: nationalism and national identity. By taking the one for the other, one runs the risk of mistaking the public expression of nationalism in Kosovo and East Timor for a reliable indicator of national sentiment.

Jointly tracking down the contrasting logics of nationalist expression, of strategic choices by competing sociological actors, and of the role of violence in public imagination, may therefore prevent us from drawing simplistic conclusions from these visits of post-1999 Dili and Prishtina. Observing the 'visible': public arena nationalism, one must remain aware of the existence of less conspicuous '*répertoires*' of national identity.

Only dating back from the mid-1970s, the emergence of a shared national identity, expressed by widespread support for the clandestine structures, is indeed as problematic as the issue of the alleged 'stateness' of 'shadow states'. Based on the study of structural evolutions, i.e. industrialization, modern education and mass communication, a large amount of theories of nationalism emphasizes processes of societal homogenization from a functional viewpoint. Interpreting the emergence of nations as part of the sequential construction of modern states, such analysts as Gellner, or in a more functional perspective, Deutsch, have generally neglected the deliberate production of nationalist ideology by specific social actors (Deutsch, 1966; Gellner, 1983). The general 'modernist paradigm' of established theories of nationalism, criticized by Anthony D. Smith has seemingly failed to draw the line between the deliberate production of state-making ideology and the longer term formation of national identity (Smith, 1998).

Following Eurocentric narratives of gradual political development, such analyses are teleological by nature. Because they focused on the historical development of post-industrial 'enlightened' Europe, they emphasized the expected 'ex-post' outcomes and tended to draw the lines of an ineluctable process toward modernism and national self-representation. In this

configuration, what came under sustained scrutiny was the actual formation of national sentiment under the dynamics of modern state-building, at the expense of a critical examination of the ideological content of nationalism. Presenting nationalism as just the 'visible' expression of national sentiment, it somewhat took the nationalist discourse at face value and failed to deconstruct it. One can say that it failed to investigate 'wherefrom nationalism was speaking' (*savoir d'où l'on parle*) (see Foucault, 1971).

Alternatively, drawing from the experience of decolonization brought in a renewed approach provided elements of study of post-colonial 'state-nations', which prove more relevant for the purposes of this discussion (Deutsch and Foltz, 1963). In fact, newly independent states resulting from apparently arbitrary colonial mapping had engaged in the business of 'nation building'. Westernized local elites at the helm of the new states had sometimes successfully constructed national symbolic contents for mass consumption. This second school of thought on nationalism thus highlighted the role of specific groups in the making of a national ideology. In that, they looked at the actual 'nation-building' endeavor without prejudging its success. This approach, which inspires the present section of this essay, does not reject the explanatory value of structural evolution. In fact, it sees the creation of conscious nationalist ideologies as a deliberate elite reaction to structural change. It thus remains open to a plurality of paths toward nationalism and does not rule out the possibility of failure in nation-building. Smith insisted on the need for such deliberately constructed nationalisms to draw on ancient symbolic '*répertoires*' of collective identity if it is to take root in subjective imaginations. It is this realization that had led him to increasingly focus on the 'ethnic' content of national identity. The need to clarify the power dynamics at work beneath nationalist discourse on display in Kosovo's and East Timor's public arenas is all the more pressing given the ambiguity and instability of nationalist discourse since 1974 in both: to the outside observer, endless meanders have led from claims to autonomy, to international protectorate, independence, unification with a neighboring country, back to independence, protectorate, etc.⁵⁹ This general impression of illegibility was further reinforced by deep-running disagreements regarding the symbols of nationalism. In fact, nationalism is not 'intense' in Kosovo and 'weak' in East Timor, contrary to what the streets of Prishtina and Dili suggest. Seeing through the intricacies of competing discourses on nationalism in both places is key to understanding the resilience of state-like structures that are

⁵⁹ While the Indonesian occupation was almost universally rejected, prospective independence was often described in surprising terms among the East Timorese: a middle-aged lady in the neighborhood of Vila Verde in Dili once told me, that the 'pro-independence group' was also 'pro-integration'. 'Pro-integration' related in the East Timorese context to 'integration with Indonesia', but she insisted: 'we wanted integration into the United Nations'. Interview, Dili, August 2000.

lacking powerful coercive means. And here again, as earlier in this discussion, the two territories have deep resemblances that do not immediately meet the eye.

Honoring the 'well-known soldier': A private nationalism against the state?

Bearing in mind the sociological distinction in the emerging 'shadow state' between 'modernizing' urban actors and 'kinship-based' neo-traditional actors⁶⁰, a second look at the public expression of nationalism reveals a brand new set of indicators.

Facing Prishtina's aging 'Hotel Grand', the monumental statue of the UÇK 'martyr' Hazir Payaziti was indeed not erected by the official Kosovo Albanian authorities. Rather it was established as a *fait accompli* by former UÇK fighters close to Rustem Mustafa, a.k.a. 'Commander Remi', now incarcerated for war crimes. Given the political context of national unity against Serbian attempts to recapture the breakaway province, it could not openly be challenged by the LDK majority. Likewise, the statue that stands in the center of Peja/Peč, the main city in the western region of Dukagjini, was built by the ex-UÇK commander and new Prime Minister, Ramush Haradinaj in memory of his brother Shkëlzen. Further south, the two neighboring villages of Glllogjan and Strelc, have been engaged in a vicious feud since 1999. Both are now littered with giant statues and mausoleums built along the main road from Peja/Peč to Gjakova/Đakovica, honoring their respective heroes in the 1999 'liberation war' against the Serbs. As 'national heroes' go, these were killed in firefights between fellow 'freedom fighters' from opposing sides supporting UÇK in Glllogjan and FARK in Strelc...

Tellingly, these Stalinist-style statues, which would normally be expected, in pure communist style, to conjure up the models of the virtuous 'Partisans' or the selfless 'Workers', all bear the personal names of the fallen 'heroes'. Dozens of interviews in Kosovo have however

⁶⁰ The 'kinship' element in the post-liberation conflicts, albeit in a refashioned form, is strikingly relevant in the string of revenge killings linked to the indictment of so-called 'Group of Dukagjini'. A group of UÇK combatants, including a brother of Ramush Haradinaj's were arrested for a series of murders of individuals related to FARK. The subsequent series of 'witness eliminations' and revenge killings has almost invariably struck the members of two prominent families of the region. Fieldwork in Peja/Peč and Deçani/Dečan, July 2003.

indicated that this kind of nationalism finds little echo among the general population⁶¹. It is usually seen as just a temporary strategic resource aimed at ridding Kosovo of the lingering menace of a Serbian comeback. Worse, it is linked by many to the campaign of high profile liquidations of LDK officials and sympathizers after 1999⁶² which took place during the power vacuum preceding the effective establishment of UNMIK. During these few months UÇK had installed its men in power at the local level and attempted to impose itself as the governing authority. In Prizren, the LDK-dominated municipal council voted in favor of moving the statues of two UÇK martyrs away from the center of town in 2001⁶³. Instead, anonymous symbolic memorials, aimed at commemorating the suffering of the people as a whole, have been called for⁶⁴. In Kosovo, the ex-UÇK is intimately commanding the population to commemorate 'well-known soldiers' instead of the 'unknown soldier'...

Under the lingering accusation of lukewarm opposition to the Serbs in 1998-99, the LDK local representatives which regained power thanks to the 2000 municipal elections have generally maintained a low profile. This has produced the paradox through which the party that was the bedrock of the 'shadow state' has remained very discreet about its own brand of nationalism. The large funds collected throughout the period of clandestine resistance under the authority of LDK Prime Minister in exile Bujar Bukoshi were mostly allocated to the welfare of displaced families and to the reconstruction of destroyed homes. Exceptionally, they were also used to commission the massive equestrian statue of Skenderbeg in Prishtina: a far less controversial symbol than the 'martyrs' of UÇK...

In East Timor in 2000, away from the awkward neutrality of Dili, countryside townships bristled in celebrations of fallen heroes. CPD-RDTL, a fractional hard-line group had repeatedly violated the embargo on political expression imposed by CNRT by staging a campaign of flag raising ceremonies in villages across the territory. The flag of the FRETILIN-dominated Democratic Republic East Timor (RDTL) of 1975, is a potent symbol of popular martyrdom. To be '*mate bandeira-hun*' – to be 'of these who die by the flagpole' – was a colloquial Timorese

⁶¹ For instance, some folk-stories emphasize the wisdom of these who decided to hide their weapons during Serbian inspections in order to protect their community from mass reprisals. Interviews in Peja/Peč, July 2003.

⁶² William O'Neill mentions the murder of nine high ranking LDK officials or prominent LDK sympathizers just between June and December 2000. (O'Neill, 2001: 16).

⁶³ See 'Opinion: The lesson of Prizren: Through the statue issue, the word 'minority' can gain new respect', *Koha Ditore*, 6 July 2001. Available online at <http://www.unmikonline.org/pub/features/fr073.html>

⁶⁴ Interviews in Deçani/Dečan, August 2003

phrase designating selfless patriotism (Cardoso, 1997). Staging such ceremonies in 2000 however sparked heated controversy. The elites returning from Australia and Portugal, often more conservative than their counterparts of the interior expressed their unease with this alleged 'communist' symbol. In an increasingly confrontational context, a motley association of guerilla factions led by charismatic tribal leaders of the East broke away from the CNRT-controlled guerilla. With suspected Indonesian financing and criminal gang support, they staged a popular campaign, claiming that the heroes of 1975 were being betrayed and that broad reconciliation was an injustice to the 'true' resistance of the first hour. In August 2000 in the coastal town of Laga, in the heartland of the rebellious Makassae people, the ex-guerilla leader L7 (pronounced '*Ele Seite*' in Portuguese) summoned a ceremony and demanded that the fallen leaders be publicly honored and that their remains be located and officially buried. This insistence on honoring individual heroes rather than commemorating the victimized civilian population at large, apparently even spread to the living: a leader like L7 is known to have organized a religious cult around his personality. Thanks to Elizabeth Traube's impressive work around Aileu in 2001, one must also appreciate the extent to which such memorial cults of personality are rooted in traditional representations (Traube, 2002). Shifting the focus from civilian masses to individual 'redeeming' heroes brings with it drastic consequences to the configurations of power in the 'liberated societies'. In Kosovo, a recent declaration by Prime Minister Ramush Haradinaj betrays a lingering distinction in value between the UÇK 'martyrs' and 'unwilling' non-UÇK victims. Paying homage to the civilians massacred in Reçak/Raçak in January 1999, which sparked NATO bombings in March 1999: '*By reminiscing the victims of Reçak, we reminisce all victims from other parts that gave their life for the freedom of Kosovo, ever since the appearance of the Kosovo Liberation Army [UÇK], and even earlier*'.⁶⁵

Here, again, despite an initial impression to the contrary, Kosovo and East Timor painted a similar picture: ex-guerilla fighters with a strong kinship-based constituency, at odds with the 'shelter-state' elites of the territory invested the field of memory and celebration, rejected mass memorials. They chose to commemorate specific 'martyrs' rather than the martyrdom of the population at large as it is euphemized in the figure of the unknown soldier...⁶⁶ While claiming a monopoly on the public arena of national symbols, they had pushed their own private agenda

⁶⁵ 'Prime Minister Haradinaj Pays Homage to the Graves of Martyrs', *Bota Sot*, 16 January 2005. Available online at <http://www.unmikonline.org> (emphasis added).

⁶⁶ Adding to the many similarities mentioned earlier, another one: 28 November is the key symbolic anniversary for both the Kosovo Albanian and the East Timorese radical nationalists. In Kosovo, it jointly marks: the 'Albanian flag day, the Albanian Independence day (national holiday) and the alleged date of birth of Adem Jashari. In East Timor, it is the anniversary of the 1975 declaration of Independence and the current national holiday.

based on refashioned traditional allegiances. Often involved in criminal activities in their fiefdoms and across borders, they claimed their spotless nationalism with an eye at keeping the emerging state authorities at bay...

The invention of harmless state nationalism

Often, the urban 'shadow state' elites in Kosovo strived to strengthen their nationalist credentials without yielding too much to UÇK self-celebration. The LDK elected authorities implicitly endorsed the less controversial of the 'patriotic' initiatives of ex-UÇK leaders: the memorial to Adem Jashari's slaughtered clan, for instance, was accepted as a national monument in its own right.⁶⁷ Similarly, the more conservative wing of Timorese urban elites who, with the Catholic Church, had played a key role in engineering non-violent resistance, finally accepted the FRETILIN-inspired decisions in 2001 to adopt the flag of the 1975 leftist government of Nicolau Lobato. Furthermore after its 2000 breakup from CNRT and its electoral victory in 2001, FRETILIN re-appropriated the symbols of the early period of the struggle which CPD-RDTL had been increasingly claiming.⁶⁸ The party had lost ground after 1999 to radical groups which claimed to safeguard these symbols of popular resistance. Following its breakaway from CNRT in 2000 and its restructuring, FRETILIN was however able to re-claim these symbols and win the 2001 constituent assembly elections with a wide margin. Its electoral campaign had banked heavily on commemorative issues and on revitalized local allegiances (Hohe, 2002). However, several studies show that it has been losing ground again against the '*dissidência*': noticeably on issues linked to the allegedly disrespectful treatment of FALINTIL when it was turned into a national defence force (Rees, 2004).

Does this amount to saying that LDK and CNRT had nothing of their own to offer to the symbolic arena of public nationalism? Not necessarily. Exploring yet again the public symbolism on display in the main towns of Kosovo and East Timor reveals discreet signs of a state-

⁶⁷ An excerpt from the memorial booklet distributed at the Jashari monument in Prekaz illustrates the representation of the imaginary mechanism of 'publicized victimhood': '*The entire freedom-loving world (sic) was appalled by this unprecedented crime [Adem Jashari's death] and this sacrifice of mythical proportions. The UN Security Council met in order to debate on the event.*' (Halimi and Shala, 2000: 34.)

⁶⁸ Interview with two FRETILIN national political advisors, Aileu, May 2001.

sponsored nationalism. In Kosovo, it is the official picture of Ibrahim Rugova at a municipal office which provided early indications. An unfamiliar blue and red flag was seen hanging behind him in the official picture of the presidency, displayed in many public offices. It was meant to represent the future independent 'Republic of Kosovo'. More than just the anticipated regalia of a coming state, the blue-and-red flag was also a statement of the symbolic 'values' of the would-be 'Republic', which as an independent Kosovo state, was in direct contradiction with the pan-Albanian irredentism of UÇK. Against the ethnic agenda backed by ex-UÇK cadres, Ibrahim Rugova had developed the original non-violent and inclusive principles of the LDK-state into the bases for a multi-ethnic 'Republic of Kosovo'. In that, it also did not fail to abide by the prime condition for continued international support: a pledge toward multi-ethnicity and respect of established international borders.⁶⁹ Lacking a strong historical foundation as a land of cultural and ethnic 'métissage', unlike Bosnia, this imaginary vision of Kosovo necessitated a deliberate work of elite-driven 'national invention' comparable to that described by Anthony Smith. To that end, Rugova established that Dardania, a former Roman district of ancient Illyria, would be treated as the historical precedent to his newly formed non-ethnic 'Kosovar' nation-state. Since ancient Dardania occupied roughly the same geographical area as modern-day Kosovo, while remaining a part of Illyria – the alleged ancestral homeland of the Albanians – it offered the perfect, albeit far-fetched, advantage of reconciling the 'albanity' of Kosovo with its political distinctness from Albania. Underlining the multi-ethnic nature of the coming state, the symbols on display on the flag were a combination of classical Albanian regalia with others, intended to represent Roma, Turkish and Serb minorities...

In East Timor, the constraints of international respectability have elicited a comparable response. There, an embargo on political campaigning imposed by the need to remain in good terms with international donors and agencies stretched into a ban on most public expression of nationalism. While attempting to keep the firebrand rhetoric of radical FRETILIN ideologues at bay, it strived to promote universal concepts of reconciliation and human rights. While the memory of actual feats of the guerilla and later, mass crimes against peaceful protesters seemed to be simply ignored, the few public initiatives under CNRT's helm between 1999 and 2001, were limited to re-naming the waterfront avenue '*avenida dos direitos humanos*' – 'Avenue of Human Rights' and the airport road, '*Avenida dos Martires da Pátria*'. Similarly, while in

⁶⁹ Respect for international borders is one of the 'benchmarks before status' promoted by the international authorities in Kosovo since 2001 as preconditions to any discussion on the legal future of the province. See <http://www.un.org/News/Press/docs/2004/sc7999.doc.htm>

Kosovo and elsewhere in the Balkans any candid talk of rapid reconciliation would be considered too much of a provocation for politicians to embrace, Xanana Gusmão has been an apostle of immediate and unlimited forgiveness.⁷⁰ Elected president, the former head of the guerilla, of FRETILIN, and finally of CNRT always went a few steps ahead of the international community's demands in that direction. As the country was still digging up mass graves, he went as far as claiming that a war crimes tribunal against Indonesian generals guilty of gross human rights violations was in fact not needed, for the sake of good relations with his country's giant neighbor. More recently, he refused to protest the presidential candidacy of general Wiranto – responsible for the 1999 mayhem – for the 2004 Indonesian elections. This extreme policy of forgiveness and reconciliation, which has often irked western activists, has resulted in the repeated claim that East Timorese identity is above all one of respect for universal human rights. Interestingly, when commemorating the population's suffering, he and the CNRT establishment deliberately avoided ethnic identity 'markers'. Suffering was viewed as a universal human experience, and that endured by the East Timorese was represented as no different from that of millions of Indonesians under the Soeharto regime. Similarly rebuking any ethnic dimension of the East Timorese identity, the Foreign Minister and Nobel Prize winner José Ramos-Horta explained to the author in an interview in 2000 that the choice of Portuguese as the main official language was the only safeguard to the distinction between East Timor and the rest of Indonesia in the future... So much for a strong ethnic identity.

A muted nationalism, 'abstract' in that it does not draw on what Anthony D. Smith dubbed the 'ethnic solution' it may seem a pure artifact of the external constraint. In this case, given its 'politically correct' emphasis on universal values rather than symbols pointing to a shared culture, ethnicity, or nationhood, it should be expected to attract scant popular support. Paraphrasing Anthony D. Smith one may say that Gusmão and Rugova had produced at attempt at a 'non-ethnic solution...'⁷¹ Judging from its relative discretion in the public arena, one may doubt its success among the population.

⁷⁰ For a more balanced and comprehensive understanding of these issues in East Timor, see the Truth, Reception and Reconciliation Commission's website: <http://www.easttimor-reconciliation.org/>

⁷¹ However, given the uncertainty of future status negotiation and dissatisfaction with the open-ended international protectorate, the LDK has often competed with the ex-UÇK parties on the turf of hard-line nationalism.

United in silence? Clandestine state nationalism and the 'hidden transcripts' of popular nationhood

As we have seen however LDK in Kosovo and both the moderate wing of FRETILIN and Xanana Gusmão in East Timor triumphed in all the elections that followed the 'liberation' of 1999. Furthermore, preliminary work on the '*répertoires*' of popular identity has revealed a deep correlation between this brand of official nationalism and the popular '*imaginaires*' of nationhood documented in the field.⁷² It remains difficult at this stage of the larger scale doctoral research to assess the actual content of deep running popular sentiments. This requires long term investigations into popular '*répertoires*' of nationality that have escaped the reach of official authorities. Folk tales, popular songs and jokes are known to carry the substance of the popular re-invention of political history.⁷³ However, in contexts where more than anywhere else, identity symbols reveal power structures, they tend to be staged behind the scenes. This is the 'hidden transcript' that James C. Scott described as the one '*that takes place "offstage", beyond direct observation by powerholders*' (Scott, 1990: 4). In fact, opinion polls and fragmentary attempts by social scientists at capturing the 'mood' of the population vindicate this impression: as the national identity discourse has been monopolized by private hardliners to ascertain their social power, the struggle for symbolic power takes place behind the scenes. Between public signs of approval and the private rebuttals of hard-line nationalist propaganda the contrast is striking. This largely explains the early misleading impressions given by our cursory visits of the two capitals. Each of the two cases presents a configuration of power and local histories which calls for different '*public transcripts*'⁷⁴: support for firebrand nationalism in Kosovo, more moderate exhibition of national fervor in East Timor⁷⁵.

⁷² Elizabeth Drexler, Michigan State University, is currently leading a very interesting project on related issues.

⁷³ The American anthropologist Elizabeth Traube has made very impressive discoveries in the way traditional narrative of identity have 'absorbed' and rewritten the recent history of the resistance (Traube, 2002).

⁷⁴ James C. Scott calls 'public transcript' the open interaction between subordinates and those who dominate (Scott, 1990).

⁷⁵ Using the tentative phrase 'crypto-states' here draws a deliberate analogy with the widespread practice in the Balkans of 'crypto-religions' so to speak. Ger Duijzings mentions the importance of 'crypto-Christianity' in Kosovo, which often blurred national allegiances in the eyes of foreign observers and contributed to the endless political arguments about the 'true' nationality or the 'true' religion of some populations of Kosovo (Duijzings, 2000). Similarly in East Timor, the notion of 'crypto-resistance' is so entrenched that it often seems that the more discreet one was about his support for the resistance, the more credible his post-war claims to have been a 'true' nationalist. Interviews with student leaders of *Dewan Solidaritas Mahasiswa Timor Timur* (DSMTT), Dili, July 1999.

For all its distortion of ancient history, the non-ethnic identity promoted by Ibrahim Rugova has found increasing echoes in the political imagination of Kosovo Albanians. Several leading historians and social scientists in Kosovo claim that the pan-Albanian ethnic nationalism promoted in Kosovo by the ex-UÇK is now supported by only a fraction of the population. They explain its continuing appearance of success by the politics of fear imposed by extremists and by the continuing uncertainty about the territory's final status. In private, most Kosovo Albanians insist on their distinctness from Albania and show no desire for unification. A leading Kosovo Albanian columnist even writes all his articles in the Gheg dialect, spoken in the North of Albania and in Kosovo, rather than in the official Albanian written language, which derives from the Southern Albanian Tosk dialect.⁷⁶ In the words of a leading Kosovo Albanian historian: '*In 30 years, everyone here will call himself Kosovar*'.⁷⁷ Countless interviews have pointed toward the steadily growing loss of interest for unification with Albania and to the fact that Kosovo Albanians often stated their desire to be perceived as civilian victims and not as 'willing' heroes of liberation (World Bank 2002). In this regard, it is rather the blue flag of the European Union than that of Dardania that most Kosovo Albanians eagerly look to: as the local media mogul and leading liberal politician Vetton Surroi has often explained, open borders under the European Union would finally allow Kosovo Albanians to reconcile with their multiple allegiances and become the true purveyors of a modern borderless identity...⁷⁸ Similarly in East Timor, private interviews all point to the limited support gathered by hardcore nationalists involved in politicized commemorations. More often than not, the outside observer who has spent in Timorese communities learns that 'being Timorese' means 'respecting human rights'.⁷⁹ Expected nationalist signs of 'indigenist' reaction such as racism against conservative *mestiço* elites or of revenge actions against Indonesians have remained impressively limited. Furthermore, it is frequent to hear private expressions of sympathy for the suffering of the Indonesian under continued duress from their own military and respect for the remaining signs of Indonesian presence. Perhaps the most potent – and troubling to the outsider – symbol of this has been the

⁷⁶ A paradox of Balkan political history may now be fading. Kosovo had long seemed to contradict the lessons of Moldova and Macedonia. The emergence in both of a national sentiment distinct of that of their former 'motherlands', respectively Romania and Bulgaria, was seen as the proof that prolonged separation and active nation-building policies could produce a separate national identity. In the case of Kosovo however one main difference is that the dominant communist power did not promote a 'breakaway' national identity at it had in Moldova and Macedonia, with the relative exception of the few years under the 1974 Constitution.

⁷⁷ Interview with E. Hoxhaj, Prishtina, August 2003.

⁷⁸ '*Albanians have to be able to communicate in their own language and travel freely. Then it will no longer matter if you live in Albania, Kosova, Macedonia or wherever else. Then 'Greater Albania' will be where you live.*' Vetton Surroi in *Rotterdam NRC Handelsblad* (in Dutch), 23 June 1999. Quoted by Elez Biberaj (Mandelbaum, 2000: 279).

⁷⁹ Interviews of villagers in the districts of Aileu and Liquiça, May-July 2001.

respect showed to the Indonesian military cemetery, located a few meters from the scene of the Santa Cruz massacre of 1991... East Timorese people of all walks of life often insist in private, that the main defining feature of 'East Timorese-hood' resides in respect for 'human rights'. As artificial as such an act of faith may sound, it indeed seems to reflect an important aspect of the imagined meaning of East Timorese 'nationality'.

United in mourning: The national identity of 'mass victimization'

Under these circumstances, one may be tempted to conclude that the 'hidden transcript' of popular nationality converges with the moderate nationalism of ex-clandestine state authorities, both keeping a low profile in the uncertain times of post-'liberation'... Given the lack of sufficient evidence on the 'offstage' expression of 'nationality', such assertion is too hasty. In addition, such apparent accordance with the 'official' clandestine-state nationalism is likely to also come with its own 'hidden transcript'. As Denis-Constant Martin insists, one must always '*ask the question of what is the relationship between discourses on identity and the political sphere. ... What is being said when one mentions [the concept of] 'identity'? To what extent does it mean talking about power, about the arena of its exercise, about the means to access it, about the representations that make it conceivable?*' (Martin, 1994: 14) One must however admit here that the very genealogy of the clandestine state over the last 25 years seems in phase with the expressions of popular nationality collected in the field. Elizabeth Traube in East Timor and Stephanie Schwandner-Sievers in Kosovo, among others, have pointed to the deep salience of mass civilian victimization as the bedrock of national sentiment. My own investigations in East Timor and Kosovo confirm this impression. It has in fact become conventional knowledge among East Timor specialists to insist that the Indonesian Army was the prime responsible for the strength of national resistance in the territory. 'Offstage,' moderate Kosovo Albanians often say the same of Slobodan Milošević. The intensity and the indistinctness of the repression, be it intermittent, fashioned a key feature of the national movement. During the most brutal episodes, which in the case of Kosovo go back to 1930's at the very least, national unity was given a paradoxical push by the utter racism of the repression. During periods of relative calm, the clandestine states imposed 'indirect coercion' through the enforcement of non-violent discipline as a means to maintain the image of united, peaceful and non belligerent community of

victimized civilians. In the worst times and in the 'best', being Kosovo Albanian or being East Timorese meant 'suffering at the hands of the invader for what you were.' The very essence of governance for the embryonic state structures of the resistance were for most of that period two-fold, as we have seen: provide comfort to the beleaguered populations inside, publicize their plight outside. The most significant episodes of the formation of the clandestine state structures are deeply loaded with this symbolic meaning: the FRETILIN state from 1975 to 1977, protected 40% of the total population who had fled the towns, in the most inhospitable of environments, with the active support of rallied traditional communities (Gusmão, 2000), in Kosovo, the two main activities of the parallel state were 'teaching and healing' at underground schools and clinics. Finally, at the height of the clandestine resistance in 1990s in East Timor, the CNRM⁸⁰ networks were expected to provide hiding places to unknown fellow members of the resistance, deliver foodstuff to the few remaining FALINTIL, and evacuate threatened members abroad (Pinto, 2001). The clandestine state was indeed, in many ways, a 'shelter-state' for the populations. Deprived of means of coercion other than its embargo on open belligerence, it owed its authority to its perceived role as the 'moral state'. Interviewees in Kosovo and East Timor often referred to it in these terms, with an obvious double meaning.⁸¹ As the rescuer and the unifier of a population under immense strain, it was perceived as the very 'location' of national invention.⁸² This in itself explains the success of LDK and of CNRT (and later, mainstream FRETILIN) in reestablishing and maintaining strong structures of popular allegiance after 1999.

The clandestine state's debt to 'the People' and the dangers of the post-liberation period

This original relationship between the clandestine state and its 'constituents' was therefore marked by symbolic rather than actual authority. Allegiance was a voluntary act that was

⁸⁰ CNRM (*Concelho Nacional da Resistência Maubere*) is the predecessor of CNRT, founded 11 years earlier, in 1987.

⁸¹ It can equally mean 'a state with a solid moral grounding and moral orientations' or 'a state that is only in your mind'. In this regard, a key planner of East Timor's invasion, general Benny Moerdani is remembered to have once addressed the East Timorese population by a speech which started with '*Jangan mimpi!*': 'stop dreaming' [i.e. of an independent homeland]. (Inbaraj, 1995)

⁸² The concept of 'ethical ethnicity' in Berman and Lonsdale's account of Kenyan nationalism may be critical in better understanding this aspect of the issue (Berman and Lonsdale, 1992).

intimately linked to the 'subjectivation' (Foucault, 1978) as the member of the national community that came with the experience of indiscriminate repression. In times of extreme hardship, characterized by mass displacements, the communion between the 'People' and its 'protecting' state was considered 'natural', as many personal narratives suggest. In the absence of coercive control and social goods to redistribute, however, the interaction was confined to the realm of 'moral' politics'.⁸³

In spite of the clandestine state leaderships' ability to maintain or, in the case of LDK, reestablish their authority after 1999, the post-liberation period has revealed some troubling weaknesses. Two main centrifugal tendencies emerged: one related to a perceived change in the 'moral' quality of the state, another to the deepening absence of coercive power.

First, the imaginary projection into the 'moral' shelter-state has taken a severe toll with the relative 'normalization' of the post-1999 situation. In a relationship where the 'state' owed its meaning to 'the suffering People', the said 'People' started to express extreme suspicion, albeit in private about the clandestine leadership's ability to maintain its 'moral' nature in peacetime. This issue is not particular to East Timor and Kosovo. It is a classical difficulty of post-conflict transition: for instance, it is – sadly – not unusual to hear Bosnians express an odd kind of nostalgia for wartime. In the specific context of a transition under UN auspices, the normalization of the 'moral' state is aggravated by the practical impossibility of administering justice and arbitrating conflicts in the short term. Due to their limited knowledge of the country, their deficit in local legitimacy and their staff security policies, UN Transitional Administrations have become known for this fundamental shortcoming. The 'moral' relationship to the clandestine state, in a context of 'compulsory reconciliation' and near total impunity, may suddenly dispossess the former clandestine leaders of their 'legitimacy' to govern.

⁸³ The language of morality is ubiquitous in Xanana Gusmão's account of the first years of the struggle. His nation-building narrative emphasizes qualities of frugality, temperance and sympathy with the suffering population. As Elizabeth Traube indicates, the "invention of the people" by the urban FRETILIN leaders consisted in the generalization to the whole 'East Timorese' population of the identity of suffering of the mountain people. Drawing more specifically from the Mambae-speaking population of the districts of Aileu, Ainaro and Manufahi, it used the derogatory nickname '*Maubere*' used to scold their alleged 'backwardness' by Portuguese colonialists, to represent the entire East Timorese population. This invention was the symbolic backbone of '*Maubere*' nationalism. (Elizabeth Traube, *Inventing the People*. Draft on file with the author). The Kosovo Albanian leadership never engaged in such a sweeping exercise of national invention, but Stephanie Schwandner-Sievers has noted that the symbolic figure of the traditional Albanian mountaineer (*Malësor*) and his alleged sense of honor were deeply revitalized by the LDK state, including in its nation-building efforts to proclaim reconciliation among Kosovo Albanian families. Stephanie Schwander-Sievers '*Martyrs, menaces, memory. The political and social life of the dead in post-war Kosovo*'. Draft available at http://www.europamet.org/conference2002/papers/j5_schwand.doc).

The second danger is, as I said, linked to the lack of coercive might. It had been, as we have seen, partially compensated by 'indirect coercion' caused by non-violent policies. However, the establishment of a UN Transitional Administrations after 1999 opened a period where a hegemonic dominant actor could no longer emerge. This change is obviously positive and democratic elections are often a precious contribution of Transitional Administrations. However, by failing to provide adequate means to combat criminality, the international stewardship often allowed the private neo-traditional political entrepreneurs to strengthen their hold of their respective fiefdoms. In this, they endanger the institutional reconstruction of the country. Moreover, heavy investment in the commemoration of martyrdom by these private actors has even succeeded in attracting groups 'disappointed' by the alleged loss of 'morality' of the former clandestine state's elites. In a paradoxical overturn, the private actors have sometimes been able to bank on the mythology of martyrdom to recapture the capital of symbolic 'morality' lost by the now governing elites. In the slums of Baucau or Viqueque in East Timor, for instance, young people have joined the ranks of the *dissidência's* leaders, and staged violent riots in late 2002. It must be noted that a lingering motive of these clashes was the alleged demeaning treatment meted out to the ex-FALINTIL by the government (Rees, 2004).

Rather than popular unrest however, the most immediate consequence of this conjunction of negative factors has been a popular disaffection for politics in general. It may lead in the longer term to a general dissociation from the arena of public debate. This would further hamper institution building. The example of Haiti, where the majority of population seems symbolically – and often physically – removed from this sphere of public action, is certainly not one to follow (Jaffrelot, 2000: 584).

One will argue however that several factors can come into play to reduce these dangers: In Kosovo, for instance, the criminal offenses of a good part of the ex-UÇK establishment have given a second chance to LDK after 1999. Negatively, they have reintroduced 'morality' in the realm of politics – although this may be a bit far-fetched in the notoriously corrupt world of Kosovo politics. In East Timor, mainstream FRETILIN has managed, despite serious errors, to re-occupy a great deal of the capital of symbolic memory which the *dissidência* attempted to capture. Finally, in terms of symbolic coercion, the mounting consensus in Kosovo against the International Community's irresolution on final status has probably had a unifying role. One thing is sure however, these two territories' specific way to national 'liberation' has qualities for times of resistance which may become severe weaknesses after 'liberation'.

CONCLUSION

In any case, the complexity and the immediateness of these issues should prevent anyone from doing more than sketching out a general outline. The mere task of establishing a balanced assessment of the post-liberation period is fraught with difficulties: when one deplores failings in the maintenance of law and order in Kosovo, one may also imagine the picture without the mixed teams of UNMIK police, when one regrets the costly hesitations of UN planners concerning FALINTIL's future⁸⁴, one may imagine what the total disbanding of FALINTIL would have meant in 1999... However, it is now assumed that post-liberation Kosovo and East Timor are not set for a rosy future.

At stake here is an understanding of just how much of an impact these peculiar dynamics of nation-state building have had on post-1999 institution building. It has become commonplace, even among some UN policy planners, to blame the multilateral operations for most of the travails of post-liberation. To be fair however, it is indispensable to also address the role of the local nation-state building trajectory in post-liberation difficulties.

In this essay, I was led to investigate the continued, albeit discrete, post-liberation relevance of clandestine state structures that had emerged during the last 25 years in Kosovo and East Timor. To this end, I proceeded in three steps:

In the first, I attempted to identify the constraints that the national movements had to face during the modern period of the resistance. This enabled me to separate the processes linked to the colonization/occupation from two sets of structural constraints: the external one, which dealt with changing norms of international intervention, and the internal one, which stemmed from the incomplete social integration of patrimonial social groups. This set of parameters as I explained, contributed to the emergence of an unclear and contradictory brand of nationalism. It also set the stage for rational calculations on the recourse to open belligerence which had an impact on the make up of the clandestine state structures.

I then focused on the paradox of state-like structures which developed in the absence of most of the 'prerequisites' established by classical political theory regarding state-building. I was led to

⁸⁴ 'Disarmament, Demobilization and Reintegration'.

describe the main functions of this type of state-like entity, of which the main function is probably that of 'sheltering' heavily victimized populations. Due to the absence of means of coercion and the policy of 'publicized victimhood' I attempted to explain the consolidation of the state with the hypothesis of an 'indirect coercion' waged in a context of occasional 'cooperative conflict'. Although it provided clues about the dynamics of national integration, it did not fully resolve the original question about the emergence of 'state-like' structures in a context which should normally allow for it to appear. In fact, the 'indirect coercion' had failed in Kosovo to preserve unity and private neo-patrimonial actors were free to stage their own liberation struggle.

In the third and last part, I set out to investigate the area of legitimacy, rather than coercion. Field experience had shown indicated that the clandestine structures authority was dependent on a 'moral' sense of popular allegiance. I was however set back by the extreme contrast between the public expression of nationalism in the two territories. This initial shock however provided the opportunity of distinguishing between nationalism as a strategic resource produced by 'nationalizing' elites, and the deeper levels of national sentiment or 'nationality'. Viewing nationalism as a rationally exploited strategic resource allowed me to distinguish between the firebrand neo-patrimonial national discourse and the more discrete stand of the clandestine-state elites on the issue. Resolving the issue of legitimacy required to look into the symbolic structure of the newly 'invented nations' of Kosovo and East Timor. Approaching the 'hidden transcript' of national sentiment I felt that narratives of 'civilian victimhood' indicated a close relationship with the clandestine state's brand of nationalist invention. Having hopefully resolved some of the issues concerning the resilience of the clandestine states, by addressing its coercive power and its nation-building legitimacy, I was led to consider the shortcomings of this kind of configuration in the post-liberation phase. Deadly riots in December 2002 and in March 2004 have marred the transitional process, in East Timor and Kosovo respectively. Assessing the inherent weaknesses of their type of state-building in national resistance may shed some light on their post-liberation difficulties.

Also, if the path drawn by Kosovo and East Timor happened to be indicative of a new way of nation-state building under external constraint, it would deserve to be more actively investigated. In Palestine and Iraqi Kurdistan, for instance, rational choices on non-violence and national unity played a considerable role, private neo-traditional violence has often challenged the urban nation-building elites, and civilian 'martyrdom' has become a central part in popular identity... This provides yet another incentive to learn from the travails of post-liberation Kosovo and East Timor.

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