

# The role of Civil Society in the Development of a Democratic System of Governance in Kosovo

---

**Kastrati, Ardian**

**Doctoral thesis / Disertacija**

**2018**

*Degree Grantor / Ustanova koja je dodijelila akademski / stručni stupanj:* **University of Zadar / Sveučilište u Zadru**

*Permanent link / Trajna poveznica:* <https://um.nsk.hr/um:nbn:hr:162:959224>

*Rights / Prava:* [In copyright](#) / [Zaštićeno autorskim pravom.](#)

*Download date / Datum preuzimanja:* **2024-09-26**



**Sveučilište u Zadru**  
Universitas Studiorum  
Jadertina | 1396 | 2002 |

*Repository / Repozitorij:*

[University of Zadar Institutional Repository](#)

SVEUČILIŠTE U ZADRU

POSLIJEDIPLOMSKI SVEUČILIŠNI STUDIJ  
MEĐUNARODNI ODNOSI



**Ardian Kastrati**

**THE ROLE OF CIVIL SOCIETY IN THE  
DEVELOPMENT OF DEMOCRATIC SYSTEM OF  
GOVERNANCE IN KOSOVO**

**Doktorski rad**

Zadar, 2018.

SVEUČILIŠTE U ZADRU

POSLIJEDIPLOMSKI SVEUČILIŠNI STUDIJ  
MEĐUNARODNI ODNOSI

**Ardian Kastrati**

**THE ROLE OF CIVIL SOCIETY IN THE  
DEVELOPMENT OF DEMOCRATIC SYSTEM OF  
GOVERNANCE IN KOSOVO**

Doktorski rad

Mentor

Doc. dr. sc. Vladimir Filipović

Zadar, 2018.

# SVEUČILIŠTE U ZADRU

## TEMELJNA DOKUMENTACIJSKA KARTICA

### I. Autor i studij

Ime i prezime: Ardian Kastrati

Naziv studijskog programa: Zajednički poslijediplomski sveučilišni studij Međunarodni odnosi

Mentor/Mentorica: doc. dr. sc. Vladimir Filipović

Datum obrane: 20 Lipnja, 2018

Znanstveno područje i polje u kojem je postignut doktorat znanosti: društvene znanosti, interdisciplinarnе društvene znanosti

### II. Doktorski rad

Naslov: Uloga civilnog društva u razvoju demokratskog sustava vlasti na Kosovu

UDK oznaka: 316.42(497.115):061.2

Broj stranica: 253

Broj slika/grafičkih prikaza/tablica:

Broj bilježaka:

Broj korištenih bibliografskih jedinica i izvora: 179

Broj priloga:

Jezik rada: Engleski

### III. Stručna povjerenstva

Stručno povjerenstvo za ocjenu doktorskog rada:

1. doc.dr.sc. Dario Čepo, predsjednik
2. doc.dr.sc. Vladimir Filipović, član
3. doc.dr.sc. Damir Mladić, član

Stručno povjerenstvo za obranu doktorskog rada:

1. doc.dr.sc. Dario Čepo, predsjednik
2. doc.dr.sc. Vladimir Filipović, član
3. doc.dr.sc. Damir Mladić, član

**UNIVERSITY OF ZADAR**  
**BASIC DOCUMENTATION CARD**

**I. Author and study**

Name and surname: Ardian Kastrati

Name of the study programme: Postgraduate doctoral study International Relations

Mentor: Assistant Professor Vladimir Filipović, PhD

Date of the defence: June 20, 2018

Scientific area and field in which the PhD is obtained: Social sciences, Interdisciplinary social sciences

**II. Doctoral dissertation**

Title: The role of Civil Society in the Development of a Democratic System of Governance in Kosovo

UDC mark: 316.42(497.115):061.2

Number of pages: 253

Number of pictures/graphical representations/tables:

Number of notes:

Number of used bibliographic units and sources: 179

Number of appendices:

Language of the doctoral dissertation: English

**III. Expert committees**

Expert committee for the evaluation of the doctoral dissertation:

1. Assistant Professor Dario Čepo, PhD, chair
2. Assistant Professor Vladimir Filipović, PhD, member
3. Assistant Professor Damir Mladić, PhD, member

Expert committee for the defence of the doctoral dissertation:

1. Assistant Professor Dario Čepo, PhD, chair
2. Assistant Professor Vladimir Filipović, PhD, member
3. Assistant Professor Damir Mladić, PhD, member



## Izjava o akademskoj čestitosti

Ja, **Ardian Kastrati**, ovime izjavljujem da je moj **doktorski** rad pod naslovom **The Role of Civil Society in the Development of a Democratic System of Governance in Kosovo** rezultat mojega vlastitog rada, da se temelji na mojim istraživanjima te da se oslanja na izvore i radove navedene u bilješkama i popisu literature. Ni jedan dio mojega rada nije napisan na nedopušten način, odnosno nije prepisan iz necitiranih radova i ne krši bilo čija autorska prava.

Izjavljujem da ni jedan dio ovoga rada nije iskorišten u kojem drugom radu pri bilo kojoj drugoj visokoškolskoj, znanstvenoj, obrazovnoj ili inoj ustanovi.

Sadržaj mojega rada u potpunosti odgovara sadržaju obranjenoga i nakon obrane uređenoga rada.

Zadar, 5. lipnja 2018.

## **Table of Contents**

Introduction .....	1
<b>CHAPTER I</b>	
<b>History of Civil Society</b>	
1.1. Origins of civil society .....	5
1.2 The theoretical dimensions of civil society .....	7
1.2.1 The concept and idea of civil society .....	10
1.2.2 Civil society and the role of democracy .....	10
1.2.3 Civil society and promotion of democracy .....	12
1.3 Media and Democracy.....	15
1.3.1 Media as civil society .....	17
1.3.2 Characteristics of Kosovo Media and Resulting Problems for Civil Society Development .....	18
1.4 Civil Society and Media in post-communist democratization .....	20
<b>CHAPTER II</b>	
<b>History of Kosovo</b>	
2.1. The Kosovo myth.....	25

2.1.1 The Albanian National Movement.....	27
2.1.2 The Kosovo Myth, Balkan Wars and World War I.....	28
2.2 History falsification, impact of the myths and segregated system of education... ..	31
2.3 Abrogation of Kosovo’s autonomy (1989-1999).....	35

### CHAPTER III

#### **Civil Society in Kosovo between the 1989- 1999**

3.1. Legacies of communism and ethno-nationalism .....	38
3.1.1 Civil Society from socialism to pluralism.....	39
3.2 Civil resistance movement in Kosovo .....	42
3.2.1 Civil Society Organizations between the 1989 and 1990.....	47
3.2.2 Council for the Defense of Human Rights and Freedoms (CHDRF) .....	47
3.2.3 The Union of Independent Trade Unions of Kosovo (BSPK) .....	48
3.2.4 Social Movements in 1990s.....	50
3.2.5 The ‘Mother Teresa Association’ .....	52
3.2.6 Kosovo Media during the 1990s.....	54
3.3 Albanian civil resistance and parallel system of education .....	57
3.3.1 The Student Movement between the 1997 and 1999.....	59
3.4 Civil or Political Society and the end of the war of 1998-1999.....	67



## CHAPTER IV

### NGO sector under the United Nations administration and in the Independent Kosovo

4.1 The raise of NGO sector after the war of 1999.....	72
4.1.1 NGO sector: From Relief to Development.....	89
4.2 Legal basis relevant to the civil society .....	96
4.3 Cooperation between the state institutions and civil society.....	100
4.3.1 Government – Civil Society cooperation .....	100
4.3.2 The Government Strategy for Cooperation with Civil Society 2013-2017.....	113
4.3.3 Challenges in implementing the Government Strategy for Cooperation with the Civil Society 2013 – 2017.....	121
4.4 The Cooperation between the Presidency and Civil Society.....	136
4.5 The Legislative Process, Parliament and Civil Society .....	136
4.6 Civil Society and local Governments interactivity.....	148
4.7 Youth participation in social activities.....	151
4.7.1 Donor’s policy and institutional support for NGO’s.....	154
4.7.2 Legal basis and financial support for the civil society.....	162
4.7.3 The Capacities of the Civil Society.....	170

4.8 The process of European Integration and the civil society .....	177
4.8.1 The impact of European Integration process on NGO sector.....	177

**CHAPTER V**

**The role of educators and religious leaders in their capacities as civil society for the democratization processes**

5.1 The contribution of civil society actors in capacity building and conflict resolution .....	185
5.1.1 The impact of education on identity formation in educational settings in Kosovo.....	186
5.1.2 Promotion of nationalist type of segregated system of education .....	188
5.2 Islamic religious leader’s convergence among civil society: roles and contributions for the stability and development of Kosovo’s society.....	193
5.3 The role of Islamic religious leaders in preventing religious radicalization .....	196

**CHAPTER VI**

**Summary: Improving interactions between State Institutions and Civil Society: New perspectives of cooperation and trust**

6.1 The Rebirth of Civil Society.....	201
6.1.1 NGO antagonisms and their impact for the development of the NGO sector.....	203

6.1.2 Key issues and challenges for NGO sector development .....	204
6.2 NGO approach towards the Kosovo institutions .....	207
6.2.2 Civil society in Kosovo before and after 1999: the relevance for the development of the democratic system of governance.....	210
6.3 Enhancing role of educators and of the religious leaders in the civil discourse. ... .....	213
6.4 The impact of the civil society in developing a democratic system of governance.....	216
<b>Conclusions.....</b>	<b>219</b>
<b>Bibliography .....</b>	<b>232</b>
Abstract.....	254
Sažetak.....	256
Biography.....	258
Životopis.....	259

## INTRODUCTION

During the 1990s several civil society organizations were founded in Kosovo. The formation of CSOs was intended to meet some of the basic social needs for Kosovo Albanians and it was seen as a manifestation against the public isolation that was caused to Albanians by the Serbian regime. Meanwhile, the establishment of Albanian political parties and their political activity was interlinked with many of the civil society organizations. With the breakup of the former Yugoslavia, Albanian political platform was expended by developing in what was identified as the Albanian peaceful resistance.

The period under the circumstances of Serbian apartheid is identified as the beginning of the process through which the development of civil society in Kosovo took its first modest forms. Being politically coordinated with Albanian political parties, CSOs through their various activities gradually became integrated within the 'civil resistance movement' and thus contributed to the creation of parallel institutions of Kosovo.

In the aftermath of the conflict in Kosovo and the establishment of the United Nations Administration in Kosovo (UNMIK), with the initiative of various international organizations combined with local support, the establishment of tens of hundreds of CSOs began.

This period marks another phase of civil society development in Kosovo, but this time with an incomparable dynamic with that of the pre-war circumstances. Consequently, the civil society in Kosovo grew through two main development phases: the pre-war and post-war circumstances. This study elaborates the development of the Kosovo's civil society during the pre-war period, by focusing on the analyzes on how the Albanian CSOs operated under the Serbian occupation, as well as the evolution of the civil society in the postwar circumstances (under the UNMIK administration), and later on its relationship with the institutions of the Republic of Kosovo.

Following the declaration of independence, the role of civil society was important for the process of building the new institutions of Kosovo. Civil society can perform a variety of contributions through their civic activities, from giving inputs to public policies and serving as watchdog whilst Kosovo's economy is regenerated and its institutions mature.

The focus of this study is to explore the development of Kosovo's civil society within the framework of complex political circumstances between the years of 1989-1999, by continuing with the analysis for their potential roles and contributions towards the development of the democratic system of governance in the post-war and in Independent Kosovo. The study is divided into six chapters which in the end are followed by the main conclusions.

In the first chapter, I will analyze existing discourses, potential definitions and various meanings in the scholarly debates for the notion of civil society, while in the second chapter a short history of Kosovo will be introduced.

In the first part of the third chapter I will give a brief picture regarding the idea for the civil society discourses in ex-Yugoslavia, while main focus will be to analyze the historical roots of the development of civil society in Kosovo between the years of 1989 and 1999. Whereas the fourth chapter it will address the development of the NGO sector after the war of 1998-1999. The reason why NGO sector will receive special emphasis is because like in most of the post-conflict societies the idea of civil society was so often identified with NGO's as it became interchangeable with that of the NGO sector. This sector has received consistent support from the international donors after the war in Kosovo. Both UNMIK and other powerful international agencies have targeted their support towards local NGOs which later became important actors in order to implement certain political agendas of the international presence in Kosovo.

In the chapter five the role and contribution of educators and religious leaders in their capacities as civil society representatives, will be analyzed. This is important having in consideration that Civil Society Organizations (CSOs) represent more than an NGO (especially when compared to the western type of NGO which was largely supported by many international donors in Kosovo) as CSOs among other include CBOs

(community-based organizations), trade unions, federations, family associations, educational organizations, religious communities, etc. The segregated education system in Kosovo accompanied with contradictions between the two main ethnic groups where ethnic identity prevails, among others is the reason for the failure of democracy in Kosovo. During the process of providing education, training and information educators can give a significant contribution on identity formation for the main ethnic groups in Kosovo based on the idea and the concept of citizenship, while religious leaders can act as mediators and moderators in their communities and get involved in their efforts to foster democracy.

I will finish chapter five by analyzing the possibilities of softening some of the authoritarian tendencies of the main representatives of the Islamic community in Kosovo in order to gradually converge their role within the civil society. By analyzing their status based on the above parameters I will aim to examine more thoroughly their roles and contributions in order to foster democracy.

Chapter six will provide a synthesis of all the analyzes developed in this study by referring to the potential challenges that all those who represent civil society must overcome in order to meaningfully increase their roles and contributions towards the development of a democratic system of governance in Kosovo.

I will conclude by emphasizing how important it is for Kosovo as a fragile state to develop a sustainable civil society which could positively impact the quality of

governance and how democratic processes are negatively affected when certain representatives of the civil society are not present as forces of democracy.

## CHAPTER I

### History of Civil Society

#### 1.1. Origins of civil society

There's no broad consent in academic debates in terms of clear and precise definition of the civil society. Literature research on the concept of civil society shows that this is a rather diverse and controversial concept.' It is important to observe the historical trajectories of the development of civil society in order to better understand how the concept was seen in different periods and contexts' (Spurk, 2010).

Civil society organizations foundations are traced mainly in the West, although nowadays it relates to majority of societies and different civilizations. The „societas civilis“ is a notion first introduced by Cicero of the Romans. Going back to Socrates, who viewed it as a way to resolve conflicts within society through public debate, and Plato's ideal society in which citizens serve the common good, and way to Aristotle who saw the ruling and being ruled, as a virtuous task shared by the citizens, and enabled from the 'polis' as the 'association' (O'Brien, 1999). Nevertheless, there was no difference between the society and the state in neither of civilizations, Rome nor



Greece. There was no mention of civil society until the eighteenth century and the attack on absolutism by liberals, all as an aftermath of the absolutism of Europe and the victorious Enlightenment period. Before that, there was only the formation of the states with a territory and sovereignty, as a product of the Treaty of Westphalia, and formation of the national armies by the Monarchs, and their establishment of control over the public life (Edwards, 2004). Ideas of separation between the state and the civil society was disputed with firmness from John Locke and Thomas Hobbes, the later supporting that even the idea of separation between the society and the state of the medieval ought to be challenged in the light of religion having a potential of conflict only, thus only the power of sovereign can hold the society together, if it is to be held at all. Locke, however, held a stand, that falls into a modern way of differentiation, which involved the concept of voluntary association as laid in his work, 'Two Treatises of Government' (1689). Both, Hobbes and Locke, were opting for a peaceful coexistence, the basis that lies in social contracts and pacts. In order to protect itself, the society has created and it can change its political institutions, as it benefits the society (Warren, 1996). As the first ones to make distinction between the state and society, having the state as a part of "civil society" and making a clear division between the community and the political order, whereas the "community", namely society, gives consent that the ethics falls on the political order. This is the concept of the state protecting the human interactions in the moral sphere of the civil

society (O'Brien, 1999). Other concepts, such as Tocqueville's, had the idea of strong democracies due to the network of non-political social organizations, as part of the civil society and his notion of subsidiary, where civil society is part of the governance, preserving the energy of the society within civic activism of associations and keeping it outside the state (Tocqueville, 1969).

Hegel initially made the difference between the state and the market. In his view, the economy becomes part of civil society by being identified through its relationships with the market, while Marx has remained loyal to the argument that class antagonisms are the ones that shape civil society. Gramsci saw the state and economy differentiated from the civil society and on this basis he developed its own concept for the civil society (Gramsci, 1971).

Rousseau's analysis indicates two main objectives of the civil society concept: that of securing property rights and providing peace for everyone. At the same time, Rousseau is committed for the absorption of state within the civil society (Rousseau, 1950).

Apart from the classical period, every aspect of society which was not included either institutionally or by service within the state was defined as civil society. A new chapter of great significance opened in seventeenth and eighteenth centuries, with the state and society division, which allowed new definitions of the theorists for the society,

such as a social space, from where the citizens are able to oppose the oppressive state, just by viewing the acts of the society.

## **1.2 The theoretical dimensions of civil society**

In the views of many scholars, civil society as a definition sometimes remains meaningless, due to its ambiguous nature. Civil society is integrated with the group of sociological and political theories where the demarcation between the concepts of freedom, justice and equality are not so clear. From the theoretical aspect and normative aspect, the concept of the civil society's roles can be summarized as: theoretical way of analyzing social values, social life, where the key actors are the citizens and the civil organizations -and from the normative, through motivating and mobilizing citizens, and other actors, in determining and developing the essence and forms of civil activities. These two dimensions have a critical role in states where the civil society is traditionally embedded and has played a marginal role, while the normative dimension specifically, is a characteristic of transitions periods of less or more stronger democracies (Cohen & Arato, 1995). Today the notion of civil society is introduced as the popular trend among academia, international agencies and politicians, who particularly emphasize the states and market demands for the civil society.

Consequently, most of the political and social theorists see its role as of a particular importance during the processes of social transformations and of the democratic changes. Civil society should stand between the state and citizens, serving as a median of governance, preventing public coercion and offering the proper problem solution. In the modern history, the idea of civil society could mean different state-society relation perspectives, where among these perspectives, the state as the organizing and binding principle of political order should be distinguished from civil society, where organizations and individuals are part of it, only in proportion of their activity and participation. Political theorists and social theorists conceptualize the civil society and defend their theories on civil society differently. The term civil society today, in scientific terms means a normative or non-normative tool, and not a widespread or common definition.

Another working definition, which is used from the London School of Economics and Political Science's Centre for Civil Society adds family as the fifth model sector, by which: 'Civil society refers to the arena of collective action around common purposes, interests and values'. (Centre for Civil Society, 2017).

Edwards has suggested addressing the issue of too much state intervention on the society but also the human exclusive reliance in the markets. He noted that this should be received as one of the new ideas for achieving social progress and identified it as 'societies that are civil' (Edwards, 2004). This is the role known as

the counter-balancing of the state through very strong diverse non-governmental institutions. 'In civil society, the division between polity and the economy consists in that polity is useful but it checks extremes of individual interests, whereas when economic-based institutions exercise control over the state, the polity relies on economic growth, which increases cognitive growth, thus prevents or make impossible the ideological monopoly' (Gellner,1994). Most of these formulations share the common definitions of terminology related to the separation of state and the civil society, whereas a number of them do not include ordinary religious and economic spheres.

### 1.2.1 The concept and idea of civil society

The concept of civil society, along its perspectives of development, was defined by great Enlightenment figures, from French, German and Scottish decent, who shared the analyses of the key civil society issues, which is the link between the public and private, the social and the individual, and between public concerns and individual desires. Driven from this context, the civil society, although governed by the state, is autonomous and independent. We focus therefore not on the balance of power between civil society and the state, but precisely in the division and independence. Within the above, civil society is seen as independent from the state sphere, but regulated by the state. The concepts of civil society are balances of power between

the state and the civil society, but the independence between them, where civil society is a platform for independent thinking. Consequently, the prevailing normative definition is replaced from the functional definition of civil society: "as civil society should be positively defined in the context of good ideas and practices in the function of trust and cooperation in social life, and not from negative premises as opposition to the state (Shills, 1991).

### **1.2.2 Civil society and the role of democracy**

Contemporary democracies are a reference point for many problems and challenges, and civil society is the only one that through political activism gives citizens a voice, more precisely it gives a voice to the citizens who do not feel represented. Citizens participate in decision –making and are essential part of democracy.

In order for citizens to become identified with their political system their participation in the system is very critical. This helps in creating and developing positive experiences for them. Active participation reduces citizens' dissatisfaction and this is how civil society helps to strengthen democracy.

However, not always the civil society organizations share same mission and goals. In fact, often programs and activities of many civil society organizations are in their essence undemocratic. We have seen how a number of them apply illegal, irresponsible and often violent actions, this way motivating their members' disruptive

behaviors, which are diametrically opposed to the principles based on which democracy develops and functions. Referring on objectives of their platforms and following that with such irresponsible actions they only contribute to the degradation of the democratic processes.

Many aspects or challenges of democracy are a threat to democratic regimes. Not every CSO develops sincere objectives for the democracy in one country. Such an attitude towards all civil society organizations would be misleading (Forbrig,2002). Compared with contemporary democracies, the life of civil society in communist regimes was conditioned by freedom of expression, rarely developed in someone's presence, but often in churches or cafes (Brinton, 1990). The independent civil society, in the form of civic activism, was a way of organization of civil society in communist regimes. The broad civil society as well as independent civil society representatives through different means and forms played an active role in overthrowing the communist regime and transition to democracy (Skovajsa, 2008).

### **1.2.3 Civil society and promotion of democracy**

As mentioned previously, the antonym of conception of positive contribution to good civil society in a democracy is a civil society that in the worst case may be a cause for undermining democracy in one country. In its best civil society can make important contribution to foster democracy, but at worst it may expose serious risks to

democracy. Consequently, there are some key functions through which civil society contributes to strengthening democracy: 'The Lockean Function: Control of State Power, The Pluralist Function: Social Integration, The Hegelian Function: Interest Mediation the Non-Profit Function: Service Provision and The Tocquevillean Function: Political Socialization' (Forbrig, 2002).

A look at the democratic functions of civil society according to different authors includes: The basic function, in the limitation of state power, is accomplished by two attempts or interrelated roles, where: Civil society's obligation is to constantly monitor the abuse of state power, such as fraud and vote corruption, where it plays the active role of mobilizing the society in protests where the voice of citizens against abductions is raised and this undermines the legitimacy of governments. 'Another link is to monitor the misuse of state power - such as corruption or vote fraud, and at the same time to mobilize society to protest, thus it plays a key role in to undermine the legitimacy of undemocratic regimes; The other interrelated role is to supplement the role of political parties in order to stimulate political participation.'(Diamond, 1994).

Civil society carries out various functions that serve in the function of the maintenance and amalgamation of democracy, in the spirit of fulfilling the primary tasks, such as the building of a democratic culture in society, where the foundation of this culture is made in the community, family and school. Civil society does this through integration of groups and individuals. In a migration flow from remote rural



areas to urban areas, people who are looking for better education and employment opportunities are constantly changing demographics in their respective countries. This has its own negative consequences for some of the individuals, especially when talking about children who feel alone in the countries they have migrated. They often end up abusing narcotic substances, by suicide or by working for the organized crime groups or violent extremist groups with ideological or religious beings. These findings are the end of many sociologists. One way to overcome such problems for these phenomena is the membership of individuals in trade unions, various professional and religious organizations, in order to become an open and comprehensive discussion and factual for all public affairs. In this sense, the role of Civil Society is very important with its programs and its activism towards targeting these phenomena and efforts to find an impact solution in society where it plays the role of the mediator between the citizen and the state (Shills, 1991).

The valuable contribution that civil society brings to the country is the development and strengthening of democratic citizenship. Civil society must not stop only on the contribution of the voting procedures. Such a citizen does not strengthen the foundations of democracy, moreover leaves them unstable. Social cohesion and participation are the characteristics of a genuine and sustainable democratic statehood, where civil society is the one that prepares new generations, in meetings, activities, public discussions, where the art of civic membership is developed and

cultivated, and consequently educates generations for the citizenship practices (Cohen & Arato, 1995).

Freedom is a determining premise of the ability of individuals to define membership in an organization. The liberated individual is the product of the many loyalties of a liberal democratic state and benefiting from engagement in civil society. Organization of interests, as a product of spontaneous freedom, is a proper feature of a country where 'precisely because of the diversity of interests and attitudes organized freely and independently, where the developed civil society is conducive to these processes, and not there is dominance by groups of inertia on society, in the group of democracies or the rights of individuals and other or public groups.' (Madison, 1961).

There are several functions by which the civil society impacts the development of the democracy. However, despite the fact that some of these functions are easily identifiable, this does not necessarily mean that there is a broad consensus among the different scholars regarding the precise definition of the concept of civil society. Different scholars see different meanings in the definition of the notion of civil society. Their opinions differ when discussing the definition of this notion. It is obvious that in most of these discussions the most commonly mentioned issue is that of differentiation between the state and civil society and the state, and the notion is more observed as a multifaceted concept. In the above context, my study concentrates on analyzing the concept through which civil society is seen as

autonomous from the state, but its relations with the state and society are regulated by a legal acts from the state authorities. That is, the concept of civil society which promotes good practices and ideas for the development of democratic processes, by being cooperative and trustworthy and as such not seen negatively or opposed to the state.

### **1.3 Media and Democracy**

Media are often identified as the “fourth power” in a democracy. Media play a central role in democracy. Media identify problems in democratic societies and serve information to the people so they can hold the Government accountable.

Media exercises influence over us, and that is how public opinion is generated. When the environment is polluted, media are the sounding alarm for citizens. If there is no information about artistic trends, the culture will degenerate, if there is no information democracy will corrupt and business will collapse. Media provides information on various social, political, economic and cultural activities happening around us. This ensures that citizens make responsible choices and not act as a result of misinformation. They serve as ‘watchdogs’ for the governments because they supply information based on which voters make their decisions. Civic education is closely related to the media as one of its core resources. Citizens through media consumption develop their feelings about the development of different national

political processes and other global developments. Therefore the media sector support is crucial and extremely important for the development of civil society (Murphy, 2007).

It's impossible to think of a democracy without media. Thomas Jefferson has been an extraordinary advocate of the free speech and media. In one of his speeches regarding the principles of free expression he emphasized: 'If it were left for me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate the moment to prefer the latter.'

In general, democracy and media coexist through a process of negotiation, aiming to develop a consensus for the public interest (Boyd, 1950).

In post-conflict societies, the role of the media in the above context remains critical. There is a tendency for news to become more entertaining than informing. Political news has become more about personalities than political programs. Just like in the case with voters' opinion politicians and journalists are equally influenced by the media. The media influences the criteria by which voters evaluate political candidates and their programs (Murphy, 2007).

In the restored democracies controls from state authorities are not the only challenges for free and independent media. Media operations are also pressured and influenced by monopolistic ownership. Media in liberal democracies make the political power more 'visible' as they serve as mechanism that is capable to expose

important information to the public. However, this media function (known as 'watchdog') has not always been present.

### **1.3.1 Media as civil society**

Whether media are a business, none commercial or a part of the civic sector, its identity represents one of the most important potential stakeholders in the creation and functioning of the civil society. The media can serve as an instrument through which it is easier to introduce the principles of civil society and put them into action.

They help to create the direction of social change. Because of their characteristics, media plays an extremely important role for the democratization processes. Media can reach a wider audience compared with any other means of communication. This can involve the transmission of information from the different political actors to the public as well as from the public to the actors. Within this context, media are considered to be one of the core pillars of civil society because they act as a connection between the civil society and institutions of the state. These messages take the form of demands, which society expects the government to convert into political decisions. While representatives of civil society use media to place and communicate their demands to state authorities, government officials also use the media to inform civil society for their decisions related to these demands. Thus, the

processing of information that media receives from institutional officials is a major component of the democratic process (Easton, 1965).

### 1.3.2 Characteristics of Kosovo Media and Resulting Problems for Civil Society Development

Despite some improvement in the Western Balkans, the development of independent media has been influenced and continues to be affected by the consequences of the past deriving mainly from post-armed conflicts and post-communist transition challenges. Consequently, the development of media relations with politics and businesses remains complex. In this context, media continues to suffer from the 'protocol journalism' and effects of relationships built on clientelist basis (Taylor, 2009).

Among other, the poor level of media development in Kosovo determines relations between journalists and politics. Current economic and social conditions negatively affect the development of media in Kosovo. Most of the time, journalists in Kosovo go to editor's offices without new ideas. They only await the assignments given by news editors (Andresen, 2009). As a result of this operation, conferences and speeches organized by institutions replace relevant topics and potential investigative stories. Because protocol events are mostly easy stories news teams are assigned more than one stage events per day. Consequently, journalists do not take the

initiative to pursue additional sources of information by focusing only on the coverage of protocol events (Taylor & Kent, 2007).

The limited willingness of the Government to give out information and the readiness of most of the media to practice protocol journalism puts both the Kosovo Government and most of the media in comfortable positions. It means fewer critiques for the Government and less complex work for journalists. Under such circumstances, it is difficult for even a small number of quality media outlets to play the role they theoretically should play in order to support the development of civil society. The resulting problem is that the public does not learn about what choices may be available, what decisions are made, and so remain politically naïve.

Apart from political conflicts as a factor affecting the quality of journalism, the phenomenon of protocol journalism in Kosovo is mainly a result of the poorly developed legislation, economy and socio-cultural aspects (Taylor, 2009).

The development of civil society is negatively affected by the prevalence of the protocol journalism in Kosovo. Simultaneously this represents an obstacle for the creation of public opinion on important issues of the public interest.

#### **1.4 Civil Society and Media in post-communist democratization**

By exercising check on the state with an aim of dispersing power in the society, civil society can foster democracy in different ways. There are very few cases when in

post-communist societies an active civil society emerged if it had no previous history of developing civil society (Miszlevitz, 1999).

Many authors point out that civil society in South Eastern Europe is underdeveloped by referring to it often as an 'illusory civil society'. In most of the cases, the number of CSOs is impressive compared to individuals who participate in the activities organized from the civil society. CSOs are financially dependent on international donors that inevitably impose themes that are more closely related to donor agendas rather than to the concerns of the local population. Most CSO activities in these cases are organized around topics such as human rights, corruption, etc. These topics are mainly initiated by the international donors operating in post-communist states.

A large number of these CSOs have very little social and political impact as they are usually build from one or two people and generally represent what is identified as 'one-man shows'. Civil society politicization takes on momentum as a significant number of civil society representatives get involved in politics after a short period of their activities within the civil society (Hann, 1992). The relations between civil society and the state directly affect the democratic processes and have therefore attracted the attention of many authors and philosophers from the Enlightenment period up to the modern contemporary history. Southeast Europe has had a special history in terms of transitioning from the communist dictatorship to democracy. An anti-system form found applications in these states by dissident leaders because of communist-



era, such as in the case of Vaclav Havel, Lech Walesa. Characteristic in these post-communist countries was that these leaders were put in leadership of the state and for many authors this marked a victory of democracy. In spite of this, some others consider that when civil society and the state come together as in these examples, there is a structural disruption of civil society. For this, irrespective of the regimes, countries that applied the anti-system model during communism were qualified as having an anti-state and anti-constitutional civil society. This was believed to be true of civil society in these countries after the fall of communism (Mudde, 2003). While in Western Europe, civil society includes voluntary or cultural social organizations in a sphere of social autonomy, in post-communist European countries, civil society organized in groups offering political alternatives, which were formed to resist the state, and which in many cases represent civil society organizations leading the opposition to communism in these states, yet they cannot be considered as opposing the state itself. Often they play a role in consolidating new democracies, because of joining to the state's efforts in this regard. A search of origins and the effects of these organizations or civil initiatives in post-communist countries with focus before and after communism enable knowing different perspectives of civil society in the present, in these countries (Shills, 1991).

Civic mass media in the democracies in transition are a reflection of the appearances and condition of the civil society institutions. A western democratic state in this

regard, means a democracy with a diminishing role of the state, and an increasing role of the market in the media system. This is not the case with the majority of post-communist states, where 'public broadcasters' are the successors of 'state media' which only officially were resold as the national media of these countries and did not allow them to be essentially transformed. With this new name, they continued to be controlled by the state. This influence of state institutions in the public broadcaster is a typical case where the media in post-communist countries in Eastern and Southeastern Europe, with little exceptions, constitute the greatest means of manipulating the masses. While these manipulative publicity media are easily and directly formally controllable, private broadcasters are controlled indirectly by discipline, using levels of competencies, from broadcasting to broadcasting frequency allocation (Habermas, 1989). The practice of transforming state broadcasters to a public broadcasting service is a practice practiced by Western Balkan countries, just as in other post-communist countries in Southeast Europe, where the authorities of these countries have influenced this transformation and thus all over the country's media development. The struggle to influence the media and the ongoing clashes to influence the masses through public broadcasters have caused 'media to stay between politics and business, caused by undue influence and pressure but often also due to benefits, thus willingly choosing this place, where they are a stretch of politics or an annex of businesses. This situation is directly related to the fight of

authorities to influence the media, dating back from the transformation of state broadcasters to public ones, and which is not a long period, for most of the Western Balkan countries' (Lani, 2009). The change in control methods and the change of ownership over the media is often a change that does not contribute to the democratization of a country or to a positive transition because it often becomes a simulation of change and not in order to change the truth.

Southeastern and Eastern European countries shared many similar features. If we compare the level of state control over the civil society in the East and South Europe, the situation is different from country to country. The 'Solidarnost' movement is a good example of how civilian resistance managed to address and even advance the labor rights for almost a decade before finally outmaneuvering the communist regime in Poland. There were dissident groups in both Czechoslovakia and East Germany, but not as in the case of Poland. Various social activities undertaken by these groups and movements during the 1980s have resulted with alternative political and cultural elites (Mudde, 2003). On the other hand, Hungary has had a certain degree of the private sector development, while this sector has been inexistent in the countries of South-East Europe such as Bulgaria, Romania and Albania. In these countries, dictatorial communist regimes have proven to be very aggressive. 'If viewed from today's perspective Western Balkan societies are disappointed with the transition processes that took place in their countries. Their initial optimistic

expectations were not met as most of their countries have not been transformed from dictatorships into democracies. After the fall of the communist regimes they became authoritarian regimes' (Lani, 2009).

Manipulation with nationalist politics and the communist legacy negatively impacted civil societies in the early stages of transitions in most of the Balkans countries. Among others, these have been some of the reasons that were posed as serious constraints for the development of democratic civil societies.

Western Balkans has undergone multiple and complex transformations since the 1990s: ' Many of these fundamental transformations are difficult to explain through a single model as the democratization process took place in parallel with other processes such as state-building and/or European integration processes.' (Jano, 2008).

In general, the development of a civic- based democracy in the Balkans was heavily pressured from the histories of nationalism and hatred which impacted negatively the processes of transformation. History matters in the Balkans and Kosovo makes no exception within this context.

## CHAPTER II

### History of Kosovo

For generations, Kosovo has been a territory disputed between Serbs and Albanians. Much of Kosovo's problem was based on myths. Many books written by local authors for the history of Kosovo devoted considerable space to myths. Albanians claim that Kosovo is their ancient land and they are descendants of the ancient Illyrians. 'In his publications in the 1850s J.G. von Hahn advanced the idea that Albanians are descendants from Illyrians' (Wilkes, 1995). Some Balkan historians also believe the Albanian people are descendants of the ancient Illyrians, who, like other Balkan people, were subdivided into tribes and clans (Stipcevic, 1977).

Serbian historians argue this theory by saying that Kosovo is their Jerusalem and the cradle of Serbia. Before Kosovo was conquered by Serbs in 1913, their power base was outside of the territory of Kosovo, where they were settled in the 7th century, so the claim that Kosovo is the "cradle" of Serbia is untrue '(Malcolm, 2008).

## 2.1 The Kosovo myth

Nemanjić's Serbian Dynasty seized parts of Kosovo in 1180. In the period (1241-1455) Kosovo was absorbed into Serbia. After Nemanja's dynasty, two historic battles took place that characterized this period. On June 28, 1389 the first Battle of Kosovo occurred, with a force led by Serbian commander Tsar Lazar and supported by other populations of Balkans against Ottoman Empire. In October 1448 the second Battle in the field of Kosovo was fought, this time between a Hungarian force led by

John Hunyadi on one side, and on the other side, Ottoman army led by Murad the Second (Vasiliev, 1980).

The First battle is very important. In 1389 the Serbian army was defeated. Tsar Lazar was commanding with Serbian army in this battle and Murad I was in charge of Ottoman forces, while Milos Obilic in Serbian or Milos Kopilici in Albanian was a soldier under the command of Tsar Lazar. In this battle Tsar Lazar was slain and Murad I was killed by Milos Obilic. 'Although Serbs and Albanians consistently commemorate the importance of the battle (and in some cases even Bosnians), it is only the Serbs that developed their powerful national myth based on the defeat of this battle' ( Magas, 1993).

The Kosovo battle defeat and military humiliation were used by Serbia to produce a so-called "Heavenly Serbia" as their dominant national myth. The concept of 'Heavenly Serbia' represents a poor copy the Byzantine culture. In the Byzantine culture there was a link between the celestial and imperial spheres.

'In Byzant the local population imagined the Heavenly Kingdom and the God as an enlarged replica of the imperial court of the Constantinople. In this aspect, Byzantine differs from Serbia because the imperial court was seen as heavenly, while Serbs considered 'heavenly Serbia' everywhere where Serbs lived, as they conferred heavenly status to their nation as a whole' (Anzulovic, 1999).

Despite the centuries of foreign culture dominance, the myth influenced the behavior of Serbs in their modern history of violent attempts to create a Greater Serbia.

### **2.1.1 The Albanian National Movement**

After the end of the Russian-Turkish War in 1877-78 and the signing of the Treaty of San Stefano, Albanians found themselves in a difficult situation. As a result of this Treaty, Bulgaria became autonomous while Serbia, Montenegro and Romania gained independence by expanding into territories that previously belonged to the Ottoman Empire. Albanians were found surrounded by the hegemonic appetites and territorial claims of their neighbors like Serbia, Montenegro and Greece. As a response and prior to the Congress of Berlin, Albanians established 'The League of Prizren' on June 10, 1878.

The Congress of Berlin assembled in June 1878 in the German capital with the declared object of revising the Treaty of San Stefano, which had been imposed the year before by a pan-Slavist Russian negotiator (Skendi, 1966).

The 'League of Prizren' was formed to organize political and military resistance towards the Ottoman Empire, Serbia, and Montenegro. For the first time, Albanian leadership began to organize its activities on a significant scale. In the beginning, the league sent letters to Great Powers opposing the decisions of Congress of Berlin. Later they realized that diplomacy would not achieve their goals, and that most of the

Albanian territories would be seized by Serbia and Montenegro and that some will remain with the Ottoman Empire. As a consequence 'The League' organized military action not only against Ottoman Empire troops but also against the Serbian and Montenegrin armies. "The national self-determination of Prizren's League as an idea of liberation from the Ottoman Empire was based on the same premises as, for example, the American Independence from British Crown...." (Reka, 2003).

As a result of the Congress of Berlin decisions, most of the Albanian inhabited territories that use to belong to Ottoman Empire were given to Serbia, Montenegro, and Greece. Albanians declared independence in 1912. Great powers recognized Albania's independence with today's borders to be determined later. This was achieved because Austria-Hungary was increasingly striving for the independence of Albanian regions still under the Ottoman Empire in order to stop the expansion of the Slavic states towards the Adriatic coast (Skendi, 1966).

For the same period of history, Serbian historians and historiography describe Albanians as those who lobbied and fought on behalf of the Ottoman Empire aiming to maintain the territorial integrity of the Empire.

### **2.1.2 The Kosovo Myth, Balkan Wars and World War I**

The Myth of the Kosovo battle continued to form the essence and the political platform of the Serbian national movement, becoming stronger after 500 years. Just



prior to the Balkan Wars, the Kosovo myth was a political poison used by irresponsible Serbian chauvinists. After the Ottoman Empire left the Balkans Serbia became a kingdom, and started to re-conquer areas referred to as "ancient lands of Serbia". 'Among other, the Kosovo battle was interpreted as an exclusively Serbian-Ottoman affair with the justification that in Kosovo settled Albanians as usurpers of the Serbian territory. On the basis of the Kosovo myth the Serb-Albanian conflict was generated' (Magas, 1993).

On June 15th in 1914 in Sarajevo, the Habsburg Archduke Franz Ferdinand was assisted by a local Bosnian Serb Gavrilo Princip who had been inspired from the Serbian stories for Milos Obilić. It is difficult to be denied from any historian that the cause for the beginning of the First World War were the Serbian irresponsible chauvinists 'It was natural that the reaction in most European capitals was to hold the Serbian Government in some way responsible for what occurred. It was not difficult to characterize Serbia as a peasant Kingdom, an awkward appendage to civilized Europe...' (Robbins, 2002).

This event also determined the alliances and concrete steps that Great Powers would undertake before the start of the war. Serbia had Russia's pledge of support but was also aware that Germany would give support to Austria in the case of war. Initially this involved four powers and after armed conflicts began the number of countries

involved in the conflict increased. During the war the myth of Kosovo still represented a powerful force.

Once the fighting began, more countries were dragged into the conflict. As the battles of the World War, I ravaged Europe, the myth of Kosovo continued to be a powerful force. 'During the World War I, Sir Seton-Watson organized the celebration of the anniversary of the Battle of Kosovo by reading loud the text for the Kosovo battle in twelve thousand schools. Watson stated that the battle of Kosovo was decisive for the history of Southeast Europe.'" (Anzulovic, 1999).

Even after World War I ended the effect of the myth continued to be prevalent in Kosovo, an area experiencing conflicts between Serbs and Albanians. 'Kosovo was not legally part of Serbia. It remained conquered from the Serbian Kingdom from 1912 until 1918 when it was finally incorporated into the Yugoslav state, but not in the Serbian state. '(Malcolm, 2008).

Between the two World Wars, the majority of Kosovo's population was Albanian. 'Kosovo Census Data for 1921 show 64 % Albanians and 21.5 % Serbs and Montenegrins. Serbia continuously drafted programs and organized concrete actions for the colonization of Kosovo during 1918-1941. Some Albanians resisted and thousands left for Turkey between two World Wars.' (Mertus, 1999). After the invasion of Yugoslavia from Germany, under the command of Marshall Tito (Josip Broz Tito) a Croat and the head of the Communist Party the partisans led the resistance towards

German troops between the years of 1941-1944. The Yugoslav partisans (mainly Serbs) had their troops in Kosovo and parallel with their military actions against Albanian civil population in Drenica (central Kosovo) they organized a meeting with few Albanian loyalists and annexed Kosovo to Serbia, respectively to Yugoslavia. Albania's Communist leader Enver Hoxha did not raise Kosovo's status because he needed Yugoslav support to establish himself in power of Albania's new communist regime (Fevziu, Elsie & Nishku, 2017). Kosovo was not granted autonomy by the Yugoslav Constitution of 1946.

Some concessions arrived later for Albanians in Kosovo. Kosovo gained autonomy with 1974 constitution and became an equal constitutional unit of the Yugoslav Federation.

## **2.2 History falsification, impact of the myths and segregated system of education**

Education is considered as one of the most important means for the development of any society. Good education of new generations brings political and economic prosperity and stability to every society. Education is the foundation of society and being thus it is especially important for developing societies. Integration of myths and history falsification through school curriculums has had negatively impacted education of new generations in Kosovo. Kosovo's curricula historically were designed outside of Kosovo.

During WWII, for the first time in their modern history, Albanians in Kosovo were allowed to establish schools without being exposed to Serbian influence, although not totally independent as they were under the Axis occupation. Kostoviceva finds that 'Under the German occupation of Kosovo the Albanian schooling was sanctioned for the primary and secondary level, while Serbian language learning was compulsory.'

The struggle between Albanians and Serbs for control of school buildings and education in Kosovo came to an end after World War II, once Italian, German and Bulgarian troops had left the country and partisans had entered. At this point, control returned to Serbia (Kostovicova, 2005).

The story of the development of the Albanian system of education for the population in Kosovo includes periods of gradual and slow gaining of some rights to education that originally followed after the Second World War and which do not mark not significant improvements until 1968. The first period where Kosovo was a region between 1946 and 1968 [the Yugoslav Constitution of 1946] was a dark period in terms of education. Even the period after Kosovo became Autonomous Socialist Province, where the Albanians from 'national minorities' were determined to become a 'nationality' having a legal base in the Constitution of the SFRY of 1963, and which was a result of the determination of the Federal People's Republic of Yugoslavia (PFRY) to become the Socialist Federal Republic of Yugoslavia (SFRY), did not bring

much quality for the life's of Albanians. Repression and discrimination were a constant state of affairs for almost all aspects of public life for Albanians living in Kosovo. In addition to the constitutional changes, the 1968 Kosovo Albanian student demonstrations brought about a more positive move toward addressing the perspective of Albanian majority population in Kosovo. Some progress was made in the mass education of Albanians in socialist Yugoslavia. This in many terms was a result of Rankovic's fall. After Rankovic, some kind of control over Kosovo's education issues was enabled, supported by legal norms of Serbian legislation. Again this was not enough to develop an independent national culture for Albanian intellectuals (Lukic, 1996).

The Communist Party of Kosovo in this period gave priority to education and this resulted in a more comprehensible and qualitative progress, with the peak in 1970 with the "opening of the University of Prishtina, where the teaching was in Albanian and Serbian language, and this new open road to Albanians, now in equal position with the Serbs in terms of education was utilized well, with a mass education of Albanian students "(Kostovicova, 2005). Although in the post-Rankovic period, where Albanians gained these rights, the progress in the province could not be considered as good enough for a qualitative public life. In this case, the Yugoslav authorities, aware of this, tried to make some substantial investments in the province, such as establishment of large automated industries, mining and energy, but they were

insufficient to reduce unemployed, which still remained high in comparison to other SFRY countries (Klemencic, 2004).

The real change for Albanian education begins with the upgrading of Kosovo's legal status, with the new Constitution of the SFRY, in 1974. With this Constitution, Kosovo and Vojvodina, which had so far been a constituent part of Serbia, now were established as autonomous provinces, with the rights and obligations of federal units of SFRJ. Kosovo and Vojvodina were now allowed to participate in the new collective presidency, as the 1974 Constitution guaranteed full equality to republics and autonomous provinces. The Yugoslav presidency consisted of the President of Yugoslavia, members of six republics and members of the two autonomous provinces. The new status of Kosovo together with that of Vojvodina as a part of the Federation, with the Constitution of 1974 meant that both of these two autonomous provinces were 'de facto' allowed the status of sovereign republics in almost all aspects, except for the right for separation from the Federation, as a difference from the six republics which enjoyed this right. "(Mertus, 1999).

The Kosovar Albanians in the so-called "late Tito period", between 1974 and 1980, advanced in the development of their national, political and cultural identity within the education system, due to a greater space and greater freedom for Albanians in this period. One of the main challenges of education during this period was the tendency for maintaining the education within Yugoslav ideology, which was a

priority of many federal mechanisms and a way of Serbian authorities to fight against the idea that Kosovo Albanians have a true independent education system and which they pursued by accusing Albanians of irredentist and separatist movements, which they managed to do in the schools in Kosovo. By using this as a pretext, the Serbian government insisted that Kosovo should give up on the rights guaranteed in the 1974 Constitution, and this could only be achieved if the government caused barriers at the federal level. "The general guidelines for educational policy were subject to a federal agreement. However, the republics and provinces through the 1974 constitutional decentralization were in possession of their education policies and were independent to establish curricula, network and school structures" (Kostovicova, 2005). The breaking point and place where the Serbian authorities began this war, were precisely the schools and universities, where they insisted on exercising legal control over them. Much of the political prisoners from Albanians came from schools and universities, thus marking the largest number of political prisoners at federal level. "Although the public expression of political disagreement in Yugoslavia was pressed throughout the state, the number of Albanian political prisoners from Kosovo was the largest in number, during the years 1971-1981" (Mertus, 1999). Yugoslav society between the 1981 and 1989 turned into an arena of animosities, following the Tito's death. It seemed as if „all of the sudden “different types of expressions found ground, from predictions of injustice that will befall those who do it, from those who

encouraged the plans of ethno-nationalists, while Belgrade was consistently attempting to take power from the six republics (Kostovicova, 2005).

### **2.3 Abrogation of Kosovo's autonomy (1989-1999)**

Slobodan Milosevic's plan to abrogate Kosovo's autonomy, as in historical expression would be the re-conquering of Kosovo started in 1988. This was the year of promotion of Serbian hegemony. The first steps were to launch his campaign against Albanians with propaganda that it is the Serbian population who needs to defend themselves against the 'Albanian nationalists and separatists'. His calls which were feeding animosity between Serbians and their Albanian neighbors were aided with his visits to Kosovo, where Milosevic was addressing the masses. During February and March 1989, within four weeks, Milosevic crushed Kosovo's autonomy. Lives of over hundred Albanians were taken in violent demonstrations (Sell, 2003).

Milosevic's tactics were both of legal and political contexts. His statements before the communist chiefs of republics were clear that he decided to revoke Kosovo's autonomy. Legally he first had to amend Constitutions of the Provinces, because the Constitution of 1974 did not allow that amendments are made related to the status of autonomous provinces. When amendments were proposed in the Kosovo assembly, majority of Albanians delegates refused to vote for amendments. Still the Serbian police had sent special police units who surrounded the Kosovo Assembly and 'On



March 23, 1989, under the state of emergency, without a quorum, counting the votes of the persons who were not deputies and who were in the hall, the Serb president of Kosovo Assembly proclaimed the approval the amendments of the Constitution.' (Bieber & Daskalovski, 2009).

It is arguable that any legal act that is subject to political pressure, or it is approved under threats, by bypassing the will of the people, must be considered void. In this spirit, the decision of the Assembly of Serbia of March 28, 1989, was considered void by Albanians. In response to the decisions of the Serbian Parliament, they wrote and approved the Declaration of Independence of Kosovo on the 2nd of July 1990. The Declaration preceded the approval of the Constitution of the Republic of Kosovo on September 7, 1990. Delegates were allowed by Serbian police to enter the parliament building, therefore the Declaration was approved by delegates in front of the Kosovo Parliament. '(Bieber, Daskalovski 2003). Following the abrogation of the autonomy and installation of Milosevic's regime in Kosovo, life for Albanians became unbearable. Consequently, they organized themselves politically within the so-called 'civil resistance' against the regime of Milosevic.' (Bieber, Daskalovski 2003).

## Chapter III

### Civil Society in Kosovo between the 1989- 1999

#### 3.1 Legacies of communism and ethno-nationalism

Discussions for civil society in Kosovo during the 1980s were weaker in their intensity if compared to other republics in Yugoslavia or almost inexistent, if compared with republics like Slovenia. The legacies of communism have had a negative impact on the development of civil society. In general, in the countries of the South East Europe the communist system has isolated individual rights and freedoms by strengthening collective obligations for the state. The majority of the countries under the communist rule developed little from the tradition of mediation and cooperation between the

state and the citizens, thus losing the opportunity for the development of an active and functional civil society.

The authoritarianism that was installed throughout the Balkans during the 1990s was a direct consequence of nationalism which has influenced the prevalence of the intolerant political culture and applications of the government controls in various institutions, media and private businesses in order to discipline them. One of these examples is the politics of Slobodan Milosevic who, being a nationalist leader used the former communist apparatus in order to ensure his absolute political power. Milosevic and others who copied him constructed the political life by focusing on national questions, rather than on civic ones. Consequently, in such situations any kind of interaction outside of this concept has resulted in conflicts and polarizations of different natures (Bugajski, 2001).

Legacies of communism combined with nationalist manipulative policies complicate and delay the development of a fluid and diverse civil society. The way how myths have influenced directly in shaping human behavior is best illustrated with the case of Kosovo. Many authors and political analysts in Kosovo agree that the political collapse of ex-Yugoslavia has started with the manifestations organized by Milosevic's regime to mark the 600th anniversary of Kosovo battle in 1389. However, even after the installation of Milosevic's regime in Kosovo, and after the fall of communism in Europe, the beginning of the 1990s marked the entry of the discourse for civil society

in Kosovo. The concept of civil society in Kosovo was different compared with that of the former communist countries in Europe where the main purpose was to turn down the communism and start the process of democratization, because in addition to this, civil society in Kosovo lobbied internationally for Kosovo's independence from Serbia (Kipred, 2005).

### **3.1.1 Civil Society from socialism to pluralism**

During the 1980s in Socialist Yugoslavia began discussions of civil society. It was evident that through these discussions not only alternatives to the authoritarian socialism were intended, but it was implied that to such socialist system the dead end was close. Gradually it became clear during the 1970s and 1980s that such a system was going to collapse and that the possibilities for its evolution were reduced. Yugoslav Socialist ideology failed in its attempts to orient the transition from rural society to an urban society because of its logic of the anti-civil models (Golubovic, 1995). Although discussions about civil society involvement appeared in Yugoslavia these were fewer compared to those that took place in some of the Central European countries. Intensified discussions on the development of civil society began only after the disintegration of Yugoslavia (Ingrao & Emmert, 2013). The first such discussions came from Slovenia where the Slovenian intellectuals and publicists sought theoretical reaffirmation of civil society. Ideas about the depoliticisation of the public

sphere and the introduction of multiparty system that came as a result of these discussions, published in various journals, found no support from the other Yugoslav centers. They were largely rejected by strong republics like Serbia (Frane, 1987). Discussions for civil society in Kosovo during the 1980s were weaker in their intensity if compared to other republics in Yugoslavia or almost inexistent if compared with republics like Slovenia.

During the 1990's in Serbia, nationalism became the only alternative to communism. However, some of the ideas, such as the establishment of the Association for a Yugoslav Democratic Initiative (UJDI), which required the development of a Yugoslav pluralistic and democratic system, did not receive wider support. In Kosovo, UJDI failed naturally and conceptually as its membership consisted of only a few Serbs and hundreds of Albanians. Compared to the UJDI, the Writers Association of Kosovo, by the end of the 1980s, became an influential organization for the Kosovo Albanians. The Kosovo Writers' Association tended to promote intellectual freedom for Albanians throughout Yugoslavia and addressed the violations of the fundamental rights that the system did to Albanians in the former Yugoslavia. In 1985 the representatives of this association faced accusations of encouraging separatism from the Yugoslav Federation. Accusations came after the Association presented drafts on Albanian programs, which openly expressed Albanian aspirations. After a few years in the office as the head of the Writers Association, Ibrahim Rugova

was elected as the president of the Democratic League of Kosovo (LDK), a powerful political movement of Albanians that was founded in December 1989. As the leader of LDK Rugova became the main voice of Kosovo for the domestic and international politics and media (Clark, 2000). Within the Kosovo's public discourse after the 1989 many scholars and political analysts in Kosovo agreed that the disintegration of Yugoslavia started with the brutal intervention from Serbia and abrogation of Kosovo's autonomy.

After the abrogation of Kosovo's autonomy, the disintegration of the communist party and as a result of the institutional vacuum new initiatives took place. The first civil society initiatives date after 1989. However, under the Milosevic's regime, pluralism was impossible. Consequently, civil society organizations founded after 1990 joined to the efforts of the Albanian political parties within the peaceful civil resistance and to the so-called 'united front' against the Milosevic's regime (Kipred, 2005).

### **3.2 Civil resistance movement in Kosovo**

In the early 1990s, Serbia started to build a system which for many international observers was similar to the apartheid in South Africa. Different organizations for the human rights protection continually documented the discrimination of Albanians and violations of human rights in Kosovo. They reported on persecution of Albanian politicians, unexplained cases of the death of Albanian prisoners, on the poisoning of

Albanian children in March 1990, about suspicious processes against "separatists," on the massive exclusion of Albanians from public institutions and on the unexplained cases of the deaths of Albanian recruits in the People's Army of Yugoslavia (Clark, 2000).

The regime in Belgrade started to apply restrictions over press freedom, persecution of Albanian journalists, expelling ethnic Albanians from public life including the legal system, education, and health systems. More and more Albanians were driven to misery and many abandoned the country. Particularly disturbing was the news on the distribution of weapons to a Serb minority in Kosovo, the powerful presence of the People's Army and the appearance of illegal Serbian armed gangs (Zeri, 2000).

Faced with this development Albanians step by step drew back to their parallel society. In September and October 1989, a group of well known Kosovo writers and intellectuals agreed to establish a political party that would articulate political demands of Albanians and would become the initiator of pluralism processes in Kosovo. The party was named The Democratic League of Kosovo, and the initiative came from the writers Xhemal Mustafa, Mehmet Kraja, Jusuf Buxhovi and Ibrahim Berisha. After many conversations, they engaged Coordinator of the initiating Council, Jusuf Buxhovi, who took over contact with other intellectuals and drafted the program and party statute. The Initiative for the Establishment of the Party immediately was supported without reservation by Dr. Ibrahim Rugova, Ramiz

Kelmendi, Ali Aliu, Ajri Begu and Basri Chapriqi who with their signatures accepted to become members of the Initiative Council for the establishment of LDK. The initiating Council met from time to time and talked about the future outlines of the party. Regardless of the beginning and the time difficulties, it was decided that other intellectuals of different profiles would be involved in the further establishment of the party (QIK, 1993).

The initiating Council consisting of eleven (as foreseen by then federal law on citizens' associations) met several times during October and November in 1990. Meanwhile, from the middle of November and the beginning of December party program as well as the statute was written. The day and place of holding the founding assembly of the Democratic League of Kosovo were to be set. Circumstances were really tense, but after much scrutiny, the date was scheduled - December 23, 1989. The founding assembly was decided to be held in the premises of the Association of Kosovo Writers, where usually all the social and political booms were developed. The police did not announce that it would ban the founding assembly of the Democratic League of Kosovo, but did not even consent to it. The situation was therefore tense. It should be noted that the then-printed Albanian language newspaper (controlled from the regime) did not publish any news for the day and place of the LDK founding assembly, even though the initiating council demanded this be done (Zeri, 2000).



The President of LDK was elected Ibrahim Rugova. The program of LDK, as the law required it was sent to the provincial police and court bodies (to be registered in the register of independent associations as there was no federal law for political parties), and it was sent to the US Embassy in Belgrade, the Embassy of U.K. in Belgrade, to the German Embassy in Belgrade, as well as to the French Embassy in Belgrade. Translated into English, the program of LDK was sent to all of the world's largest agencies and Tanjug (Forumi Shqiptar, 2015).

The first statement from LDKs program in 1989 was focused in the imminent right of Kosovo and its population to freely express their reorganization and redefinition of the relations with the peoples of Yugoslavia, and be able to establish their position and interests free and equal with all other peoples of the state. The LDKs program basic orientations and values of political action aimed respect and cultivation of European, world-wide progressive ideas, values and principles, human rights, of the dignity of the individual, of equality, of tolerance and of equality, of tolerance and understanding, of the sovereignty of the people, of the juridical state and of the judiciary independence, solidarity, resistance to oppression, to violence and to the terror of any form. The LDK through this program was committed to democracy, which would ensure full legal and political equality of all citizens, regardless of national, gender or religious affiliation and for the legal state that

respects the constitution and democratic laws adopted by democratic procedures that exclude the political and party arbitrariness (QIK, 1993).

The first Assembly of the Democratic League of Kosovo was held on 5 May 1991 when they made it clear their orientations for non-violent and peaceful resistance. Its elected President Dr. Rugova held a speech in this assembly and stated: 'The Assembly of the Democratic League of Kosovo after a year and a half managed to mobilize people around a political platform, which was born in very difficult times for Albanians. For this relatively short time, we managed to release the membership from a euphoric state, which was at first present, to the rational articulation of the political thought of the Albanians. Regarding the peaceful resistance to which today was discussed quite a bit; I can say that this path is our option and a European idea for solving problems. It is not possible to disconnect from this road like Serbia did' (Zeri, 2000).

The Milosevic regime's response to the rights of Albanians in Kosovo was the constant violence and repression. In such a situation on July 2nd, 1990 Kosovo Assembly declares Kosovo through the Constitutional Declaration as the independent unit and equal within the Yugoslav Federation of Yugoslavia, and as equal subject to other parties in Yugoslavia. In the meantime, Kosovo's autonomy was abrogated by Milosevic, gained by the Yugoslav Constitution of 1974 but on September 7th, 1990 Kosovo parliament, which was previously abolished by the Serbian side, at a meeting

held secretly from Serbian police in Kaçanik approved a constitution of the Republic of Kosovo. In a referendum held from 26 to 30 September 1991 the absolute majority of Albanians was declared for independence of Kosovo. And from the elections of 24 May 1992, the winner was LDK. Ibrahim Rugova its leader (1944-2006), whose father and grandfather at the beginning of the year 1945 were killed by the Serbian Communists was elected head of state. Rugova initiated the non-violence policy which was supported by the majority of the population. On the occasion of a visit to London in the mid-1990s, he declared: "We are experiencing a massive humiliation in Kosovo but war is not the only form of battle. We are organized and operating as a state. It is easy to get on the road and go to suicide, but the wisdom is to escape disaster ". Albanians financially supported by their Diaspora in Western Europe and in the US step by step built their parallel structures: Albanian schools, hospitals, the media, their tax system, etc. and avoided any contact with Serb "patrons" (Gazeta Tema, 2015).

### **3.2.1 Civil Society Organizations between the 1989 and 1990**

In addition to the LDK after the 1990, the so-called "Kosovo Alternative" was founded which consisted of different political parties. This period also marks the foundation of

many civil society organizations, giving even more sense to the development of civil society even though in the circumstances of the Serbian apartheid.

### **3.2.2 Council for the Defense of Human Rights and Freedoms (CHDRF)**

The CDHRF of Kosovo was not a political grouping, but a council of citizens of different social profiles, that mainly concerned with the evidence of violence from Serbian police. CDHRF monitored and reported the violation of human rights in Kosovo and kept the international and local media informed about the cases of human rights violations in Kosovo.

Later it became a pattern, whenever was an incident of violence from Serbian police to Albanian civilians, CDHRC would go to the scene to document the violence. On the other hand, LDK branches all over Kosovo began to publish chronicles of repression in their daily Kosovo Information Bulletin (KIC). Within a year of the abrogation of Kosovo's autonomy, more than 45.000 Kosovo Albanians lost their jobs. Initially, Albanian police were dismissed. More than 3.000 policemen were replaced by Serbs and Montenegrins. Albanians were then systematically removed from their positions in public media, medical personnel in public hospitals, teachers, and professors from public schools and the university and industries of Kosovo. Milosevic's calculations for the economy were secondary as he ran the economy by printing money rather than taking care of production and industry (Clark, 2000).

### 3.2.3 The Union of Independent Trade Unions of Kosovo (BSPK)

The Union of Independent Trade Unions of Kosovo (BSPK) was another association that was established under the circumstances of major political tensions in Kosovo. In such circumstances, workers' rights were only a few of those rights denied to Albanians from the Serbian regime. Therefore, by promoting workers rights the priority was to protect the national being. The protection of workers' rights was fitting within the context of the Union's mission, which also aimed to promote the state identity of Albanians in Kosovo. Because of the circumstances in which functioned, it can be said that the BSPK was a political organization, what can be also noticed from the permanent slogan of the union: "Without National Freedom, there is no Freedom of Association". The Initiative Council was elected at the Albanological Institute of Pristina while BSPK as a trade union was officially established on its First Congress, which was held in the city of Gjakova, Hajrullah Gorani was elected Chairman, who is also known as the first chairman of the trade unions of Kosovo (Bspk, 2017).

The chairman of the BSPK Initiative Council, Hajrullah Gorani, presented the report titled "Independent Trade Unions in the Terms of Political Pluralism", which states that these unions did not happen by chance, but as a result of the political resistance that workers are doing towards the Serbian illegal state repression. During the discussions,

Hajrullah Gorani was taken by the police. During the last discussion on the second day, the police came in and interrupted the Congress for several reasons. There was a large number of well-known media and guests who participated in the Congress, including at that time well-known lawyer Eva Brentli, who had wished for this Congress to have the same successes as 'Solidarnost' in Poland. BSPK after completing the required documentation filed a request with the Federal Secretariat for Judiciary and Administration to register and this request was allowed by Decision 2 / 3-054 / 4-1991-03 as Union of Independent Trade Unions Kosovo, in the Registration List no. 80 at the ordinal number 237. According to the Statute that had 51 articles, there were 15 branches (Zeri, 2015).

The BSPK on 3 September 1990 organized a General Strike across the territory of Kosovo with the request to return to work all Albanian workers dismissed from work contrary to the basic human right to work, remove violent and non-constitutional measures applied from Serbian regime in all Kosovo enterprises, suspend violent illegal integrations of Kosovar enterprises with those of Serbia and return to workplaces for all Albanian cadres. The demands of the then strikers were mainly focused on the abolition of violent measures from Belgrade and respect of trade union rights in accordance with international conventions. 'This was a powerful manifestation of the unanimous demand of Kosovo workers for the protection of trade union interests and an expression of energetic protest against anti-personnel

and anti-national politics of Serbia's military and police power and against brutal ethnic and social discrimination. The strike was a kind of referendum of workers and citizens of Kosovo for freedom and independence' said the President of BSPK Haxhi Arifi in one of the local media (Telegrafi, 2009).

Although the only Albanian newspaper "Rilindja" was closed and Television of Prishtina (TVP) was occupied by the Serbian police, this strike was followed by information of the media from other Yugoslav republics, which had reported according to their political interests. Immediately after this strike, the dismissal of Albanian workers had started. The figure of workers removed from work was over 100.000. The Serbian Parliament had taken a decision on temporary measures in Kosovar enterprises in order to destroy the economy. From 5 July 1990 to 31 December 1991, there were a total of 336 temporary measures. The application of these measures continued until July 1992. During this period, several branches of BSPK were active, especially the Education Union, SBASHK, the Police Union, the Trade Union of Health and the Trade Union of Metalists (Zeri, 2015).

#### **3.2.4 Social Movements in 1990s**

During the 1990s, solidarity among the Albanians has been one of the processes that have strengthened the civil resistance movement. In this context, the blood feud among the Albanians began to be addressed massively. The Code of Leke Dukagjini

was a common custom law that regulated conflicts as part of the blood feud. This code provided strict legal rules by which it granted the right of revenge to certain families depending on the nature of the conflicts (Gjecov, 1989).

In similar situations like above, the family would become a target for revenge on the part of the victim's family. 'Thus, these models of blood feud have been passed on to generations, being often present today. All those who did not take revenge, as the Code foresaw, have experienced social disgrace' (Mangalakova, 2004).

In 1990 a massive movement for feud reconciliation began when a group of students addressed this concern with Professor Anton Cetta, a board member of CDHRF. The year of 1990 was declared a year of Reconciliation, every weekend hence students would visit villages seeking out families caught in a blood feud so they could follow the lead of Professor Cetta in asking the victim's family for a pardon, and so absolve the guilty. Professor Cetta was urging people to free themselves from this stone on their hearts and so free young generations (Bujku, 1990).

Hundreds of families reconciled. Public reconciliation meetings were attended by thousands of enthusiastic Albanians coming from all over Kosovo. Serbian police interrupted some of them by arresting or beating participants as they were traveling to participate in these meetings of reconciliation. One of the biggest reconciliation meetings was held at 'Verat e Llukës', in the municipality of Decan on May 1st, 1990,



where more than 500.000 people participated and in which there were over 100 successful reconciliations (Zeri, 1990).

Thus, various initiatives for the reconciliation of blood feuds grew into massive social movements which contributed to positive social changes among the Albanian community. Civil resistance movement has also been characterized by other creative forms of protests against the Milosevic's regime. "At the time of Serbian police curfew, hundreds of thousands of Albanians light candles and knocked in their windows, symbolizing that they have the key for resolving the situation, despite the state of emergency in Kosovo' (Clark, 2000).

### **3.2.5 The 'Mother Teresa Association'**

The elements of non-violence resistance were integrated into the identity of Albanians and became part of the culture of the civil peaceful resistance. As stated above, solidarity has been one of the most important elements of civil resistance in Kosovo. The 'Mother Teresa Association' was one of the CSOs that was formed in the 1990s and has been a symbol of this solidarity by organizing the healthcare system for Kosovo Albanians in private garages and houses after thousands of Albanian medical personnel were dismissed from the public hospitals. The Mother Teresa Association, besides providing medical services, offered social assistance to poor families throughout Kosovo (Khadr, 2008).

This association mainly focused on providing assistance to families in need, contributing a lot also to health and education through multiple activities. Thousands of persons in one way or another were supported by this association during the 1990's. In 1990 they were 174,000 people; in 1997 the number reached 389,000, while in 1999 it was 721,000 people. Also during this period, this association had opened up to 100 outpatient clinics all over Kosovo (Mother Theresa Association, 2015).

This was a unique organization, which set the principle of solidarity, voluntarism, charity, and assistance to the highest level during the years of apartheid by creating dozens of branches and hundreds of sub-branches, thousands of activists and volunteers in Kosovo. On the 20th anniversary of the establishment of the first Mother Theresa's maternity in a private house in Prishtina the former chief coordinator of the Association and Maternity, Palok Berisha, emphasized the willingness of all the health workers who at that time did the utmost to help the population. "It brought us together an idea, a motive, a goal, to help the people in need and to alleviate the suffering of thousands of people throughout Kosovo when the danger of extinction from Serbian regime was real ", said former coordinator Berisha. On this occasion, Shaban Sfirca, the homeowner who became a maternity worker, thanked the health workers for the work done and residents of "Kodra e Trimave" neighborhood who provided protection and support for the health personnel and the population (KosovaInfo, 2016).

### 3.2.6 Kosovo Media during the 1990s

The printed media in Kosovo were also operating under the circumstances of apartheid. Rilindja newspaper "for the first time appeared on February 12, 1945, in Prizren as the first Albanian-language newspaper in the former Yugoslavia. The newspaper was printed at the State Printing House in Prizren. From November 29, 1958, "Rilindja" continued its journey as a daily newspaper in Prishtina. Apart from the daily newspaper 'Rilindja', Kosovo around 1985 had 17 newspapers and magazines in The Albanian language. The most-read magazine for the youth was "Zeri i Rinise", an illustrated weekly magazine. There was also a magazine for women (Kosovarja), students magazine (Bota e Re), for humor (Thumbi), literary magazine (Jeta e Re) and some others. There was even a newspaper for agriculture (Bujku-The Farmer). For these magazines and newspapers, there is a lot of praise and criticism. There are some simple facts that reveal their status and position. All of these magazines had - a director. All crushed in one place, almost all prepared under the same roof, because so it was easier for the party to control them (Gazeta Express, 2015).

'Rilindja' (Renaissance) was banned by Serbian police shortly after the abrogation of autonomy as the paper refused to give its loyalty to the new Serbian management.

On August 7, 1990, large Serbian armed forces entered the editorial office on the fifth floor of the Media Palace and told to editors and journalists that the newspaper should not be published tomorrow. 'Workers of "Rilindja" opposed this act to the Serbian police and continued with the preparation of the number marking the news of the violent entry of Serbian police. Then they went to the printing house to convey the process of publishing the newspaper. But even here, at the time when the paper is inserted in the rotation with all the chronicles of the day which happened in Kosovo, Serbian police came and forcibly stopped publishing the newspaper' (Zeri, 2000).

In response, only after four days, journalists and workers of the "Rilindja" restored the publication of the "Rilindja" with other publishing house names, which were not included in the decision of the Government of Serbia to be forbidden or sanctioned for publication. After the closure in 1990 "Rilindja" started to be published one day by the name of the magazine "Fjala", then of the magazine "Shkendija", "Zeri i Rinise", "Pioneri", to stop one day under the name of the magazine "Bujku-The Farmer", another newspaper for agriculture within the journalist-publishing house "Rilindja". These magazines, which in a way became daily "Rilindja", were published until January 1991, when the daily newspaper "Bujku-The Farmer" was launched. So, it was "Bujku-The Farmer" one day that 'came out' of the fields and entered politics after the

"Rilindja" closure. For a short time, "Bujku" became the forbidden 'Rilindja'. "Bujku-The Farmer" with some short breaks was published until the end of 1998 (KohaNet, 2015). During the 1990's it was only well-known publicist Veton Surroi, who managed to register his daily newspaper "Koha Ditore" in Belgrade. Regardless of that fact this was another newspaper that suffered Serbian police repression. In the 1990s most of the Albanian journalists operated illegally in the view of Serbian police, as they refused to seek accreditation from Serbian authorities. Consequently, there were other Albanian newspapers operating on the weekly or monthly basis (to be closed and reopened periodically) depending on the security circumstances and the risk facing Albanian editors with the Serbian police (Zeri, 2000).

The situation was not better with electronic media. It is important to emphasize that "Rilindja" and Radio Television of Prishtina were banned by the same arbitrary decision of the Serbian Government that of July 5 1990, three days after the promulgation of the Constitutional Declaration of Kosovo by Albanian delegates in front of the Assembly's premises, after they were prevented from entering the building of the Assembly of Kosovo from the Serbian police forces. Serbian police closed Radio Television of Pristina (RTP) and dismissed all Albanian journalists and other workers. As a response, the Albanian population started to buy satellite-dishes as that was the only way to access on Albania's public broadcaster TV Albania (TVSH) and to find out about happenings concerning the fate of Kosovo from the

international media. The only TV station operating in Kosovo was TV Prishtina. Its broadcast in Serbian was under the strict control of Milosevic's regime and contained perhaps one or two loyal Albanians as part of their staff. TV Prishtina was a tool of Milosevic's regime, and like TV Belgrade helped serve the bloody dramas of the Balkans (Clark, 2000).

As every other aspect of public life, state media in the 1990s were occupied by the regime and served to the policies of repression and genocide. In such circumstances, Albanians were forced to develop what later became known as "parallel society" in Kosovo.' 'The way how parallel institutions of Kosovo were established during the 1990s with the help of civil society representatives, among others, was intended to exhibit a political will and the existence of the statehood of Kosovo' (Kipred, 2005).

### **3.3. Albanian civil resistance and parallel system of education**

After the abolition of Kosovo's autonomy, Milosevic's regime began with the application of many violent actions against Albanians. One of the most repressive measures was dismissal of all Albanian pupils and educational personnel from the public schools. As Albanians refused to accept the Serbian curriculum, the regime by using this as a pretext ordered Serbian police forces to stop Albanians from accessing schools, thus enabling the development of the teaching process in the schools only for the Serbs. "Serbian legislative measures in the education system were

implemented by Serbian police forces. They were given the task of gatekeepers of the schools in order to make sure that Albanians will be excluded from the education system ' (Kostovicova, 2005).

The isolation of Albanians from public life and the repressive measures taken from Serbia towards them became unbearable. Albanians were imposed to find a solution in order to continue the education of new generations. Thus, they created a parallel system of education which became the main pillar of civil resistance movement in the 1990's. "The new Albanian-funded system of education did not teach anymore to their new generations for the stories of the Yugoslav 'brotherhood and unity' or for the Yugoslav heroes and figures' (Schwandner -Sievers & Fischer, 2002). Albanians approved new curricula through which they promoted and strengthened even more the Albanian national identity. This system was referred as the parallel education system of Kosovo. Schools and the University maintained the teaching process in private houses and garages. 'In addition to the education of younger generations, this system aimed to prove the State of Kosovo. This cause mobilized all Albanians for which they showed unprecedented homogeneity' (Kostovicova, 2005) .Before the 1990, the schools and the university were the places where most Albanians and Serbs would most likely meet and mix. The walls of division were strengthened even more between the two communities as Serbia by using violence excluded Albanians from the public social life. As a result, two segregated education systems were established,

which continues to function as such up today. Funding of the parallel education system came from the Albanian families who shared 3% of income for the Kosovo's Government in exile in order to maintain the education system. Between 1991 and 1998 Albanians gave their properties and houses free of charge for the University of Prishtina and primary and secondary schools.

'During the 1990s Dr. Ibrahim Rugova has been referred by an analyst as 'President of the parallel schools of Kosovo' instead of his title 'The President of Republic of Kosovo'....'... due to the risk of being arrested from the Serbian regime The Government of the Republic of Kosovo proclaimed in 1991 was forced to function in exile. In such circumstances it was also impossible for the parliament or the Kosovo police to function as institutions of the Republic of Kosovo proclaimed by Albanians' (Waller, Drezov & Gökay, 2001).

Kosovo's parallel institutions were a point of reference for national pride among Kosovo Albanians, and this model served to LDK as a testimony to the international community for the existence of Albanian statehood in Kosovo. The functioning of two parallel systems organized by Albanians, those of education and health, to some degree enabled them to develop an independent political life from Serbia.

### **3.3.1 The Student Movement between the 1997 and 1999**



Despite the crises and the wars in the former Yugoslavia during the 1990s, Western Europe was changing rapidly and dramatically. The European Union was created by the Maastricht Treaty of 1993. The end of the division of the continent through the Cold War and the emergence of a global political economy increased political and economic integration into the European Union. On the other side, during this period of time compared to Croatia and Bosnia (ongoing wars) the model of the civil resistance led from LDK and followed from other political parties and civil society organizations remained the only option to resist to Milosevic's regime in Kosovo.

However, while LDK continued to spread its offices in different parts of Europe, like Switzerland, Germany, Belgium (Brussels), lobbying for the Independence of Kosovo, proclaimed in 1991, by the end of 1990s' disappointed with the international community that failed to recognize political fruits of the peaceful and civil resistance, many Kosovo Albanians became opponents of the civil resistance model by supporting emerging "Kosovo Liberation Army (KLA)" (Khadr, 2008).

Up until 1995-1996, the internationalization of the Kosovo issue is an undeniable merit of Ibrahim Rugova and of the political and civil society elites that followed him. After the Second Assembly of the LDK was held in 1994, many well-known intellectuals that surrounded him largely disappeared from LDK. He had intellectual depths and politicians who surrounded him described him with the gentleness of the 'cotton man' and of a special charm that enabled him to create very good relations with

foreign diplomats who supported the cause of Kosovo. One can say that due to his coordination with other CSO's and other political parties, Kosovo remained in correspondence with the geopolitical frequencies of the West towards the Balkans. However, with the end of the wars in Croatia and Bosnia and the failure of Kosovo to be included in the Dayton Agreement, under the leadership of Dr. Rugova, Kosovo entered a total apathy. During these years, people were killed and tortured consistently by Serbian police. In a way, it was a war that was not formally declared. After the Dayton agreement, Kosovo was not part of the western diplomatic agenda anymore. Kosovo's society became politically inert as the only political event for the Kosovo citizens were press conferences held every Friday where Dr. Rugova sought independence for Kosovo (Kastrati, 2017).

In the midst of this collective depression, President Rugova signed the education agreement with Milosevic in Belgrade. The agreement was signed on September 1st, 1996 with an aim to start the gradual release of the occupied school buildings and the return of Albanian students and teachers to schools and universities.

Though Ibrahim Rugova repeatedly reiterated on Friday press conferences that "Kosovo's status should be resolved only through the mediation of the United States of America as the only guarantee...", the negotiations to reach this agreement with Milosevic were launched through the intermediation and under the auspices of the missionary man Monsignor Vicenza Paglia an Italian who led with the Italian NGO "St.

Egidio" and was known for maintaining good relations with Milosevic. Ibrahim Rugova without consulting with other Albanian political factors and without any monitoring from the relevant actors in international politics, agreed to sign the agreement, under the mediation of a priest representing a humanitarian association, which as such except for moral authority had no mechanism influencing the implementation of the signed agreement. The agreement saved Serbia from the new sanctions and smoothed out the sanctions that had been previously imposed by the US. Through this agreement, Serbia wanted to institutionalize the status quo in Kosovo (Bota e Re, 1997).

Serbia's aim through this agreement was to institutionalize the status quo in Kosovo. In these circumstances, another civil society organization known as Students' Independent Union of the University of Prishtina (SIUUP) reacted. Student's Union came up with a proposal to organized massive peaceful student protests with an only aim: the unconditional release of the university premises and facilities that were kept by force from the Serbian regime. Student's movements as part of the civil society, mainly presented through demonstrations in Kosovo, were organized in different political periods by revealing the differences in the political and ideological contexts of the time and leaving traces in society and politics.

Initially, the Student's Union leadership during the spring and summer of 1997 began organizing meetings with students, professors and intellectuals by addressing the

necessity of taking new political actions (peaceful protests) regarding the demand of Albanian students and professors for the unconditional return to university facilities and not as it was foreseen in the Rugova –Milosevic agreement (this agreement did not include the issue of the occupied premises of the University of Prishtina). After a few weeks of meetings with students, local and international media, political parties, civil society organizations and foreign diplomats, and after the protesting marches organized from Students Union, they lacked only the meeting and support from President Rugova. In fact, just a few hours before the protest, well known political activists Adem Demaçi who spent 28 years as a political prisoner in Yugoslavia had asked Student's Union leader to postpone the protest because he was afraid that people would not support the protest after Rugova's reluctance. Despite all the hesitations and rejection by LDK and the Rugova office, the protest was held on October 1st in Pristina. It was a massive protest as hundreds of thousands of students and other citizens joined. As expected, Serbian police used tear gas, beat it and arrested hundreds of students among them the Student's Union leadership (Dugolli, 2013).

The 1st October Student Movement, as it became known in the public, organized two other massive protests against the Milosevic's regime, on 29 October and December 31st, 1997.

By observing the growth and the influence of the Student Movement as a civil society organization, the other side of the political process, the LDK, began to engage again "Saint Egidio", and renegotiated with Milosevic the issue of the return of the Albanian students and professors at the university facilities. This agreement was rejected in several meetings by the Student's Union Presidency, and finally, on behalf of the Student Union, it was formally rejected in a meeting organized by the Italian Embassy in Belgrade, where the ambassadors of the Contact Group and the representative of "Saint Egidio" were present. The agreement was rejected by Students Union because it envisaged only the partial return of the Albanian students and professors to university faculties. On the other side, it became obvious to students that Milosevic regime wanted to buy time through this agreement as Kosovo was entering in a new political situation as a consequence of the international pressure (Kastrati, 2017).

After many protests and activities organized by the students, Students Union became more than a civil society organization as it brought back the international attention to Kosovo. International media reported on the Student Movement and the political status quo over Kosovo that was created between the 1992 and 1997 was broken. During 1998, Student Union organized their own protests but as well other protests in coordination with the political parties and other civil society organizations against the Milosevic's regime.

In January, February and March 1998 Students Union leaders met several times with President Clinton's special envoy for the former Yugoslavia, Robert Gelbard, with Nicholas Hill, First Secretary of the US Embassy in Belgrade, with Wilfried Gruber, Germany's Ambassador in Belgrade, with Gerard Favuveau, First Secretary at the French Embassy in Belgrade, with Jan Kickert, First Secretary of the Austrian Embassy in Belgrade and many other diplomats of the Contact Group accredited in Belgrade at that period of time. Western diplomats wanted to be reassured that the peaceful character of the protests would continue, and within that function, they arranged for the Students Union many visits to Europe and US where they supplied the organization with materials about the important historical peaceful movements of the world (eg the offices of the Student Union were full of materials for Martin Luther King, etc.). ( Bota e re, 1999).

After the widespread support of the public and of the international diplomacy regarding student's protests and other activities organized from the Students Union, they experienced an ad-hominem discourse from the LDK and their offices across the field. In the meantime, LDK organized the National and Presidential elections on March 22, 1998. Contact Group Representatives recommended elections in order to legitimize the political leadership of Albanians over the talks that were planned with Serbia. At this stage Student's Union opposed this idea with the justification that

elections were not held throughout Kosovo (in central Kosovo, following the attack on Jashari family, the war had already begun).

Gradually because of the circumstances, the Student Union from a powerful civil society organization in 1997 was transformed to some degree into a political organization. Consequently, in the weeks and months to come, they had a serious impact on political developments in Kosovo. While LDK made another attempt to take the situation under control by signing another agreement for education with the representatives of the Milosevic's regime in Pristina on March 23rd, 1998, Students Union rejected the agreement. Following the signing of this agreement, the next day, March 24, 1998, came the next "gift" from Milosevic when Serbian police forces attacked the village of Glogjan by spreading the frontline throughout Kosovo. Student's Union representative resigned from G-15 (a group founded from Dr. Rugova for peace talks with Serbia) because Rugova's proposal came without logo and signature, and in that document, the President demanded that the G-15 should prepare the platform for the secret talks with Milosevic. Students Union considered that there was no need for secret talks. This was unacceptable for the Students Union because they considered that Kosovo needed completely transparent talks like those of Rambouillet that happened later. All, in the end, Students Union supported peace talks of the Rambouillet Conference. When the NATO bombing began, Students

Union leadership was dispersed trying to survive the 'Apocalypse' of 1999 (Dugolli, 2013).

Student Movement from a civil society organization became a powerful political organization between the 1997 and 1999. By organizing protests against the Milosevic's regime they came up with the idea of breaking the political status quo, breaking the ice or in other words the type of the 'union' that was built under the leadership of LDK between the 1992 and 1997. As a result of the fear from Milosevic's regime reactions, this was a type of the 'union' for solidarity and unification among Albanians so to feel expelled, excluded, and marginalized. To escape from such a kind of 'union' that led the society to a strict isolation and perhaps to dementia, they sought a new type of union. This was the type of the union and solidarity on the basis of the ideal for a more active civil resistance towards Serbia. Finding themselves in front of the Students Union civil disobedience and active protests against the Milosevic's regime, LDK was before the dilemma: to continue with the intention of self-preservation of their political power or to change the course and to sacrifice some political power for the benefit of the majority. The issue was to have or to be. LDK chosen the option of 'having' (meaning having the political power) and the Students Union have chosen the option of 'being' (meaning to exist). This second option found the strength and potential under the conditions of a minimum of human existence because people sought to overcome isolation caused from Serbia



through this type of the new union in order to resist actively through the protests against Serbia's regime (Kastrati, 2017).

The 1997-1999 Student Movement pushed Kosovo out of political stagnation and apathy. They broke the myth of the invincibility of Serbia in Kosovo. As a civil society organization, they provoked debate in society. In a later stage as a result of powerful students protests, Kosovo was back to the political agenda of the West. Once again Kosovo became part of the geopolitics of the West from which it was forgotten for several years. In the political context and of the logic of events and not in terms of any mere mechanical link, Student Union became a bridge between the Civil Resistance led by Dr. Rugova and the emerging KLA.

### **3.4 Civil or Political Society and the end of the war of 1998-1999**

In early 1998, a "Contact Group on Kosovo" consisting of representatives from United States, United Kingdom, Germany, France and Russia, unified the joint United States and Western Europe stand towards the Kosovo issue.

After March bloodshed in Kosovo Albanian inhabited villages, Madeline Albright then the Secretary of State, addressing the Contact Group openly accused Milosevic of violence. In October of the same year, NATO was ready to launch air strikes if Milosevic would not meet the UN Security Council demands, which Milosevic managed to avoid by agreeing to allow UN observers in Kosovo and to withdraw the

military forces from Kosovo, allow 1800 UN observers into Kosovo, and over flights by NATO planes, however, he conditioned them with the lifting of the air strike authorization. In mid-February, a conference to negotiate an end to the conflict was held at Rambouillet in France, under the supervision of the Western allies, and with the participation of parties in conflict: Serbia and representatives of Kosovo Albanians-both military and political leadership. The conference ended up with an agreement that on one side required Milosevic to withdraw military and police forces from Kosovo, and for the KLA to start the process of complete demilitarization, and NATO forces to be sent to the ground in order to enforce the agreement (Zeri, 2000). The Rambouillet agreement was signed by the Albanian delegation and was rejected from the Serbian side. Although the NATO bombing had the purpose to stop ethnic cleansing and the massive killings of the Kosovo Albanians when the bombing started Milosevic ordered even more severe attacks targeted towards KLA and Kosovo Albanian civilians. Serbia was bombed for 73 days. Its infrastructure and economy suffered a great loss and this finally made Serbia yield to a new agreement, on 5 June 1999, between NATO and Serbia. Among other, the agreement provided an international armed presence through the NATO troops participation under a UN resolution. 'This was the end of war and beginning of the international interim presence with an aim to provide substantial self-government for Kosovo' (Nato, 1999).

The aftermath of the political processes such as the Rambouillet negotiation process was the birth of new political wing emerging from KLA troops represented at the Rambouillet Conference. LDK image was damaged during the war. Mr. Hashim Thaqi, the Political Director at the KLA headquarters took the lead of the process as the Head of the Albanian delegation in Rambouillet. After the KLA demilitarization, Mr. Thaci founded his political party Partia Demokratike e Kosoves (PDK) and his political rival was Mr. Rugova from LDK. In the years to come, the two parties competed in the local and national elections organized from OSCE and UNMIK, until later in 2002, when a third political party was found from another KLA commander Mr. Ramush Haradinaj although not as powerful as the other two.

If compared to societies with other countries from the communist bloc, the civil society in Kosovo has had a different trajectory of its development. In most of the societies that belonged to the communist bloc, the transition from the one-party system to democratic and plural system, among other, was made possible because of the valuable contribution of their civil societies, whereas in Kosovo the distinction between political and civil society was minimal. The reasons behind it has a logic because civil society representatives in most of their actions and activities have joined to the same political front with Albanian political parties in order to resist to the tense political situation that was caused as a result of the brutal intervention of Serbia in Kosovo. Even though they operated under the umbrella of civil society, most of the

CSOs before the war were highly politicized by consistently supporting the efforts of the Albanian majority for independence from Serbia (Sterland, 2006).

It is thus clear that the civil society in Kosovo had a different path of development compared with the post-communist societies because it took form in conjunction with the civil non-violent resistance in Kosovo.

In the circumstances of such political pressure coming from Milosevic's regime, Albanians chose peaceful and non-violent civil resistance. This kind of the political determination and organization of Albanians came due to important reasons. Living in a ghetto and experiencing an unprecedented public isolation caused from Serbian regime, the civil movement served to the Albanian community to fill some of their basic educational and medical needs. On the other hand, by identifying all of the political activity as peaceful and non-violent, Albanians attempted to avoid brutal intervention of the Serbian police although this was often impossible. Third reason behind it is that they were not ready to provoke an armed conflict with the regime therefore by organizing civil non-violent movement they also demanded to exhort the attention of the international community for humanitarian and political support. Civil resistance during the 1990's that was led by LDK represents first phase of the civil society development in Kosovo.

'The peaceful endeavor of Kosovo Albanians to avoid an unequal war that would inevitably lead to the tragedy resulted in cooperation of both urban intelligentsia and

village patriarchs during the 1990s and thus became the modern Albanian identity ' (Clark, 2000).

As a result of the NATO intervention and the rapid change of the political circumstances in Kosovo, the second phase of development of the civil society began after the war of 1999.

## CHAPTER IV

## NGO sector under the international administration and in the Independent Kosovo

### 4.1 The raise of NGO sector after the war of 1999

After the end of the NATO bombing in 1999, security and political circumstances radically changed in Kosovo. In the aftermath of the conflict Kosovo entered a period of international administration that was followed by numerous contradictions mainly related to Kosovo's final status and treatment of the Serbian minority. Consequently, Kosovo's society became a laboratory for the international community where different formulas peace-building and reconciliation were proposed and experimented.

In the first months after the Kosovo war ended, there was a lack of institutions and among others Kosovo was going through a public chaos. Once the Serbian police and military forces withdrew in 1999 international community faced a severe humanitarian situation in Kosovo. Leading international organizations, like NATO and UNHCR that actively dealt with the conflict were the same involved in managing the very first days of the post-conflict situation. The end of the war in 1999 found Kosovo with the heavy presence of NATO military forces and the beginning of the process of establishing the United Nations Mission in Kosovo (UNMIK).

As a result of ethnic cleansing during the war of 1998-1999 over 700,000 Albanians were expelled from Kosovo and 12,000 people were killed. During the war, thousands

disappeared, and despite the local and international commitments, the fate of a large number of missing persons is still unknown today. In 1999 most of the people of Kosovo were refugees expelled either outside or within Kosovo's territory. Kosovo Albanians were displaced in Albania, Macedonia, and Montenegro, in the United States, throughout Europe and in many other countries in the different continents of the world. After the war of 1998-1999 Kosovo was almost completely destroyed in terms of infrastructure, there were thousands of completely devastated houses, schools, and many destroyed towns and villages (KMLDNJ, 2017).

NATO bombings forced Milosevic to accept the conditions of peace by withdrawing his troops from Kosovo and accepting the United Nations Security Council Resolution 1244, adopted on 10 June 1999, which authorized both civil and military international presence in Kosovo. The Security Council decided and called on all sides to seek solutions to the Kosovo crisis within 1244 resolution. While the Secretary-General appointed the UN Special Representative to implement the international presence in Kosovo.

The Council mandated the political role of UNMIK to organize and establish institutions of the self-government in Kosovo, while on the other hand called on all international organizations to assist with their presence for the economic and social reconstruction of Kosovo.

Among other important authorizations mandated to UNMIK from the Council was to gradually prepare the process for defining Kosovo's final status. . Based on the Resolution the Rambouillet Agreement signed by Kosovo delegation and refused from the Serbian delegation, should be taken in consideration when future status talks will take place (Security Council Press Release, 1999).

Based on the Resolution 1244 The Kosovo Force (KFOR) was established in Kosovo since June 1999. The operation mandate comes from the United Nations Security Council Resolution 1244. KFOR's original objectives after the war of 1998-1999to establish a secure environment, supervise the process of the demilitarization of the Kosovo Liberation Army and coordinate with the UN and other international presence in Kosovo. Once the UNMIK was established, some of these roles were given to the UNMIK structures (Nato, 2017).

With deployment of UNMIK in June 1999, the United Nations took on a governing role over Kosovo. The UNMIK Regulation 1999/1 on Authorizations of the Interim Administration in Kosovo established that: That UNMIK should have all the powers in Kosovo, starting with the legislative and executive powers (including the judiciary system) and all powers should be exercised from the UN Special Representative. As far as legal infrastructure is concerned, it was decided that laws before the NATO intervention (before March 24, 1999) should be in force as long as they are not in conflict with UNMIK regulations or mandate only UNMIK will be authorized and have



the legal power to issue regulations and other legal acts in Kosovo and the same legal acts will remain in force except in cases when replaced by UNMIK authorities or by institutions deriving from the political agreements as defined in the 1244 Resolution. With the approval of Resolution 1244 by the Security Council the regulation came into force, on 10 June 1999 (Unmik, 2017).

This regulation entered into force on 10 June 1999, the date of adoption of Security Council Resolution 1244 (1999) of the United Nations.

Starting from the definition and categorization of UNMIK's nature through the Security Council resolution and the above regulation, it is hard to find a unique agreement among scholars as to what UNMIK's mandate represents within the international relations. Some scholars view UNMIK's mandate as a "normal UN peacekeeping mission" while others as a "Peace Implementation Operation" or as a "moderate model of guardianship system of the UN" However, by demonstrating the exercise of a much wider scale of authority and of the power compared to any previous UN peacekeeping missions, UNMIK became one of the most major structure of UN in the area of the international administration (Reka, 2003).

Within the above context, the interpretation of the mandate of UNMIK in Kosovo based on the UN 1244 Security Council Resolution can be viewed between the legal and political perspectives. The resolution has been designed and implemented being strongly influenced by principles of the legal and political aspects of the international

law and international relations. While it is clear that Resolution 1244 constitutes the legal and political basis for establishing UNMIK in Kosovo, then the question arises as to what is the legal base of the Resolution 1244? Legally, the resolution has been adopted within the framework of Chapter VII of the UN Charter but adopting the resolution to establish UNMIK in Kosovo has been preceded by a long and extremely complex process, dominated by principles of the international politics. In other words, the creation of UNMIK has been preceded by an international humanitarian intervention executed by NATO, while the humanitarian intervention has been preceded by another political process, the Conference of Rambouillet. Consequently, during the drafting of the Resolution 1244 both legal and political dimensions has been considered (Stavileci, 2000).

UNMIK's activity and the immediate management of the post-conflict situation in Kosovo was a very complex process. UNMIK's mandate was represented through its governing component that has been achieved by exercising his executive, legislative and judicial authority. This implies that the immediate activity of UNMIK after the war in 1999 refers to the tasks it had to decide while consolidating its authority and establishing its own management structures. In the beginning, UNMIK had to establish its logistical infrastructure in order to start managing the post-conflict situation effectively, which among other activities implied the provision of social

services and other services regarding the consolidation of the rule of law and public order (Zeri, 2000).

Once a more or less secure environment and a sort of public order were created we saw the gradual beginning of the establishment of the international civil presence. In these circumstances, UNMIK started the implementation of the first phase, respectively, the placement and the consolidation of the authority of UNMIK and the creation of structures managed by it. In the meantime, UNMIK started with the consolidation of rule of law and simultaneously with programs related to social services.

In the implementation of this phase, UNMIK has exercised full governing authority. UNMIK in post-war Kosovo (the emergency phase) exercised its primary authority governed by the Special Representative of the Secretary-General (SRSG). The international military and civilian structures had a very intensive coordination in order to serve to their common objectives, while UNMIK was also supported by various international organizations and agencies. One aspect that refers to UNMIK's specificity is the extent of collaborative dimensions with other international organizations and mechanisms in Kosovo. In this context, UNMIK can be considered to have served as a precedent for other UN missions, because for the first time in peacekeeping history, four organizations cooperated within an UN-led operation.

Kosovo was administered by the UN, and sub-administered by the EU, OSCE, and UNHCR, and protected by NATO (Reka, 2003).

Among other objectives within its mandate deriving from the resolution 1244 to establish the civil administration, the rule of law, reconstruction; repatriation, building democratic institutions of self-government, etc, UNMIK undertook another important duty, that of developing a functional civil society in Kosovo. The process of building a new democracy required the creation of a legal base and the issuance of specific legal acts that would enable the development of civil society by treating it as one of the main factors that would impact the development of democracy in Kosovo. "Unmik and other representatives of the international community saw civil society as one of the main contributors for the development policies believing that a diverse civil society will be the pre-condition for the development of a pluralist democracy in Kosovo" (Kipred, 2005).

At this stage the role of the international community was of an extraordinary importance for initiating and starting the development of the civil society in Kosovo. Many international organizations established a wide access and network between them and local NGOs in Kosovo. 'Strong international organizations and NGOs started their activities related to different public spheres in Kosovo. Most of them formed local NGOs acting as partners in the search for donations for their specific projects. Since this was the case, many of these local NGOs were influenced by the

orientation and aims of the international organizations that created them '(Kosovo 2.0, 2017).

Under the international administration after the war of 1999, Kosovo can be identified as one of those societies (it was not a state) across the developing world characterized by poor governance. The difficulties of promoting long-term structural change because of a decade under the Milosevic's regime have led to the recognition of the role of CSOs within the good governance agenda promoted after 1999 by UNMIK. This chapter will focus mainly on NGO sector, which in contrast to the civil society as a broader concept is a more descriptive and recent term into political discourse. The term as such was introduced mainly thanks to the developmental policies, which underline how important the independent local organizations are for the development of the pluralist democracy and the development policies

The debate about the nature of 'nongovernmental organizations' (NGOs) has been in progress as the civil society is discussed through a variety of terms like: nongovernmental organizations (NGOs), voluntary associations, religious associations, the nonprofit sector and charitable organizations. As elaborated earlier, the term NGO is very broad, because apart from those involved with their activities in public policies, development policies or democratic change NGOs are considered also other groups that deal with music or sport activities. In spite of the differing differences in defining the term NGO, in general, it is accepted that NGOs are civil society

organizations but at the same time it cannot be said that all civil society organizations are NGOs (Cleary, 1997).

NGOs serve as a facilitator of citizen's participation and have several functions in the society. They work towards development aiming to bring a positive change in the society by promoting pluralism and diversity to strengthening cultural, ethnic, religious, and other identities. In general wherever they operate worldwide, NGOs carry out various activities and services that, amongst other things, target human wellbeing.

Through the implementation of various activities, NGOs positively influence the building of trust between people and communities by pushing them to work together for common goals, thus increasing the social capital. As such, NGOs operating on behalf of civil society become very important subjects that affect the public decision-making of state institutions by exercising pressure for certain public issues on behalf of various groups of society towards the government. In general, NGOs address complex issues and needs for society, thus contributing to the development of civil society as a whole (Pellumbi, 1992).

NGOs facilitate the 'bottom-up' communication serving as 'messengers' in the midst of people and government representatives. They are perceived to be able to do something that national governments cannot or will not do. However, they are not only important players in the democratic set-up, but they also contribute to

advancing science, promoting art and culture, protecting the environment and supporting all activities in order to make a vibrant civil society, The nature of the activities and the way in which the NGOs operate consistently motivate citizens to act independently from the centralized state institutions by also creating flexible service alternatives (Salamon, 1993).

Scholars emphasize in continuity the role and the power of NGOs to influence individual behavior and the institutions that are responsible for the public decision-making processes. Very often over the last decades, NGOs emerge as irreplaceable supporters for citizens, especially in those areas where the state is weaker and fails to offer adequate development policies for society.

Depending on their functional areas and their organizational features, NGOs have been defined based on their legal status, economic and/or financial considerations ranging from local to international NGOs, community-based associations to those of an informal nature.

NGOs impact not only at local levels; they also influence a sustainable development of various policies at the international level while they act both as international actors as well as shapers of national policies (Hulme, 2012).

In keeping with the above context, in the sections below only the interaction between the NGO sector and the institutions of Kosovo will be analyzed, by leaving more space for other civil society representatives and CSOs in chapter five. This is because

the investment of international donors was focused mainly on NGOs and this notion in Kosovo became almost replaceable with the term civil society.

After the war in Kosovo, NGOs were considered one of the most influential factors in formulating the development strategies.

Even though civil society in Kosovo played some role during the apartheid in the 1990s, the development of the modern civil society concept began after 1999.

International development organizations placed great interest in activities and joint projects with local NGOs with an aim to increase what is called the participatory development. These international organizations established local NGOs, funded projects, and recruited local staff to implement their projects. UNMIK was forced to issue regulations that would regulate the scope of a large number of international organizations that came to post-conflict Kosovo. Consequently, in the period after the 1999 international community gave high priority to the development of the local NGOs. 'Immediately after the end of the war, various projects for reconstruction and humanitarian assistance were directly influenced by the large number of international organizations and NGOs that came in Kosovo' (USAID, 2008).

NGO sector as essential part of the civil society in Kosovo has received the most support and funds from the international donors after the war. The after-war new reality in Kosovo represented the so-called 'easy funds phase' as a result of the large international presence. For UNMIK and the international administration and later for



some political parties and local institutions, the NGO sector had a special role to play in influencing their political agendas. As stated above, Kosovo was largely affected by the mass arrival of the international organizations in order to provide humanitarian aid and reconciliation after 1999.

From the local perspective, this situation created favorable conditions for the growth and development of local NGOs that have mainly implemented projects in reconstruction but also in the field of human rights with the focus on multi-ethnic reconciliation.

The INGO 'boom' as it was often referred because of the rapidity with which INGOs have appeared after the war in Kosovo, impacted the massive development of the NGO sector. These were all types of NGO's for various purposes, from those dealing with the rule of law projects, socio-economic reforms, human rights and protection of minority rights, environment pollution, training programs for local businesses, educational programs, media trainings, to those NGO's dealing with refugees, religions, agriculture programs, handicapped people, medical trainings and what not (USAID, 2004).

Most of these types of NGO's did not exist before the war. In the post-conflict phase of the NGO development around 500 international donors operated in Kosovo.

After 1999, millions of dollars of humanitarian aid that came to Kosovo, created thousands of non-governmental organizations. NGOs often consisted only of a PC, its

owner, and his bank account. 'The number of NGOs that operated in Kosovo between 1989 and 1998 was less than 100, whereas four years after the war in 2004, 2300 NGOs and local organizations were registered with the UNMIK authorities.' (Kipred, 2005).

The rapid development of the NGO sector it is not only a result of the radical change of the circumstances in post-war Kosovo. Although under the Serbian apartheid, some of the independent organizations of that time experienced "some kind of pluralism" even though they followed the political course of the Albanian national civil resistance. In this context, it cannot be said that those organizations representing what was called civil society in Kosovo have been totally inexperienced with the concept of pluralism (Clark, 2000).

However, most of the pre-war CSOs as in every other ex-Yugoslav context were linked to nationalism. As we have seen in the previous chapter, because of pre-war circumstances, independent organizations representing civil society in Kosovo were intimately linked to nationalism. 'Civil society has undergone a fundamental transformation as a result of internationalization of the Kosovo problem, especially in post-conflict circumstances. Afterwards, civil society organizations quickly realized that pre-war complaints articulated on ethnic grounds and in historical facts had no support from the West. Consequently, they began to think about a reinterpretation of

Kosovo society's needs based on the concepts of human rights, democracy and the humanitarian concerns' (Strazzari & Selenica, 2013).

NGOs established after the war developed under the heavy interaction and influence of the international organizations. As a result, most of the international donations targeted those NGOs that focused on the reconciliation of the communities. This approach by international donors led to the so-called "top-down" concept where local NGOs would implement the agenda of international organizations. The public started to see the partnership between these local and international NGOs with skepticism because they thought they were more driven by financial motivations than about addressing local concerns (USAID, 2008).

Because of the new socio-political context, most of the civil society organizations that were functional before the war were forced to adapt to new reality by going through a reconfiguration process and simultaneously expanding within the new context.

Many professionals who had worked and contributed within the concept of civil resistance before the war in their capacity as leaders of the independent organizations, teachers, professors or health care personnel found themselves integrated into new civil society structures that were international and local organizations, established new NGOs after the war and some of them joined the newly founded political parties in Kosovo.

Both CDHRF and 'Mother Theresa', two of the biggest organizations before the war had to come out of the pre-war underground concept and redesign their activities to conform to the new circumstances. CDHRF expanded its activities and apart from lobbying and defending human and minority rights, their expertise was used as input for the new Kosovo's human rights legislation (Khadr, 2008).

Before the war, those independent organizations representing the civil society were always identified with civil resistance movement, whereas in post-war circumstances and because of the need for building a new political system they rapid transformation. This process was therefore not easy because it radically shifted CSOs focus from the activities of civil resistance to politics of peace-building and developing democracy (Kipred, 2005). In the post-war environment, the NGO sector was forced to adapt to the political language articulated by UNMIK with projects related to reconciliation, peace-building and reconstruction.

Most of the funding from international donors was dedicated to projects related to the above topics. New socio-political reality after the war of 1998-1999 enabled to many of the international organizations and NGOs to foster cooperation and partnership with local partners by developing Kosovo-based NGOs.

Involvement of the international donor organizations in building and developing local civil society capacities was very dynamic in all aspects.

By creating their own 'parallel society' during the 1990s Albanians responded to the Serbian regime and the spirit of the civil society survived. After the war, this represented an advantage for the international community but the question is whether the international community has made use of this asset (Sterland, 2006).

When they understood UNMIK and foreign donor's agendas, most of the local NGOs organized meaningless conferences, roundtables and sometimes trainings on topics that were mainly related to the problem of reconciliation between Serbs and Albanians. The focus was mainly on the benefits of donations rather than the realization of project goals (Khadr, 2008). These NGO's would apply to get funds to implement different projects of a multi-ethnic character where they would invite few Serbs and Albanians (irrelevant numbers) to participate because the majority of them would refuse to cooperate between themselves, as war memories were very fresh. They would implement these projects just to show "the success" to the donors and sent the message to the public that 'coexistence and tolerance among two communities are possible. These would be any kind of projects from establishing a small farm where one Serb and 5 Albanians would participate, other projects where 2-3 Serbs and 5-6 Albanians would work together in reconstructing a bridge in a village, and projects that will invite a couple of Serbs and Albanians to attend for example a training how to establish a small business, or other projects where few Albanians and Serbs will be invited to receive some funds for their NGO's in order to

establish a multiethnic radio station or even workshops with participants from both communities on how to save water in order to avoid water restrictions. Different international donors would also sponsor visits of a group of young Albanians and Serbs to see Brussels, other places in U.S and Europe and attend conferences with the themes for the development of the multiethnic societies of U.S and Europe. Usually, by the end of the day participants of similar conferences will get tired of lectures and speeches and go to sleep on separate floors and rooms. In their fancy hotels paid by international funds, they could have some drinks and sing to their Serb and Albanian national heroes before they get back next morning in the same conferences to hear stories for the functional multiethnic societies of Europe and U.S. (Zeri, 2000).

In a word, all types of NGO's and associations would do any kind of projects of any kind of nature if the grant was given to them by international donors or from UNMIK and as long as they would apply for a project of a 'multiethnic character' that would promote reconciliation, chances to get the grant would be bigger.

As previously underlined in this sector, the activity of the majority of local NGOs was followed with a public skepticism as the impression was that most of their projects did not address the authentic needs of the Kosovo's society but of the international donors. Consequently, most of these NGOs were relevant in their capacity as civil society representatives only when UNMIK or any other international donor needed to implement their short-term projects (Kipred, 2005).

Immediately after the war, precisely in 2000, the Interim Administrative Council (IAC) was established. The IAC was led by the Special Representative of the Secretary-General (SRSG). The IAC consisted of three main political representatives of Kosovo and three leaders of the main pillars of UNMIK'.

In addition, IAC also had a representative of the Serbian minority with the right to vote, while the civil society had a representative with the status of a observer. The head of the pillar I (UNHCR) would have observer status, as well as a representative of Kosovo civil society'. One of the initial steps of UNMIK administration was to attract as many NGOs as possible for close cooperation with its administration in order to give to those NGO's grants to promote projects of reconciliation (like the ones that were described above). Civil society representatives were also appointed within the UNMIK administrative structures, although compared to three political leaders they had less impact in policy-making (Brand, 2003).

#### **4.1.1 NGO sector: From Relief to Development**

As underlined in the previous section immediately after the war in 1999-2000 the international community in Kosovo provided a great support to civil society focusing mainly in the NGO sector. This was identified as the 'emergency phase'.

In order to fulfill its mandate regarding the executive and legislative powers, UNMIK shortly after its deployment in Kosovo faced with a complex political and legal environment. The process of reconstruction and as well as the democratization of the

society, which had been dominated by one discriminatory and oppressive legal system, required extensive legal reforms before transferring power to the local of self – government institutions.

By May 2001, the UNMIK established the Constitutional Framework for Provisional Self-Government (PISG). Apart from the local elections that were organized based on the UNMIK regulations the years of 2001 and 2002 were the electoral years organized based on the Constitutional Framework as their legal base (Reka, 2003).

National elections produced Provisional Institutions of Self-Government which have been established as national governing institutions. For the first time after the war, they represented the people of Kosovo and operated under the mandate of UNMIK. Government and Assembly's competences were under strict control by the Special Representative of the Secretary-General (SRSG). However, over time, UNMIK started delegating to local institutions some of the responsibilities related to the internal affairs such as public administration, local administration, transportation, economy, education and culture.

Despite their democratic legitimacy, the powers of the PISG in the political decision-making processes were limited and subject for the UN Special Representative (Chiodi, Martino & Vanoni, 2008).

The reconfiguration process of civil society was intensified after the establishment of the Kosovo institutions in 2002. Most of the local NGOs that had been integrated



within UNMIK structures were removed from those positions and had little or no influence on further policymaking. This was the time when challenges for the NGO sector began because the Kosovo society was moving from the emergency phase to the development phase (Atrc, 2008). Most of those civil society organizations that were functional before the war and were registered as NGO after the war were largely tied to political parties. These connections guaranteed to them advantage in the government resources as opposed to other post-war NGOs.

Some of the pre-war associations like 'The Mother Teresa Association' was more connected to the LDK because of the pre war history of cooperation. On the other hand, the Association of War Veterans that came out from the disbanded Kosovo Liberation Army was affiliated with the Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo (AAK), both of these parties were formed after the war. During 2003 and 2004 most local NGOs began to face a new problem. Their financial sustainability endangered after a serious decline in the international donations. 'Because of the huge reductions in the access to the international donations, many of the local NGOs didn't manage to survive. From the nearest 2200 to 2300 NGOs registered according to different observers no more than one third of them were anymore active' (Kipred, 2005).

In this period, Kosovo's civil society began to lose homogeneity, an essential element that characterized it during the pre-war circumstances. This mainly came as a result of

antagonisms within the NGO sector but also as a result of the proliferation of some of the NGOs. Antagonisms had the source in the historical roots of development of many NGOs but also in their aggressive competition for the domestic and foreign funding.

Most of the NGOs failed to comply with basic obligations deriving from UNMIK regulations as they had no governing structures or appointed board members. While international funds were declining, generating funds from Kosovo institutions was a very limited opportunity. Consequently, this led to the aggressive struggle between NGOs for fund-raising and their co-operation was reduced (Freedom House, 2007). After Kosovo institutions began to function, NGOs were not organized based on the nature of their activities or forms but on the basis of their political linkages with the government structures on one side, and NGO inter-linkages on the other. The NGO sector was divided into several groups, from those predating the war to the smaller ones that were established after the war in Kosovo.

The first group consisted of organizations that were affiliated with LDK supporting civil resistance activities before the war and other associations that came out as a result of disbanded KLA. The second group consisted mainly from NGO's that were formed after the war, which developed a better relationship with the international donors in Kosovo. As a direct consequence of this kind of division, NGOs failed to build more of their constituencies and identity as representatives of the civil society,

but preferred to create 'cliques' with political parties and local institutions or with particular international donors. These 'cliques' through their access to specific networks were intended to benefit from international donations or financial support from local institutions. People inside the 'cliques' were aiming to get rid of their opponents during their direct competition for the funds (Kipred, 2005). In such situations animosities became permanent situations between the NGOs. It was almost impossible for the NGOs as representatives of civil society to have a unified voice towards the Government in addressing public concerns and needs. The same animosities were shown in the relationship between NGOs and Kosovo institutions as in most of the cases this cooperation depended from individuals and not from projects offered (Khdr, 2008).

During this period Kosovo was governed by UNMIK and KFOR continued to be responsible for the security in Kosovo.

International administration aimed at priorities which consisted of preserving stability and maintaining peace, while the UN-sponsored talks for Kosovo's final status began in February 2006. Since February 2007, Martti Ahtisaari, a Finish diplomat, in his capacity as Special Envoy of the UN Secretary-General, offered a plan to resolve the final status of Kosovo.

Kosovo was expected to gain independence and not being governed any longer by UNMIK, but by accepting a different form of international supervision. During 2006,

Kosovo formed its Unity Team for the negotiation of the plan. Unity team under the leadership of President Rugova (after his death was replaced by President Sejdiu) engaged with the representatives of the Serbia's delegation in negotiations that were held in Vienna.

Representatives of the United States and of other European Union members after many ongoing efforts, discussions and negotiations in the United Nations failed to secure Russian backing for the Ahtisaari's plan for supervised independence. Martti In 2007 Martti Ahtisaari finally made public his package for the future status of Kosovo and offered his idea by defining: "...based on the concept of citizenship Kosovo should become independent as democratic society.

Based on the Ahtisaari Plan, Kosovo declared independence on February 18th, 2008. However, civil society's role remained weak during the negotiation process. During this period of time civil society was not as active as it was expected to be. This is probably because of the next transformation that was going on to the political system: moving from UNMIK administration to Kosovo institutions. However, their lack of activism with issues of great importance related to governance and in relation to the negotiation process in Vienna indicated a fragile civil society in Kosovo. The negotiation process for the final status once again showed that the civil society was not in the right level of its engagement and maturity. During this process, civil society representatives were not so active in streamlining their activities by seeking more

transparency during the negotiation process and did not intensify their efforts to address important issues in all levels of government. 'In 2006 the norm was that the representatives of the civil society were caught unprepared for this process. This was justified with the arguments that there should not be organized many activities related to 'hot topics' such as corruption, as this could undermine the negotiation process for the Kosovo side. However, this was not a convincing argument to justify the poor role of civil society over this important process for Kosovo' (Freedom House, 2007).

This poor reaction from civil society was preceded by antagonisms between the NGO groups mentioned in this sector and the lack of proliferation for a great number of NGOs as they were moving from the so-called 'emergency phase' under the UNMIK administration towards the development phase under the Kosovo institutions. One of the key factors that contributed to this situation was donor influences because the struggle for donations during this phase became very aggressive due to the fact that donations from international organizations started to decrease. Although there were some anticorruption activities like those conducted by The Organization for Democracy, Anticorruption and Dignity (Çohu) organized protests against corruption in front of the Government building but these were not enough to keep governments under the expected pressure from the civil society (Khadr, 2008).

The international community and UNMIK in Kosovo failed to develop a vibrant civil society which would have played an important role in developing a democratic system of governance in the years after the independence. At the most important time for Kosovo, the NGO sector was characterized with animosities, fragmentations, and antagonisms. 'If compared to pre-war circumstances civil society in Kosovo managed to become more diverse and plural, but nevertheless, on its actions it lacked independence and sustainability. During this period, NGOs were more characterized as the opportunity for financial incomes rather than opportunity to make positive changes in society. The profile of most of these NGOs as underlined earlier in this section was much generalized as they would consistently address issues related to human rights, democratization or minority positions (Freedom House, 2007).

As long as the fragmentation prevailed in the relationship between the civil society representatives, on the other side, the government structures felt comfortable and they did not undertake any initiative in order to increase their interactivity with the civil society.

As a result, NGOs had limited access to the political system and their contribution and input in the policy process with an aim of developing a democratic system of governance was greatly constrained.

## 4.2 Legal basis relevant to the civil society

Before analyzing the cooperation of the civil society with the institutions in Kosovo, it is important to get acquainted with the legislation on the basis of which the cooperation between the Kosovo institutions and representatives of the civil society in Kosovo is developed. This facilitates easier evaluation of the capacities of civil society, depending on with which institutions they interact.

In general, Kosovo has approved legal acts that are in line to the European and international standards, but there are problems in implementation and this mainly comes as a result of the lack of the institutional capacities. The Freedom of Speech is a constitutional right, while both the Freedom of Assembly and Freedom of Association are constitutional rights and regulated by specific legislation. Participation of the representatives of the civil society and the citizens of Kosovo in the work of the public institutions is also a constitutional right. Nevertheless, despite of the broad legal framework that enables such a thing, the participation of the civil society and the citizens of Kosovo in the public decision making processes is not in the desired level 'In terms of regulatory framework, inclusion of the civil society representatives in decision-making at the level of the government has seen some progress, in particular through the adoption of the Regulation on Minimum Standards on Public Consultation Process. However, the implementation of the existing legal requirements remains a challenge.'(Tacso, 2014).

The legislation relevant to the civil society in Kosovo consists of a considerable number of legal acts. Apart from the Constitution as the highest legal act, the legislation relevant to the civil society in Kosovo consists of a significant number of other important legal acts, such as: Law on Freedom of Association, Law on Access to Public Documents, Law on Prevention of Money Laundry. All of these laws are followed by secondary legislation, Law on Legislative Initiative, Law on Local Self Government, Rules of Procedure of the Assembly of the Republic of Kosovo, Rules of Procedures of the Government, Regulation on Minimum Standards on Public Consultation Process and Law on Public Gatherings (Tacso, 2016). Every country that claims to build a genuine democracy has a Constitution which, inter alia, guarantees the basic human rights. In this context, the Constitution of Kosovo guarantees freedom of speech, freedom of association freedom of gathering and the right of access to public documents under the Fundamental Rights and Freedoms chapter (Tacso, 2016).

Every country that claims to build a genuine democracy has a Constitution which, inter alia, guarantees the basic human rights. In this context, the Constitution of Kosovo under the Chapter II on the Fundamental Rights and Freedoms, guarantees freedom of speech, freedom of association freedom of gathering and the right of access to public documents. All these articles in the Constitution provide the legal basis that enables representatives of the civil society to be more active and



participatory in order to positively influence the public policies in Kosovo (The Constitution of (The Constitution of Republic of Kosovo, 2017).

There are, of course, many laws and by-laws that in turn create a more suitable ground for a more diverse and active civil society. One of these laws is what is known as the NGO Law (the Law on Freedom of Association). In this law, CSOs are identified with the notion (NGO) which according to the law includes membership associations and non-membership foundations. The law defines the minimum requirements for the internal organization of the NGOs and sets out criteria for the establishment, registration and activity.

Provisions under this law guarantee important rights for NGOs as they directly deal with the regulation of the activities of the civil society organizations and their interaction with state institutions. Referring to specific articles of this law, NGO may also benefit from the Public Benefit Status. In addition to other advantages this status entitles the NGO fiscal benefits.

The Law requires for non-interference of public institutions in the work of NGOs. The Law also requires that all public funds for NGOs shall be given based on predetermined criteria (The NGO Law, 2017).

An equally important law affecting the organization and the way NGOs should function is also the Law that addresses the problems of money laundry and financing of terrorism. Under this Law, NGOs that potentially receive funds in amount higher

than 1000 euro or pay receipts only to one beneficiary in larger amounts are obliged to notify in advance the Financial Intelligence Unit of Kosovo. This is part of the fight against money laundering, a process that was often done through NGOs in the post-war Kosovo.

Apart from the above laws and legal acts, the NGO sector is also regulated by other laws that directly affect the development of civil society in Kosovo. Two of these laws are the Law on Legislative Initiatives and The Law on Access to Public Documents.

The first clarifies the procedures and rules on how legal initiatives can be undertaken, while the second, besides other legal persons, guarantees also to the representatives of NGOs the right to access to the institutional official documents. The Law on Public Gatherings is the legal basis for giving citizens the right to organize or participate in different public gatherings (Tacso , 2016).

However, not only the laws regulate the functioning of the civil society in Kosovo. The legislation is complemented by other rules and regulations that are very important in this respect. Rules of Procedure of the Assembly of the Republic of Kosovo, for example, guarantees to the NGOs to monitor the work of Parliament as they provide that the Assembly and Committee sessions shall be public unless otherwise decided. As for the Government -Civil Society cooperation provides that the government representatives should present and consult the citizens when preparing a strategy, policy or draft laws. There are also two regulations stemming from the above-

mentioned laws that help NGOs have better access to monitoring the work of institutions. The purpose of the Regulation on the Public Communication Service of the Government is to develop a more transparent communication system regarding decision making processes by informing and coordinating activities with the citizens related to the projects and policies approved by the government institutions. The Regulation on the Minimum Standards for Public Consultation calls for the involvement of all interested parties, including NGOs for the public consultation process on any institutional legislative initiative (Tacso, 2014).

### **4.3 Cooperation between the state institutions and civil society**

#### **4.3.1 Government – Civil Society cooperation**

After the formation of Kosovo institutions in 2002 till five years after the independence in 2013, the involvement of NGOs in decision making processes was not guaranteed with any clear legal basis and in this regard there have been rare initiatives from the governmental structures in order to increase interactivity with the NGO sector. Without such an involvement in decision-making processes for public interest issues, NGOs have been unable to convey citizens' interests and inputs regarding specific issues for which they have been interested in. On the other hand, civil society representatives have failed to organize and coordinate their activities by enabling citizens to articulate their needs and requests towards the state through a

trustworthy communicating channel. The development of civil society is also an indicator of the level of democratization of society, while state authority is also indicated by the marginalization of the civil society (Sterland, 2006). Even after the delegation of competences from UNMIK to the institutions of Kosovo it stands the fact that unless there are established clear policies and strategies for cooperation with the civil society, the development of the latter cannot be guaranteed only by the existence of the institutions such as Parliament and Government or the existence of political parties or organization of the free elections.

UNMIK's NGO Liaison Unit started to register local NGOs by the end of 1999. The office was delegated to SRSG to run with the registration process of NGOs operating in Kosovo. Once NGOs completed the registration process they were allowed to function legally and apply for the public benefit status. Registration was mandatory also for the international NGOs where apart from the regular procedures they were obliged to clarify whether they are operating in any other country of the world with the same name, and give a detailed description of the activities they plan to undertake in Kosovo by also providing the names of their official representatives in Kosovo.

OSCE gave a significant contribution in this direction by providing information entitled "Guidelines for NGO Registration in Kosovo" (Unmik, 1999).

With the formation of the Kosovo institutions as a result of the elections organized from UNMIK, the NGO Registration Office under UNMIK was transformed into a division and integrated within the Ministry of Public Administration. As the previous office under the UNMIK mandate, The Division for NGO registration under the Ministry of Public Affairs accepted and examined the requirements related to the process of the NGO registration, and their applications for the PBS (Public Benefit Status) and recorded if NGOs have met the legal conditions. However, over its ten years of operation, the NGO Registration Office under UNMIK and later as a division within the Ministry of Public Administration has failed to establish productive relations with NGOs or to fulfill any kind of liaison role between government and the NGO sector (Khadr, 2008).

Prior to Kosovo became independent, NGOs whose activities and projects have been more oriented towards the European Integrations process have collaborated with the Agency for Coordination of Development and European Integration (ACDEI), which represented one of the main mechanisms for cooperation with the Kosovo institutions. After the declaration of independence and the creation of the Ministry of European Integration (MEI), the Agency for Coordination of Development and European Integration was integrated into this Ministry. Its activities have been transformed under the umbrella of MEI. When analyzing the MEI policies the TACSO report in 2010 emphasized: 'Although the Ministry of European Integration is the

main institution and the bearer of responsibilities for project coordination related to the integration processes, it has made very few initiatives for cooperation with the NGO sector. This ministry has not built enough capacities to assist the NGO sector in the EU integration processes, but has worked only with a limited number of NGOs that have known them closely (Tacso, 2010).

Co-operation between the government structures and representatives of the civil society over the years was characterized by a very low interaction and in some periods it was almost non-existent. In this context, it is not only the government that has hesitated to boost this co-operation but also civil society representatives did not make much of serious efforts in this direction. Since 2007, a year before the declaration of independence and up until 2013 there was little effort by both parties to develop intensified relations of cooperation. 'Apart from the CiviKos Platform, no attempts have been made to establish networks or other forms of cooperation with the aim of representing the interests of the whole sector. Aside from the training organization ATRC, there is no recognized NGO dedicated to promoting civil society development and acting as an interlocutor with government and national institutions. In greater majority of cases, most of the initiatives have ended with poor results due to the lack of capacities, lack of coordination of activities and inability to identify common goals and interests. '(Khdr, 2008).

After the establishment of most of the Kosovo institutions, in spring 2007, several NGOs initiated a process of building an institutional platform and strategy for the cooperation between the civil society and the Government and the with an aim of transforming civil society into an important actor on building a democratic system of governance in Kosovo. 'CiviKos Platform' was a serious attempt of some 100 different organizations to set out an agenda for establishing institutional mechanisms in order to support government-civil society interaction. In 2006, the first initiatives were given by the CiviKos platform. CiviKos intended to sign a memorandum with the Kosovo Government. The Memorandum of Understanding with the Government came up as an idea based on which support will be given to the cooperation between government structures and civil society representatives in order to eventually lead to the approval of a Government Strategy for Cooperation with the Civil society. 'The idea of the memorandum was materialized in 2007 and was signed by the Government of Kosovo and CiviKos Platform which represented the civil society. This Memorandum of Understanding presented for the first time a platform of cooperation between these two parties with the mutual commitment to intensify and develop the partnership between the civil society and the Government of Kosovo. '(CiviKos, 2017).

The article 3 of the memorandum establishes Partnership Commitments between the Kosovo Government and civil society.

The article clearly defines ways through which cooperation between the representatives of the Kosovo government and representatives of the civil society is expected to take place in Kosovo. Article 3 explicitly defines what action parties should undertake during the course of their co-operation in order to finalize the adoption of strategy for the cooperation between the central/local institutions and the civil society.

Among other commitments The Memorandum was obliged to promote the policies and dialogue that will strengthen the partnership with the civil society organizations, to ensure that the ideas and plans proposed for the development policies of the civil society will be taken into consideration, to be responsive to the civil society requests during the process of cooperation for specific projects and to assist in overcoming resource constraints from the civil society sector.

On the other side, Article 3 clearly states the commitments and obligations that civil society must undertake to fulfill the main objectives of the memorandum. The civil society also takes on its obligations through this memorandum. 'Civil Society is obliged that during the cooperation with the government and all other public institutions to ensure that in the first instance it will protect the public interest and the interest of the community or members they represent. Civil society representatives should intensively engage in promoting dialogue with public institutions and broaden



the network of NGOs in order to motivate them to be more active and participatory in the processes related to the public interest '(Memorandum Gov-CivKos, 2007).

This memorandum represented the first serious attempt to streamline the relations between the representatives of the civil society and the government of Kosovo. However, the rigid governmental structures consistently hesitated to expand interactivity with civil society in order to improve the situation. Consequently, except that it was identified as the first, serious and most important effort, the memorandum gave little or no result in this regard. In this respect, the rigid governmental structures were 'assisted' by political circumstances in Kosovo shortly after the signing of the memorandum. This was the time when Kosovo negotiated its final statute through Vienna's negotiating process based on Ahtisaari's proposal. The Memorandum was signed by an administration that departed just before the elections and before the big political and institutional changes the Kosovo declaration of independence brought in 2008, therefore it was never implemented (Khadr, 2008).

Although the cooperation between government and the civil society remained weak not everything was at the ground zero. Modest attempts and projects compared to expectations have been initiated as a result of the joined efforts between the civil society and the Kosovo government prior to the declaration of independence.

The Kosovo Human Rights Strategy (2007) was drafted by the staff of the Prime Minister's Office. The Strategy aimed some priorities and an action plan till 2011, but

failed to address all the legal obligations that the Government should have within the human rights field, then The Law on Access to Official documents was developed in close cooperation with civil society. In 2004, the National Action Plan for the Achievement of Gender Equality was initiated and drafted mostly with the contribution of women NGOs of Kosovo. The Action Plan for People with Disabilities 2009-2011 (April 2009) was the result of a consultative and inclusive process with the participation of many CSOs (Tacso, 2010).

Most of the NGO's have proved to be short-lived and ineffective (with few exceptions), other more effective networks of NGO cooperation were established over the years the efforts and aim of which were to monitor various government projects related to the public interests. "Reform 2004", was a broad citizen coalition of more than 250 NGOs which advocated for open electoral lists and the reconfiguring of electoral boundaries, a Pensioners Coalition which gave a valuable contribution to the drafting of the law on the approval of pension reform, a 15-member anti-corruption coalition under the leadership of COHU, -Civil Society Initiative For a Clean Parliament- organized an awareness campaign for the November 2007 parliamentary elections, while 'Democracy in Action' was established to monitor the flow of local elections in 2007. ' (Kipred, 2008)

There have been no other initiatives at the level of central institutions that have resulted successfully in institutionalizing the participation of the NGO sector in public

policy making. Even in the EC Progress Report for 2008, it is stated that even though the government recognized the importance of the NGO sector, it did not take concrete steps to build a clearer vision through which the development of this sector would be directly assisted (EC Progress Report, 2008).

Political parties in power claimed that after the declaration of independence in 2008 they had more urgent priorities and agendas. But in fact, this did not stand as a justification because the government structures themselves showed no serious signs to involve at least few NGO's in the important processes of public decision-making.

According to observations by civil society experts, cooperation between the civil society and the government saw some progress at least in some segments. A number of ministers, advisers and other institutional officials were recruited from the civil society. This trend has had intensification after the declaration of independence where a considerable number of people have abandoned NGOs to join to the political parties. Some experts have seen this as positive process for the fact that political parties need the expertise of those who have worked in the NGO sector and have at least learned about management and networking concepts. On the other hand, there are experts who disagree with this finding and are skeptical as they see this move from the NGO sector towards the government. To their opinion, NGO sector representatives by aiming for executive positions in the government, in the future, can be reserved with their criticism towards the governance (Khadr, 2008). The

poor relations between the civil society representatives and the Government since 1999 onwards, has only been the result of hesitation for co-operation from the government structures. Apart from the CivKos initiative, the NGO sector has failed to make any more serious efforts or consistent pressure on the government in order to advance this relationship. Among others, this came mainly as a result that the NGO sector after the formation of Kosovo institutions onwards has been quite antagonized because of their historical roots of development and the decline of donations from the international donors (Kipred, 2005).

As underlined earlier in this section, the post-war period in Kosovo was marked by an extraordinary NGO 'boom'. To have a clearer picture why Kosovo had a large number of NGOs after the war statistics must be referred. 'After the war in 1999, a significant amount of international aid was distributed in Kosovo, mainly for humanitarian relief, reconstruction purposes, refugee resettlement and ethnic reconciliation. During this period between 1999 and 2001, the international aid that entered in Kosovo reached 3 billion dollars. Most of it was a direct international aid dedicated for reconstruction and other nature of assistance for the communities.' (Konxheli, 2017).

After the major part of the reconstruction and of the emergency phase was finished and the second phase of developing Kosovo institutions began, we saw the decline in international donations. A large number of NGOs did not survive as they did not manage to develop their own profiles and constituencies. This was a direct

consequence of the agenda often imposed by international donors, lacking adequate institutionalization and professionalism. The civil society of Kosovo experienced a classical feature of donor-driven agendas, and this was one of the important main factors that have curved the capacities of many civil society organizations to reflect donors (Osce, 2007).

At this stage where the experience and the expertise of specialized NGOs were needed to assist in developing a democratic system of governance, the capacity of NGOs that could seriously engage in this process was limited. The capacity of civil society was limited not just as a result of the donor-driven agenda but because of because it lacked a proper coordination between major donors in Kosovo. Coordination between donor activities was not systematically organized, resulting often in repeating activities or even with the contradictory projects sponsored by the international donors. 'This came as a result of the lack of a national agenda which would coordinate and structure the international funds and financial support to local NGOs. Instead, it was left to international donors to decide which projects and NGOs they would support. Consequently, international donors supported financially local NGOs according to their own priorities and agendas. Until 2009, the Office for Donor Coordination in a central governmental level was responsible for coordinating donors support. After 2009 this office was integrated within the Agency for European

Integration which later became Agency for Development Coordination and European Integration '(BCSDN, 2017).

After the decline of international donations, antagonisms between NGOs grew even more. The race became more aggressive as some NGO's had less and less access to the international donations, while others engaged all of their potentials in order to absorb donations from certain government structures.

Even after the declaration of independence international aid continued to support development programs in Kosovo, but there was less financial support and donations for the civil society organizations if compared to the postwar period. The Platform for Aid Management (a tool that was created by the national institutions for tracking and (a tool created by the government for tracking and information sharing of aid-funded activities) according to official data available on development assistance since Kosovo's independence till 2015, more than 1.77 billion USD of official development aid have been disbursed to the country. Kosovo's Gross National Income (GNI) varied between 5.7 billion USD in 2009 to 7.5 billion USD in 2014 meaning that in average the total official development assistance distributed to Kosovo was more than 3.5 % of the annual GNI (World Bank, 2017).

However, after the independence, a very small number of NGOs remained with a clear vision, plans or well formulated policies for which they would be able to lobby actively. International donors and Kosovo institutions have had essential distinctions

for the orientation of their donations and financial support towards local NGOs. On the one hand, international donors have been more focused to support those NGOs through which they would provide services rather than to NGOs which showed more interest in political activism. On the other hand, Kosovo institutions were not interested to support financially or with other institutional means either of them. "This is because certain rigid governmental structures wanted to prevent NGOs to have more access in the decision-making processes" (Khadr, 2008).

Currently, the civil society in Kosovo in the largest part remains dependent on the already decreased international funding. This is due to the reluctance of government structures to support NGO's financially through the projects that could positively impact the public decision-making processes. On the other hand, as noted above, not only there is a decrease of international funds, but very often bureaucratic and over-loaded donor procedures are discouraging for many NGO's to apply for different grants. "For the small NGOs bureaucratic procedures of the majority of donors, as well as the large amounts of the donor funds, have made their survival even more difficult because they do not have the capacity to apply and implement large projects. This has also produced another consequence, that of the distinction between 'small' and 'large' NGOs. '(Kscf, 2017).

During the 1990s, civil society organizations were part of a coordinated strategy with the Albanian political parties in order to resist to the Serbian regime and this was the

logic of the justification why they had peaceful relations with the official politics. In the aftermath of the conflict, these peaceful relations with the government, besides that they remind us of the 1990s, they do not contribute to the development of civil society. If the government has no interest to support civil society organizations, it should be the civil society representatives who should organize more pressure and be more active in this regard. Since the establishment of the first provisional institutions of Kosovo in 2002 and onwards, the cooperation between the civil society and the Kosovo institutions remained weak. There is no coordinated cooperation and most meetings are of an ad-hoc nature. This situation was also identified in the European Commission's Progress Report for Kosovo 2008: 'The essence of the problem is that the Government does not have a strategy for cooperation with the civil society' (EC Kosovo Progress Report, 2010).

NGOs sector contribution to Kosovo's legislation can be considered very modest compared to expectations regarding the role that civil society should have in drafting legislation and impacting public policy making as a result of the co-operation with the government structures. This has been highlighted several times in many progress reports released from the European Commission for Kosovo: 'The cooperation between Kosovo institutions and civil society is mostly organized on ad hoc basis. There is limited governmental public funding for the Civil Society' (EC Kosovo Progress Report, 2013).



However, at least a formal and legal progress on the surface was seen only thirteen years after the war and five years after the independence. Finally, in 2013 'The Government Strategy for Cooperation with Civil Society' was adopted aiming amongst other strategic goals to help civil society to be more active and present during the process of drafting of the legislation and its implementation on behalf of the public interest.

#### **4.3.2 The Government Strategy for Cooperation with Civil Society 2013 – 2017**

In July 2013 the Government of the Republic of Kosovo has approved 'The Government Strategy for Cooperation with Civil Society 2013-2017'. This strategy was drafted and finalized as a result of the cooperation and discussions between the Office of the Prime Minister with the CiviKos Platform. The strategy was drafted and finalized as a result of the cooperation and discussions between the Office of the Prime Minister with the representatives of the CiviKos and with the support of the staff from the Legal Office and the Office of Strategic Planning in the Office of the Prime Minister. Through this strategy, the government is obliged to show concrete commitment for the development of civil society in Kosovo.

The strategy obliges the government to engage intensively and concretely in enabling favorable conditions for the development of the civil society by establishing institutional mechanisms and instruments for the civil society support. The

government is obliged to provide resources to make a proper use of all the instruments and mechanisms available in order to organize and support a structured cooperation between the two sides. In this regard, the strategy foresees tasks for all public institutions and guarantees monitoring mechanisms in order for the Strategy to be implemented (Information Bulletin 2014).

It focuses more on the cooperation between the civil society with the institutions in the central level. The timeframe for implementation of this strategy is set from 2013 to 2017. The strategy outlines four strategic objectives: "Civil Society has secured and empowered participation in the formulation and implementation of policies and legislation; Develop a public services contracting system for CSOs; Operating system for financial the support for NGOs; and Empowers Integrated Approach to the Development of Volunteering '(CiviKos, 2017).

Having in consideration role of the civil society in supporting the development of a democratic system of governance, the Strategy addresses some of the basic needs for the civil society 'These needs are in fact closely linked to the priorities of the Government of Kosovo, such as: increasing public legitimacy, improving public policies and accountability. 'Strategy aims to develop instruments and mechanisms for cooperation with civil society in order to guarantee equal access and opportunities for the development of the civil society organizations. The Strategy

foresees to achieve these goals through the observance of transparent rules and procedures by both parties. '(The Strategy 2013-2017).

The implementation of this strategy foresees benefits not only for the government and civil society, but in general for the Kosovo as well. The benefits within the framework of this strategy can be read clearly through its strategic, political and institutional levels on one side and inclusion and equal opportunities and active citizenship on the other. When reading the strategy carefully it is clear that this is the first time that civil society is treated at this political level within such an institutional framework.

The approved Action Plan is very important for the implementation of the Strategy. The Action Plan envisages specific tasks and specific responsibilities for different levels of government institutions in order to achieve the objectives within the timeframes as set in the Strategy. Whereas, depending on the specific sectors of the civil society organizations their equal inclusion and opportunities are foreseen through the equal treatment and access to government institutions. Finally, the most important benefit is that by increasing the interactivity between the representatives of the civil society and of the government it will contribute to increasing citizen involvement in the governance. Active citizenship is very important to help address responses to socio-political problems during the state building process (Information Bulletin, 2014).

The timeframe for implementation of the Strategy has been foreseen for the period 2013-2017, while the implementation of the Action Plan should be completed by 2015. Regarding the scope covered by the strategy, not all specific issues are intended to be regulated by the general principles of the Strategy. Strategic objectives were taken into account especially when dealing with sensitive processes in public services as well as institutional and financial support for the development of the civil society. However, general principles of the Strategy can be applied in the future in other sectors, to specific institutions or to the civil society groups or when public institutions will plan to support any specific initiative that seeks to address certain issues within the public policies. In general, the Strategy has designed and defined concrete mechanisms and instruments to address the system through which cooperation between the two parties will be developed, and after this phase, concrete measures and actions will be introduced to functionalize the system.

'Since the strategy is the governmental approved document, it does not oblige the other party, namely civil society, to deal with specific issues or actions of their internal organization. The Strategy obliges the Government for the concrete measures and actions that the institutions should undertake in order to support the cooperation between the Government and the civil society '(CiviKos, 2017).

The strategy envisages concrete measures for the implementation of each of the four objectives as set out in the Strategy. Depending on the nature of the objective,

certain measures are laid down. Regarding the first objective, it is foreseen to amend the basic legislation that refers to the regulation of the participation of CSO in policy development. Measures are then required to set standards of CSO involvement in drafting legislation as well as the need for training of civil servants and CSOs for the drafting process of legislation and, last but not least, establishing a monitoring system for the level of engagement of CSOs in the process of drafting legislation and policy implementation.

Regarding the second objective, measures envisaged require the approval of a legislative body which specifically deals with the regulation of procedures for contracting of services by CSOs. The same measure also requires the identification of areas within the framework of public policies where certain CSOs can be contracted. The measure further requires the establishment of standards for contracting public services by CSO and obliges the parties to establish a monitoring mechanism which oversees the implementation of the offered services by CSOs.

Measures with the implementation of the third objective require reforming of the legislation and setting criteria for sponsorship by creating supportive environment for the donors, then coordination of institutions and civil society regarding the donor coordination mechanisms by involving civil society representatives in these mechanisms. The issue envisaged in these measures is also the definition of clear criteria when it comes to giving grants and not the financial support CSOs:

Measures targeting the fourth objective mainly foresee and require from the relevant institutions to identify the needs of volunteering and to build a system based on the principles of which the development of volunteering is provided and, like in any other objective, to create a monitoring system for volunteerism (The Strategy 2013-2017).

With an aim of ensuring effective implementation of the objectives as set in the strategy, The Office of Good Governance and the CiviKos representatives have initiated and established a mechanism through which the implementation of the strategy will be monitored. The government took a decision to establish the 'Council for Implementation of the Government Strategy for Cooperation with Civil Society 2013-2017'. This Council is charged as the main body responsible for implementing the strategy for the cooperation between the government and the civil society.

The Government has decided that each ministry should be represented with a member in this Council in order to ensure professional monitoring and evaluation of the implementation of the Strategy. Implementation of the 'Government Strategy for Cooperation with Civil Society' and the 'Action Plan' will be solely the responsibility of the Council. The Council's structure is composed of 29 members, where civil society and the government have their representatives; respectively 15 for civil society and 14 members are representatives of the Government of the Republic Kosovo (Buletini Informativ, 2014).

Two parties' agreement on the Council's representation criteria was preceded by lengthy discussions. Representatives of both the Government and of the CiviKos agreed that the selection process for the representation in the Council should address two key criteria, respectively representation, and expertise.

This would enable NGOs to nominate candidates among them or in other marginalized groups and it will define the basic criteria that should be met by the nominee as well as the nominee by NGOs. The right to nominate candidates is to have all registered NGOs, which are active for at least three years and their work so far is in accordance with the mission and the relevant field of activity (CiviKos, 2017).

The Government's decision on the establishment of the Council also describes the aim of the Council which is based on professional cooperation and partnership among its members, while the evaluation and monitoring of the strategy is the main task of the Council and this is done by discussing proposals and solutions to issues they have in the implementation of the Strategy but without bypassing discussions and ideas to other issues dealing with the cooperation between the Government and the Civil Society. In this context, depending on how the Council assesses it remains on its competence to propose new legal acts that will support the development of NGOs. The Council is also in charge of considering the proposals and initiatives presented by NGOs (Vendimi Nr.04/181, 2014).

In coordination with the Office of the Secretary General of the OPM, the Office for Good Governance has organized meetings with responsible officials for monitoring of every process related to the implementation of the strategy. These are officials who will be the contact points at the respective Ministries and at the Council.

The purpose of these meetings was to inform and prepare the contact points appointed in the ministries for the duties and obligations they will have during the five-year implementation phase of the Strategy. One of the main duties of these contact points was to help the process of functionalizing the Council. Among other activities with an aim of better preparation of the implementation of the Strategy were organized during 2014-2015. Civikos platform and Office for Good Governance in cooperation with other civil society partners expanded their activities by organizing the conference " The Government Strategy for Cooperation with the Civil Society 2013 – 2017 and Action Plan 2013-2015 " and a Seminar - "Challenges in implementing the strategy for cooperation with Civil Society "(Buletini Informativ, 2014).

The European Commission (Office in Pristina) supported the project through the IPA 2014-2015 in cooperation with the Office for Good Governance which is the main institution responsible for the coordination of the actions that must be undertaken in order for the strategy to be implemented. The aim of the project was to meet the conditions and the adequate infrastructure for the implementation of the Strategy by focusing on raising capacities for governmental officials in charge of the



implementation of the Strategy and providing expertise to the members of the Council regarding their responsibilities for the coordination of their work with the institutions that represent and support mechanisms for implementation (EC IPA II, 2014-2020).

However, regardless of the drafting and approval of this strategy, which was followed with the formation of implementing mechanisms (The Council) and many activities such as conferences and seminars with an aim of initiating the implementation of the Strategy, five years after its adoption the Civikos and other local and international organizations see minimum results on its implementation.

#### **4.3.3 Challenges in implementing the Government Strategy for Cooperation with the Civil Society 2013 – 2017**

As highlighted in the section where cooperation between government and civil society was discussed, shortly before adopting the 'Strategy for Cooperation with the Civil Society 2013 - 2017' in many reports of the international organizations the relations between civil society and the government were still seen as weak. The European Commission Progress Report for 2013 has assessed the relations between the two sides in detail and in this report it has concluded that the cooperation between the Kosovo governmental institutions and the representatives of the civil society remains ad-hoc (EC Progress Report 2013)

Following the adoption of the strategy in July 2013 it was expected that the process will improve with the beginning of the implementation of the Strategy. However, this was not the case as the implementation of the Strategy was very slow and the results were almost to the minimum. From the various reports of organizations and mechanisms that monitored the process, the reasons for not implementing the Strategy are various and the main responsibility lies with the two signatories, namely the Government and the Civil Society. If EC Progress reports over the years are compared, it can be seen that there has been some progress from what the civil society has been identified as weak in 2008 to the EC progress report in 2015. 'However, there is evident lack of systematic involvement of civil society in the process of the public policy making, as well as low level of the Government commitments towards this sector.' (Tacso, 2016)

From the observations of CiviKos and the TACSO office in Kosovo Office, ( an EU funded project) it can be noticed that after the adoption of the Strategy and some of its implementation mechanisms, translation of these commitments into concrete results has faced significant challenges.

Lack of political will has been noticed at the very beginning of the process as establishing the Council for monitoring the implementing the Strategy has lasted 7 months. Both sides have accused one another of the delays in the founding of the Council. On the other hand, different ministries have failed to invite NGOs in order to

analyze deficiencies in legislation and the possibility of their amendment and, where necessary, to approve new legal acts. The Government has also failed to define minimum standards for public consultations with NGO's and the legal framework for contracting public services by NGOs. When the start of the implementation of the strategy was expected in 2013-2014 certain ministers within the Kosovo failed to fulfill some of their obligations deriving from the laws that were in force even before the Strategy was adopted. Thus, even before the start of the process of functionalizing the Strategy for the cooperation between the government and civil society, old problems appeared, those of implementation of the existing laws regulating the relations between both parties. As mentioned above, the strategy makes it very clear which are the government tasks and obligations in relation to civil society. The process of drafting amendments related to the civil society is very important and in this regard the Government should closely cooperate with the representatives of civil society. This requires teamwork with representation from both sides. Unfortunately, this was done very rarely. The Progress Reports for Kosovo in 2015 recognized the fact that after long discussions and joint work, both sides agreed to approve the 'Strategy for Cooperation with Civil Society', but it required concrete measures from both sides to implement the Strategy. The same report emphasized the importance of including civil society organizations in the public consultations by ensuring the

effective monitoring of the implementation of the Strategy (EC Kosovo Progress Report, 2015).

In a report conducted from the Kosovar Civil Society Foundation (KSCF) that was part of the 'Working Together' (project launched from the CiviKos), civil society representatives have identified a number of reasons why there are stagnations in the implementation of the strategy. Among other, the project identifies: lack of previous experience while implementing important strategic documents and policies, lack of willingness of the government and the lack of capacity of governmental institutions.

On the other side, it is not just the Government that is responsible for this situation but based on the interviews and data analyzing the CiviKos representatives were not sufficiently involved in building models of cooperation and partnership in order to approve the strategy. "Representatives of various CSOs that are part of CiviKos were informed only via email that the strategy has been approved but this has not been followed by any further instruction from the CivKos secretariat' (Working Together , 2014).

In the updated version of the 'Needs Assessment Report' for 2016 conducted by Tasco, it is reported that the government has failed in many directions to implement the Government Strategy for Cooperation between the Government and the civil society. Tacso report underlines that after the adoption of the Strategy all levels of governance have committed declaratively to cooperate with civil society but little has

been done to change the previous stands for governmental institutions with the representatives of the civil society. 'While some of the legal acts or policy documents have been adopted or initiated, the majority of the planned activities are either at a very early stage or not initiated at all. One of the identified problems that have a significant impact on the implementation of the strategy is the fact that the civil servants are minimally informed for the content of the strategy. Most of them are not sure for the concrete obligations they could potentially be given within their responsibilities' (Tacso, 2016).

It should be noted that the implementation of the Strategy not only regulates the relationship between representatives of the government structures and civil society, but it helps to meet benchmarks of the "EU Guidelines for Supporting Civil Society in Enlargement Countries 2014-2020", which aims to provide a conducive environment for developing civil society potentials and resources.

Now when most of the general principles of the Strategy are not implemented, in societies in transition like in the case of Kosovo, it is expected that the parties accuse each other. Most of the different CSO representatives believe that the motivation of government officials for the approval of the strategy came as a result of the EU pressure and the need for their daily political agendas to present themselves with a high democratic culture in front of the citizens of Kosovo. 'The majority of CSOs did

not have a clear idea of how they would be involved in implementing the strategy nor had very little information about its content (Working Together, 2014).

In general, when civil society addresses the problem the lack of political will by the government prevails as a reason for not implementing the strategy. However, responsibility for failure to implement the strategy is not exclusively the responsibility of the Governmental Office of Good Governance. If all the above reports regarding the implementation issues of the Strategy are analyzed, it can be noticed that responsibility falls not only on the part of the governors, but CiviKos itself is not sufficiently proactive during the implementation process of the Strategy. 'The relations between the civil society and the Government are not being developed on the basis of promoted principles as most of the time cooperation continues to be on ad-hoc basis. However, another fact stands that in such situations of non-cooperation by the representatives of the Government there is no concrete reaction from the CivKos' representatives' (CiviKos, 2017).

In order to establish a transparent and functional platform for achieving a more efficient process of civic participation and to improve relations between the Government and civil society in particular, a report conducted from KSCF in 2014 gave some important recommendations which unfortunately were not followed with proper actions, otherwise in 2017 there should have been better results with regard to the implementation of the Strategy. The KSCF reported that the CiviKos Secretariat

needs to increase pressure through the Office for Good Governance mechanisms towards officials who are responsible for implementing the Strategy.

Besides, CiviKos Secretariat should increase the pressure on the civil society organizations in order for them to be more proactive in the process rather than expect everything to be initiated by the Government bodies. There were more serious challenges (and actions to be taken) identified in this report with regard to the implementation of the strategy. Particular importance was given for example to the necessity of establishing Task Force and Joint Advisory Council, increasing the level of transparency for information by the government regarding the cooperation with the civil society organizations; enhancing institutional services for improving the cooperation between the Government and CSOs and the implementing the financial service package - as set in the Strategy. There is a lot of ambiguity regarding the concept and of functioning of the Task Force as well as the model based on which the Joint Advisory Council and Task Forces were designed. The report noted that CiviKos was not at the level of duty and did not make the necessary contribution for building the information system as set in the Strategy. On the other side, receiving government services was not facilitated in order to serve to the cooperation process and the institutional financial support has not functioned as foreseen by the agreed system (Working Together, 2014)

However, despite these problems identified in the KSCF report in 2014, even in the years thereafter, there were delays in implementation of the Strategy. Although 2015 has been a more dynamic year in the implementation of the Strategy, almost the same problems appeared in the following years.

As underlined earlier the implementation phase of the Strategy started with unexpected problems-delays in establishing implementing mechanisms for the strategy up until 2014. However, year after, an Action Plan was approved followed with the first annual report about Strategy implementation. According to the updated Tacso report of 2016, only 40.3% of the planned activities were implemented during 2015. By 2017, when the Strategy expires regardless of the clear guidelines for all responsible institutions on the activities and results to be achieved the Strategy is not fully implemented. ' Main challenges faced during this period were the lack of responsibility by respective institutions for implementation of activities and reporting, lack of timely allocation of the required budget for the planned activities, low rate of representatives of the civil society in their participation in the Council and its working groups. Similar concerns have been raised by the civil society, which **also reports** that even in cases when civil servants participated in different meetings, only a few of them provided any qualitative contribution.' (Tacso, 2016).

The entire strategy implementation process identifies two main parties that have the greatest responsibility for implementing the Strategy, which is the Office of Good



Governance and the CiviKos platform. Both have their own and common mechanisms that have been established with an aim of implementing the Strategy. However, besides these two main parties in the process, there are other governmental bodies that may have contributed to the implementation of the strategy (Civikos, 2016).

In the process of dialogue with the civil society representatives, the Office of Good Governance had other institutional partners such as the Department of Registration and Liaison with NGOs that functions within the Ministry of Public Administration. However, this office has often not been a contributor to the process because in many situations they provided different interpretations for the same law. Officials of this department has provided very little contribution and institutional assistance to drafting the strategy. Their contribution was minimally observed even though the department staff participated in all the seminars for drafting the strategy. This seems to have happened because of their lack of professionalism and understanding of the concept of cooperation with civil society. For this reason, civil society representatives have called for dialogue with civil society to be reorganized at a higher institutional level within the framework of the Office of Good Governance (Tacso, 2016).

If we refer to monitoring report for the implementation of the government strategy for cooperation with civil society for the period 2013-2016 (the perspective of the Secretariat of CiviKos) there has been a difference in the level of implementation and quality of implemented activities. 'According to the evaluation of the Action Plan of

the Strategy for 2013-2016 by the CiviKos Secretariat, First Objective (Ensuring participation of the civil society in drafting and implementation of legislation and policies) was implemented 70.83 %, Second Objective (System for contracting public services to CSOs) 29.16 %, Third Objective ( Financial Support system and criteria) 41.17 %, and Fourth Objective (Promotion of an integrated approach for the development of the volunteering) 33.33 %.

In the country report for Kosovo authorized from the Balkan Civil Society Development Network and conducted from the project “Western Balkan CSOs for Global Development’ although progress is recognized (especially during the 2015-2016 in approving legal acts) there are still many challenges identified regarding the Objective 1 of the Strategy for cooperation between the government and the civil society. As for the Objective 1 of the Strategy, a new Regulation on Minimum Standards on public consultation process has been adopted by the Government during 2016. The continuous efforts in drafting supportive legislation and ensuring proper implementation in practice remain huge challenges as the contribution and participation of NGOs in meetings of cross-sector mechanisms is not at the required level. Most of the NGOs that have participated in the public consultation process assess that their comments were partly accepted. In addition, due to the limited number of institutions/NGOs dealing with respective areas the public consultations is rarely provided or even when provided, it is rarely made public (BCSDN, 2017).

A brief summary of the findings of Tacso report for 2016 indicates that there is a low percentage of implementation objectives as set in the Strategy for cooperation between the Government and civil society. According to the TACSO survey conducted in 2016, only 32% of surveyed NGOs declared to have participated in the development of national and local strategies. Only 2% of NGOs that have taken part in public consultation processes consider that all their suggestions were considered. Regarding the objective 2 of the Strategy, around 40% of surveyed NGOs declared to have received public funds during the 2015, while the main improvement within the Objective 3 has been noted in the new law on corporate income, adopted in September 2015, which doubled the tax exemption for corporate donors to a number of public benefit activities (Tacso, 2016).

According to the evaluation Action Plan by the CiviKos Secretariat some of the main challenges up to 2016 for the Objective 1 were: limited number of institutions and NGOs dealing with respective areas, the lack of information for the public consultations and lack of trained civil servants who understand the idea and the concept of the strategy. For the Objective 2 some of the challenges identified were: lack of coordination between the ministries in relation to the contracting of the services, lack of budget for analyses foreseen by the Government and failure to functionalize the joined bodies for establishing a system for contracting services. For the Objective 3 challenges identified were: lack of analyses of the existing legislation

by the Government for joint implementation of the projects, no coordination between the Ministries for development of the Law on Philanthropy, lack of transparency in allocation of public funds for CSOs and lack of willingness and no coordination between ministries to create automatic co-funding system for NGOs winners of the EC grants. While challenges identified for the implementation of the Objective 4 were: there was no meeting organized for the functionality of the cross-sector group for volunteering, no budget was allocated by the Government of Kosovo for implementation of analyses foreseen by the working plans for 2015-2016 (CiviKos, 2016).

Although it expires in 2017 it can be concluded that up to 2016 the Strategy was not implemented to the greatest extent. As can be seen from most of the reports conducted by various international and local organizations that have monitored the implementation of the Strategy, the main strategic objectives needed more direct involvement and contribution from both the government bodies and the civil society representatives or external experts, as there were insufficient capacities for qualitative implementation of many measures of the Strategy.

#### **4.4 The Cooperation between the Presidency and Civil Society**

The cooperation between the representatives of the Civil Society and the Presidency with the Kosovo institutions are developed through different models and forms of

cooperation. The interaction with the Presidency being the highest institution under the Constitution of Kosovo it's very important when it comes to protecting the various interests of citizens by addressing their concerns through the civil society initiatives.

The Presidency is not one of those institutions that have developed many instruments and mechanisms for cooperation with the civil society. This is mostly because the President by Constitution has a rather symbolic and representative role. However, there are at least two ways to give the civil society representatives opportunities to seek support from the President and it can be done through advocacy and partnership. When referring to the advocacy forms then it should be noted that according to the Kosovo Constitution, citizens, or civil society representatives, may address the President on various issues affecting their rights or the public interest. Civil society has used this right several times over the past years by turning to President in their effort to stop entering into force of certain laws. The forms of partnerships are mainly developed through the Councils established by the President (Tacso, 2016).

When analyzing the possibilities of advocacy forms it must be admitted that the Constitution provides good opportunities for civil society representatives or other groups of citizens who have interest in changing any law that may affect their interests. From the legal point of view, the interaction between the President and the civil society is supported by the fact that the Constitution gives

to the President the right to send back to the Assembly a law for amending it after this has been adopted. This could be the case upon such initiative is taken from the civil society and addressed to the President (Constitution of the Republic of Kosova, 2017).

The President was not very responsive to the calls from civil society. In some cases, civil society followed procedures in the Constitutional Court which concluded in favor of civil society for one of the laws 'while two other laws entered into force as they derived from the Ahtisaari Plan, and as such those laws enter automatically in force because they were adopted by the institutions as a package (Ahtisari's provisions)' (Tacso, 2014).

However, there have been cases when the president has positively responded to several requests initiated by civil society regarding certain laws. One of them was the initiative of the group of journalists addressed to the President that the Criminal Code breached the media freedoms guaranteed by the Constitution. The Law was returned to the Assembly and it was amended. Even though the President has accepted few such initiatives, not always it was decided to return the laws to the Parliament. Such a case is the initiative from the civil society which required from the President to send back to the Parliament the draft Law on Amnesty for its amendment. 'The President rejected the request and signed the Law. The government's justification was that any

law that derives from the political agreement for the normalization of relations between Kosovo and Serbia is mandatory' (Tacso, 2016).

Compared to advocacy forms, the President's partnerships with the civil society have been developed mainly through the establishment of various councils. Starting in 2012, the President established three important councils: The National Council on European Integration, The National Council against Corruption, and the National Council for the Survivors of Sexual Violence during the War. Civil society participates in these councils with their delegated representatives (The President, 2017).

The establishment of these councils cannot be considered a success itself. This is due to the fact that in some reports on the work of these councils conducted by international and local organizations in Kosovo it has been pointed out that only those objectives of the technical nature have been met, while failing to address the strategic and political concerns raised by the civil society. CSOs that contribute to the National Council on European Integration say that the work of this Council needs essential improvement. An analytical report conducted by KSCF for the work of the European integration Council recommends avoiding rhetoric's but engage by designing concrete strategies to be followed by concrete actions in order to implement tangible reforms. 'Among other problems the Council has been divided politically between different groups which harms the efficiency and makes its work often non-transparent' (Kfsc, 2013).

In general, interaction between the Presidency and the civil society in the years following the declaration of independence has been characterized through two forms of interaction, namely advocacy forms, and partnerships. However, it cannot be concluded that the activities and initiatives undertaken within this framework of cooperation have had important effects on the society in Kosovo.

The interaction between the President and the civil society is supported by the fact that the Constitution gives to the President the right to return adopted laws back to the Assembly to be reviewed. This could be the case when such an initiative is taken from the civil society and addressed to the President of the Republic of Kosovo. The President was not very responsive to the calls from civil society. There are cases when the civil society has sent laws to the President with the justification that they represent a breach of the Constitution, but, for example, out of four sent in 2012, only one has been sent to the Assembly for revision. The civil society followed the procedures in the Constitutional Court which decided in favor of the civil society for one of the laws while two other laws had to be adopted without change because they were part of the Ahtisaari Plan. The laws deriving from this Plan are unchangeable because they have been approved at the Assembly as a package (Tacso, 2014). However, there have been cases when the president has positively responded to several requests initiated by civil society regarding certain laws. One of them was the initiative of the group of journalists addressed to the President that the Criminal Code presented a



brutal violation of the freedom of journalists and of the media. This effort has been successful because this law was returned and it was amended in the Assembly. Even though the President has accepted a few such initiatives, it was not always decided to return the laws to the Assembly. Such a case is the initiative of the civil society which required the President to send back to the Parliament the Draft Law on Amnesty for its amendment. The President did not support the request and signed the Law because, according to their reasoning, any law that emerges as part of a political agreement between Kosovo and Serbia is mandatory to be adopted (Tacso, 2016).

#### **4.5 The Legislative Process, Parliament and Civil Society**

More meetings and activities with the public need to be organized so to identify their needs and to reflect them during the process of drafting the new laws in order to support the society's development. In this context, civil society can contribute to increasing legitimacy, transparency and accountability regarding the laws that are approved. The cooperation of the Assembly with NGOs has marked a continuous progress and it was intensified after the declaration of the independence. Notably, since the declaration of independence, some NGOs actively participated in the committee meetings of the Parliament. However, many international observers and representatives of few NGO's interested in public participation believe that more dynamic and intensive cooperation is needed. They have analyzed and

recommended some steps that the Kosovo Assembly should undertake through its instruments and mechanisms to increase the role of the civil society in drafting laws. In this context, concrete recommendations have been given as how to improve the co-operation with NGO representatives by giving them greater access to the legislative processes in the Assembly/Parliament. This would help in adopting the best legislation for Kosovo. Among other recommendations, they have also recommended opening an office at the Assembly where citizens are able to voice concerns and receive answers to questions (USAID, 2008).

Since the formation of the Kosovo institutions under the mandate of UNMIK in 2001 onwards, cooperation between the Assembly and civil society has been regulated with a modest legal infrastructure. These relations were mainly developed through the Law on Access to Public documents and the regulation on the Organization and Responsibilities of Assembly. In order to advance this relationship few years after the declaration of independence, more laws and strategies have been adopted aiming to increase the interaction between Assembly and the CSOs in Kosovo. In order to ensure successful monitoring, adequate advocacy, and necessary transparency, NGOs needed to have access to legislative work of the Assembly. After the formation of Kosovo institutions, the Law on Access to Public Documents was adopted.

Article 4 of Law on Access to Public Documents gives access to public documents; '..... the Law guarantees no discrimination to all the natural and legal persons in

their access to official documents ... . all public documents of the central government institutions, including local government, state (Law on Access to Public Documents, 2017), the Law on Access to Public Documents, and the Law on Access to Public Documents.

To a certain extent the legal base enables NGOs interested to provide input on the draft legislation to make major contributions for the legislative process when important draft laws are discussed within the Assembly's committees, like for the draft law on the Kosovo budget (budgetary/financial implications), compatibility of the laws with the EU legislation, etc. Before the Independence of Kosovo, there were limited efforts for the purpose of shaping the engagement of civil society in public policies. Among other reasons as outlined previously in this Chapter this also came as a result of the lack of experience of the civil servants in the public administration and lack of normative regulations that enables public participation (Osce, 2007).

After the Independence in 2008, in addition to the Law on Access to Public Documents another opportunity was given to the civil society to engage in the legislative process of the Assembly by approving the Law on the Legislative Initiative. 'The law gives the citizens the right to initiate new legislation after having collected 10,000 signatures as support from the citizens .... the relevant committees of the Assembly may develop these initiatives after they have received the draft law form and continue with the regular procedures' (Osce, 2011). During this period, the

international organizations in Kosovo have also increased their interest in financing different projects of local NGOs in order to intensify their efforts for the participation and monitoring of the legislative process of the Assembly. This is because the only way to influence the legislative process is to actively participate in the work of parliamentary committees and thus to monitor the legislative process.

However, NGO's would participate in the legislative process only when that was a donor-driven agenda. The participation and contribution of civil society organizations in the legislative process of the Assembly was regulated by the 'Regulation on the Organization and Responsibilities of the Assembly'. The regulation was a product of the joined work of the international experts, officials of the Assembly and of the civil society representatives (Tacso, 2010). Compared to the post-war period, after the formation of Kosovo institutions, the Assembly approved a solid infrastructure that offered more transparency for the legislative process in relation to the public. Through the aforementioned laws and regulations, it was offered a better access and cooperation to those NGOs which had a greater interest to participate in the legislative process of the Assembly.

It is important to emphasize that the stages of the Assembly's legislative cycle offer several opportunities that allow NGOs to participate in the legislative process. The success of a legislative process is not only the adoption of laws. The legislative

process is identified as successful only when the laws are implemented concretely and impact directly the development of the society.

Interested NGO's can actively participate in public hearings of the Assembly committees and there to give their contribution to draft laws for which they have interest. On the other side, NGOs can actively participate in the process of monitoring laws. Since the process of implementing laws is complex and lengthy, this also represents an opportunity for NGOs to follow every detail of this process (Osce, 2007). For example one of the processes of particular importance and interest to the public is the process of adopting Kosovo's annual budget in the Parliament of Kosovo. NGOs can make a valuable contribution by participating in budget approval process, but to do so they should be familiar with the procedures how the budget is drafted and approved. 'All NGOs have this opportunity since they can attend Budget and Finance Committee meetings where budget reports are reviewed several times a year. One of the most important points in these reports is the report by the Auditor General. Since the report serves for the harmonization of expenditures on the basis of the approved budget, NGOs can make a significant contribution by focusing the attention of the public on the Report of the Auditor General '(OSCE, 2011).

Despite the advancement of the legal basis the cooperation between the Assembly and the civil society needs to improve. There are stagnations and hesitations from

both sides, from the Assembly and the civil society, therefore important steps need to be undertaken in order to improve the public participation in the legislative process. If referred to different reports of many international organizations in Kosovo, like the OSCE, (among other specialized in monitoring the parliamentary work the civil society development) it can be noticed that that this cooperation is not at the desired level from which would benefit both the institutional development of the Parliament and the civil society. The reasons are more or less the same as in the case of relations and cooperation between the Government and the civil society. On one side the Assembly structures hesitate to cooperate with NGOs. The dynamics of cooperation between the Assembly and the civil society organizations remains low. Among other reasons, this comes as a result of the influence of the international donors. As noted in previous sections, most NGOs follow foreign donor agendas rather than what comes as a need from the society. The donor-driven agenda is one of the reasons that have curved the capacities of the civil society towards reflecting donor's interest before the interest of society in the field of legislation. Consequently, it is the limited capacity of the civil society organizations one of the major factors that hinders its engagement in the legislative process (Osce, 2007).

On the other side, like in the case of the Government –Civil society relations, Assembly's did not manage to develop the institutional capacity so to absorb the capacities and contributions of the civil society for the legislative process. This is

mostly as a result of the lack of experience, because like other Kosovo institutions the Assembly is relatively a new institution. While analyzing the institutional capacities of the Assembly to absorb civil society's contributions for the legislative process, and its legal instruments that preserve the right of citizen to influence policies, as well as the level of information available regarding what is regulated by legislation, it can be noticed, that Assembly not always uses all its mechanisms to make the parliamentary work more transparent and accessible for the civil society organizations.

In referring to the OSCE-Reference Book for the Civil Society Organizations it can be noticed that committees of the Assembly will not organize public hearings for each draft law being sent to the Assembly. Another concern raised in this report is that they do not inform particular NGOs when particular laws are drafted and often draft laws are not posted on the web page. On the other side, NGOs do not lobby intensively to be invited to the public hearings unless it is not a donor-driven agenda. Receiving written and oral presentations from local experts are important to those NGOs or groups that are affected by the implementation of the particular laws. The parliament gives limited effort to ensure that NGOs know better how the laws are drafted, approved, implemented and evaluated (Osce, 2011).

Most of the European Union member states provide sufficient mechanisms through which CSOs can integrate with their contributions and boost the public participation. The Kosovo Parliament after 2008 (after declaration of the independence) realized

that addressing the needs of citizens cannot be achieved only with the participation of the legal experts. The legislative process should also receive contributions from experts of other fields dealing with public policies. In this context, the Kosovo Parliament has invested little more than other institutions to expand the network of cooperation with civil society organizations and in this regard it is noticeable the improvement of institutional infrastructure.

Although the relationship between the parliament and the NGO sector is more dynamic and functions better compared to the cooperation between NGO sector and representatives of the government, there is room for improvement (Khadr, 2008).

There is no particular model of communication between parliaments and civil society that has a uniform application for all parliaments. Depending on the political systems and constitutional arrangements, various parliaments in Europe organize communication with civil society according to different models. NGOs need to be more insistent and more active in their engagement in the work of parliament. This is the only way to increase pressure and influence in the legislative process and contribute to addressing the needs of citizens through the process. Kosovo's parliament before the declaration of independence, that is, since the formation of Kosovo institutions under UNMIK in 2002 up to four years after the declaration of the independence (until 2012) has organized the communication with various civil society organizations based on the Regulation on the Organization and Responsibilities of



the Assembly. During this period the Office for Media and Public Relations of the Kosovo Assembly managed the day to day communication with the civil society, respectively NGO sector. The regulation offered a legal basis for all civil society organizations interested in public participation during the Assembly's legislative process (Osce, 2007). After the declaration of independence, although not in the desired level, the interest of civil society organizations grew to follow the work of the parliament. By this time it was considered that the previous Regulation on the Organization and Responsibilities of the Assembly did not meet the needs for greater transparency for the public and better involvement of the NGOs in the preparation of the legislation.

The Kosovo parliament drafted a new document that responded to new circumstances in order to advance co-operation with the NGO representatives and increase the transparency of the legislative process in the parliament. The parliament of Kosovo approved the 'Information and Public Relations Strategy of the Assembly of Kosovo' in 2012. 'The Adoption of the strategy has been a longstanding need for Assembly for increasing the transparency towards the public, to provide as much as possible information to citizens about the work of the Assembly as well as to encourage public participation in parliamentary work through monitoring and contributions in the legislative process (Kosovo Assembly, 2012). However, the Strategy's aim was not only to increase transparency in relation to the citizen but also

to try to educate the citizen about the importance of the work of the Assembly through press releases, publications, website as well as articles related to the legislative process (Osce, 2013). The strategy has envisaged concrete activities and procedures on how to achieve these goals by: Increasing the quantity and quality of information flow, revamping, improving and rationalizing the Assembly's website, creating a greater profile for the committees of the Assembly, updating the website based on the on-line agenda, posting draft laws on a separate section of the website, improving public outreach through public access, publishing a Monthly Newsletter, Info Sheets, organizing a virtual tour of the Assembly and developing videos to promote the work and responsibilities of the Assembly (Kuvendi i Kosovës, 2012).

This strategy has also foreseen ways through which parliament should institutionalize the co-operation with civil society, respectively with NGOs which have a greater interest in monitoring the parliament's work.

One of the main components for intensifying communication and relations with the civil society is the establishment of the Working Group consisting of the members of Assembly and representatives of the civil society organizations but also members of the Presidency of the Assembly of Kosovo (Osce, 2013). Within the provisions of the 'Information and Public Relations Strategy of the Assembly of Kosovo' one of the main tasks set for the 'Joint Assembly-Civil Society Working Group' is to intensify the dialogue with the civil society representatives at the political level and make

systematic efforts for the creation of adequate Assembly's institutional infrastructure with an aim of improving the relations between the Assembly and the civil society. 'One of the goals is to create a database of CSOs by identifying their expertise and resources, to inform CSOs about the committee and plenary meetings and to invite the contingent of experts from different CSOs depending on the draft laws treated. In addition, there is a plan to invite various CSOs to assist in outreach and educational activities on behalf of the Assembly. The Office of Media and Public Relations staff will be responsible for administering and updating this database. '(Kuvendi i Kosovës, 2012).

However, after the approval of this strategy, in many observations of the international organizations in Kosovo, it was reported that many parts of the Strategy were not implemented. The Kosovo Parliament did not use all of its mechanisms to implement the strategy for cooperation with civil society. There is a lot of deficit in terms of providing information to the public by the Assembly. 'The Assembly's Information and Public Relations Strategy should address these problems by publishing the legislative work and important documents during the legislative process. This information should be accessible to CSOs and the public in order to be able to see issues that are being addressed within the legislative process and maintain the transparency towards the public' (Osce, 2013).

Due to the lack of political will, the Strategy was not implemented as it was planned. Compared to other aspects at least in one direction, there is better progress in the co-operation between civil society and the Kosovo parliament. Representatives of civil society, respectively NGO sector, are mostly engaged with their presence in meetings of the parliamentary committees. However, if referred to the above OSCE Monitoring Report on the Performance of the Assembly of Kosovo for 2013, it can be noted that the procedure for NGO participation in these meetings is often complicated and NGOs fail without their fault to participate in committee meetings. The Assembly formally supports and encourages the participation of NGOs in the legislative processes. However, the Assembly staff should be more effective in solving many procedural issues related to timely information of CSOs for these processes. 'The outcomes of the TACSO survey carried out in spring 2016, show that only 29.9% of CSOs have been consulted for a specific law and from those who were consulted only 21% declared that all or most of their comments have been taken into account. ....The majority of CSOs (52%) stated that when they participate in public consultation process their comments and contributions in the committee meetings often are not taken into consideration' (Tacso, 2016).

However, many NGO representatives assess that their comments were partly taken into account and the contribution during the consultation process is very rarely made public. They stress that Assembly's administration needs to build a better system of

information by being more organized and more efficient in disseminating information about the work of committees (BCSDN, 2017).

The Monitoring Matrix on Enabling Environment for Civil Society Development for 2016 conducted from the Kosovo Civil Society Foundation (KSCF) recognizes the fact that most of the recent legal acts have been drafted as a result of an increased engagement and pressure by the continuous emphasis of the European Union and other international organizations on the necessity of having a more developed civil society in Kosovo.

Within this context, since the Strategy for Information and Public Relations 2012-2014 was not fully implemented in 2014 another legal act was adopted providing a good legal basis for cooperation between the parliament and CSOs. In April 2014, finally the Declaration for Partnership of the Assembly with the civil society was adopted, followed by an Action Plan which was drafted as a joint effort between the parliament and CSO's. Nevertheless, the adoption of strategic documents was not necessarily accompanied with sufficient engagement in the implementation of the commitments. 'Despite a number of positive developments, yet many challenges remain, in particular with regards to the lack of human and financial capacities dedicated by the Assembly for the civil society development, as well as insufficient political will for undertaking more substantial reforms in this area' (Kscf, 2017).

#### 4.6 Civil Society and local government's interactivity

When compared, the interaction between the central government and civil society with the cooperation with the local governments, the later it differs in the fact that it has no approved strategy for regulating this sphere. However, this co-operation has continued over the years by facing approximately similar challenges that civil society faces during various interactions with the central government structures.

The legal basis based on which any kind of co-operation between the local governments and of the civil society is roughly the same as it was before and after the declaration of independence. In general, the Law on Local Self-Government regulates public participation, in this case of civil society, in decision-making processes. This is then supplemented by other laws which regulate specific aspects of this cooperation as well, such as: the Law on Access to Public Documents; the Law on Public Financial Management and Accountability; the Law on Local Public Finances and the Law on Spatial Planning (Tacso, 2014).

Despite the existence of the broad legal base it is hard to identify any recent distinguished achievement that is a direct result of the cooperation between representatives of the civil society and local government structures. There is no systematic approach of any municipality in involving civil society and citizens in its work. 'It has not been reported even once that civil society representatives and local

government in any municipality in Kosovo have developed a strategy improving cooperation between the two sides in order to build an appropriate communication system.' (Tacso, 2016) . According to the Municipal Transparency Reform Index for 2015, the situation was far from being positive in the majority of municipalities. The cooperation with civil society remains low as local government structures are rigid and engage civil society only on ad-hoc basis. This is especially noticed when it comes to advocacy initiatives at the local level as representatives of different municipalities often hesitate to give access to various NGOs for information on the work of their municipalities (EC Ma Ndryshe, 2015). The activity of those NGOs that monitor the work of smaller municipalities in Kosovo is modest compared to larger cities such as: Prizren, Peja, and Mitrovica, while in Pristina this cooperation is more advanced and this is mainly believed due to a greater concentration of international donors in the capital. However, recently, the EU has approved a grant scheme that has dedicated around half a million Euros specifically aimed at reaching those NGOs that have not been traditional recipients of EU funds (Ksfc, 2017). While discussing the cooperation between the civil society and the local government, it should be emphasized that the low interaction between two sides is also a result of low participation of citizens, in addition to the hesitations of the municipal structures for cooperation with civil society. According to the UNDP Public Pulse results, citizen participation, which most commonly should be exercised at the local level, remains

very low. 'During a period of six months in 2015, 91 percent of respondents did not participate in any citizen initiatives or in any NGOs' (Undp, 2016). In general, the cooperation between NGOs and local governments in Kosovo remains low because local authorities hesitate to organize a well-established dialogue with civil society representatives, with few exceptions at the sectoral level (Tacso, 2016).

#### **4.7 Youth participation in social activities**

The youth are considered to be one of the greatest potentials for Kosovo's future development and modernization. About 50% of Kosovo's population is under the age of 25 years and about 21% of them are between the ages of 14-24. The United Nations Development Program in Kosovo conducted a survey which shows there is a very low civic engagement of Kosovo youth. Around 91 percent of youth have no wish to participate in any NGO and 93.8% of young people are not identified with any civil society organization or project and do not see themselves as beneficiaries of these projects in the future (Khdr, 2006).

After the war of 1998-1998 the Kosovo society has no rich history of civic engagement culture and this may be one of the reasons why young people have very low active participation. Other reasons include the preoccupation of young people to find a job



as the economy in Kosovo is weak and does not provide any good prospects for them.

Youth in Kosovo receive a very small incentive to develop their civic responsibilities either at school or at home and many young people do not believe that participation is a matter for them. Consequently, volunteering has decreased among youth after the war (Usaid, 2008). Volunteering has a unique history in Kosovo; it is a tradition that is a direct result of discrimination during the 1990s and of the ethnic solidarity towards the Serbian repression. The change in socio-political circumstances has also affected the decline of volunteering and volunteering projects. Young people see these activities more of a pervasive nature than service to the community. 'Most of the interviewed young people around 68 percent of them said that they never participated in any volunteering project for the community' (Khadr, 2006). In many occasions, Kosovar institutions promote the slogan "this strategy, this policy paper or document is prepared through joint work and a broad participation from the civil society representatives". Through similar statements, besides others, they want the public to have the impression that even young people have been contributors to the drafting of these documents. In fact, their inclusion is instituted without clear rules and obligations. For example, when it comes to approving an important law they should actively participate in different panels and commissions with experts and deputies from Kosovo Parliament until the final version of the law is produced.

Instead, they may be offered the right to express their views only during the first or second public discussion, when the first draft of that particular law is presented for media, but not further in the process (EC Kosovo Progress Report, 2009). From a legal and formal point of view, the Kosovo Government has drafted and approved "KOSOVO STRATEGY FOR YOUTH 2013-2017", although in practice not much of it was seen implemented. Most of the young people in local media claim that they have not noticed initiatives by the institutions that such a dialogue was offered to new generations. Since voluntarism is not a well-established phenomenon in Kosovo, this Strategy foresees legal and institutional mechanisms that among others would help to develop volunteerism among young people in Kosovo. At the moment in Kosovo, volunteering as an activity is not regulated by any specific law. The only legal act of relevance Law on Strengthening and Participation of Youth focuses on the ages between 15 to 24, but it does not include other youth ages (Tacso, 2016). One of the key objectives of the 'KOSOVO STRATEGY FOR YOUTH 2013-2017' is to increase the government's institutional commitment to the development of youth potentials and their orientation towards a more active participation in socio-political activities. For this purpose, the Ministry of Culture and Sports has a modest budget but it also relays on joint initiatives and donations of its international partners, including World Bank, USAID, and UNICEF. 'This strategic document implies the focus, determination and commitment of the Government of Kosovo and other donors and all other

stakeholders in the mobilization of all resources, potentials and opportunities to create a more favorable environment for Kosovo youth and the commitment of its potential in the field of economy but also of other socio-cultural developments' (The Strategy, 2013).

Referring to the obligations that emerge from the Strategy few initiatives have been initiated recently with an aim to finalize some legal acts that will lead to the development of voluntarism in Kosovo and potentially increase the Activities and engagement of young people in socio-economic initiatives. 'The government has established a working group for this purpose which in 2015 decided to establish a cross-sectoral group for voluntarism. This group will also lead the planned analysis and process for designing models of voluntarism in Kosovo.' (Tacso, 2016).

Despite the approval of this already delayed legal framework and the establishment of the youth Councils not much of the Strategy has been implemented. As in the case of other strategies, this strategy has also followed almost the same problems during the implementation process, like the lack of institutional capacity, the lack of political experience and will and lack of budget. Consequently, this 'soft sector' has been neglected. "Alongside the creation of legal opportunities for participation, the challenges of the future consist in finding ways to strengthen these structures through various projects and activities, with a view to empower young people by motivating and encouraging them with regard to the important contribution that they

can give for the development of a democratic system in Kosovo. This, of course, is a challenge in itself when considering the decade's long legacy in which a patronage system has prevailed and necessarily influenced their consciousness "(Feldes, 2011).

#### **4.7.1 Donor's policy and institutional support for NGO's**

In recent years, one of the biggest challenges for most NGOs is their financial sustainability, regardless of the fact that only some of them have created capacities, resources and expertise in their fields. With the shift of support from the situation of humanitarian support into the support for the development of institutions of Kosovo the civil society has received fewer donations and financial support which has led to the reduction of their activities and as a result a good number of them officially were no longer active. For many NGOs, this period is quite shocking as many of them are unable to compensate for international financial shortfall with the local resources. Many observers of Kosovar civil society have noticed that most NGOs have weak links to constituencies. In order to get more access to international donor funds, terms such as advocacy, anti-corruption, and minority rights became very popular in the NGOs vocabulary. Most of them were perceived from the public as elitist because they did not develop their own constituencies (Usaid, 2008). NGOs were driven by donor priorities and in rare occasions they reflected the needs of the society. Consequently, many of the NGOs suffered from low legitimacy, which is not good for

their public image. ' in couple of first years after the war most of the international donors have supported local NGOs with projects that have had little impact on society and in other cases they have been completely irrelevant to the circumstances. There was an evident lack of a strategic approach by the international donors. They did not focus on building of the capacities of the local NGOs in order to ensure their long-term sustainability but decided to sponsor only short term projects '(Khdr, 2006). However, the development of the NGO sector has been unimaginable without the support of international donors; yet, the capacity for local self-support was undermined due to this heavy dependence on international funds. Alternatives to foreign funding sources are not being developed. The government perceives that support for NGOs from foreign donors is sufficient and government support is unnecessary or not as urgent, so many of the NGOs depend primarily or completely on foreign donor support (Kipred, 2005).

NGOs cannot support their activity exclusively in international donors as it is evident that the situation has changed with regard to the number of donors. International donations declined in the period when the transition from emergency situations shifted with projects aimed at supporting the development of the Kosovo institutions. The subsequent contraction of the financial support after a long period of time of generous support had a direct impact on the development and status of many NGOs in Kosovo. As underlined in this section, the capacities of many NGOs formed after

the war has now been reduced and some of them were imposed to stop functioning. A small number of civil society organizations survived during this period as they managed to improve and build up their own capacities. This has generally been a wining-out of NGOs as a result of the decline in financial resources (Usaid, 2008).

International support is very important for the development of the NGO sector, but the decline of financial support directly affected the development of NGOs and a number of them have been forced to change the structure and dynamics of their activities. On the other hand, the decline of the international donations is not replaced by the support of national funds because the government of Kosovo does not have a strategic approach and vision on how to support the sustainability of the NGOs sector (Sterland, 2006). In addition to direct forms of the financial support, the government can support the development of the NGO sector through other institutional forms, by facilitating fiscal burdens or by contracting out NGOs for public services. In many European Union countries, creative ways of supporting civil society have been designed. Some of them have created the so-called "one percent model", through which regular taxpayers can allocate a symbolic share of their taxes for the civil society organizations. Another idea is to outsource different public tasks to NGOs. Although not in large numbers there are specialized NGOs in certain areas such as education and health where they can provide better service than the public institutions themselves. The government could potentially establish models through

which transparent and clear procedures are contracted to different NGOs in order to perform certain services for the community. These are well-known community organizations. However, these ideas and models are missing in Kosovo as tenders for the provision of such services are mainly given to private companies and as a consequence government support for NGO sector remains poor. In order for this situation to change for the benefit of the NGO sector, the government should build mechanisms and support instruments for the NGO sector, such as tenders for service provision or open grant schemes. Open grant schemes would not make NGOs dependant on Government. Apart from their access to international donors, this scheme would only expand their financial opportunities. This model proved to be successful in many South-East European countries during the EU Integration process, where in general the role of NGOs is important to be strengthened (Tacso, 2010).

After a drastic decline of the foreign donations, a slight increase in international and public donations has been noted after the declaration of the independence. According to the KSCF Civil Society Index for 2013, international donations have increased from 70.17% in 2011 to 74% in 2013, as well as the public funds from 8.84% in 2011 to 20.50% in 2013. Donations on private basis or on membership contributions remain at low levels mostly because of the lack of legislation. On the other hand, one

thing is certain that most NGOs remain dependent on international donations (Kscf Index, 2013).

One can say that NGO sector in Kosovo is primarily driven by international donors, lacking adequate institutionalization and professionalism. However, after the declaration of the independence in 2008, few NGOs involved with projects related to the democratization processes and those seen as playing a 'watchdog' role have increased their presence. Although there has been a decline in international donations, these particular NGOs continued to be funded by the international donors. 'For the period of 2009-2015 has accounted 2.1 billion USD of actual aid disbursements, much of it are donations for different local projects implemented from different CSOs.' (World Bank, 2017).

On the other side, it is not only the decline of international donations the only problem challenging NGO projects and activities. Until 2014 Kosovo lacked an electronic platform or database that would provide detailed information about the active international donors that support NGO sector financially. There have been some ideas and initiatives generated mainly from the international donors to develop such a database in cooperation with government institutions. 'For example the establishment of the Local Advisory Group (LAG) enabled prior consultation between NGOs and with the international donors on the programming of funds. These discussions were less focused on dedication and amount of funds and more about



project goals that what could potentially be supported by international donors. These discussions have been aimed at avoiding biased decision-making by many international donors who often gave advantages to certain NGOs during the process of granting funds and addition of these NGOs to these grant schemes automatically influenced their independence . '(Tacso, 2014).

With the support of the European Union, the Ministry of Integration has established the Aid Management Platform (AMP) in 2015 as a tool that will serve both to donors and structures of the government to be delivered with the accurate information about projects funded by different donors but also to be able to track which NGOs have been supported either through the projects or through direct funds, yet this instrument has not been supportive as expected in order to coordinate the activities between major international donors in Kosovo. Although some kind of diversification of donations has begun, external donors remain the largest sponsors of NGO projects in Kosovo. Some of the key international donors in Kosovo are: the European Union which provides financial support to civil society organizations in Kosovo with the grants distributed through the Civil Society Facility (CSF) and the European Instrument for Democracy and Human Rights (EIDHR). UNDP is also one of the major donors that supports NGO sector in Kosovo mostly in the areas such as empowerment of local communities, socioeconomic development, human rights, gender and youth employment; United States through the USAID promotes the capacities of civil society

to take part and shape the country's socioeconomic and political development; Switzerland is very active in supporting local NGO development in numerous of its ongoing projects, either as primary or as a secondary objective; the Swedish International Development Cooperation Agency (Sida) as part of its project portfolio in democracy support, promotes the participation of the representatives of the civil society in the development of the society, for example by supporting the development of free and independent media; the Norwegian Agency for Development Cooperation (NORAD), through the Norwegian Embassy supports through small grant schemes mainly NGOs dealing with capacity building at municipal levels and initiatives that are practical as they help directly in the development of individuals and local communities; the Finish Development Cooperation Agency (FINIDA), through the Fund for Local Cooperation (FLC), provides small grants to NGO sector in the area of Human Development, Income generation and Decentralization; and Kosovo Foundation for Open Society (KFOS) is one of the foundations that has supported consistently the NGO sector through its wide grant schemes and supporting network (Tacso, 2016).

Very often NGO's influence is limited as most of them follow more the agenda of their donors, rather than what comes out of society. International donors should allow those NGOs that have sources to the local society to develop their agenda and support their original ideas. They should also recognize the need for NGOs to

formulate policy agendas at local level in order to secure their self-sustainability in the future. On the other hand, international donors need to invest more in the training and development of government structures through various training programs in order to increase cooperation with representatives of the civil society (Osce, 2013).

The lack of coordination of the major international donors remains a serious problem as it affects the impact of NGO on public policy makings and simultaneously risks duplication of the same projects and efforts in the absence of close coordination. Most of these serious and powerful donors lack the coordination of their activities with local NGOs. 'Due to the lack of exact data on the amounts of funds, it is impossible to generate any final assessments. Some coordination platforms of donors tend to share information among them for their support to civil society but there is no comprehensive and updated database for their support to the sector.' (Tacso, 2016).

#### **4.7.2 Legal basis and financial support for the civil society**

Immediately after the war, one of the first regulations issued by UNMIK was the regulation on the registration of NGOs aiming to establish a legal status for the NGOs operating in Kosovo. This Regulation established the UNMIK's NGO Registration Unit. NGOs had to be non-profit. In 2001 UNMIK issued another regulation which

regulated the legal aspect for the establishment of the Provisional Institutions of Self Government of Kosovo. Among other procedures, the Ministry of Public Services was responsible for assisting in the NGO registration process (Atrc, 2008). Organization for Security and Cooperation in Europe (OSCE) has also worked extensively through various projects and programs to assist in the capacity building of the NGO sector.

'One of the milestones was the establishment of NGO Resource Centers, which helped newly formed NGOs to complete the registration process. In July 2004, the Ministry of Public Services (MPS) established the NGO Division within the Department of Registration Services. Since the establishment of this Unit within the Ministry, competences for the NGO registration have been transferred from UNMIK to the MPS (Kipred, 2005). Once the "Kosovarization" process was completed, the transition between the UNMIK post-war reconstruction and humanitarian phase towards an established institutional environment took place. Presented with new circumstances over 200 NGOs, in cooperation with all Kosovo's political parties, and representatives of minorities, drafted the Law on Freedom of Association in Non-Governmental Organizations. This law included procedures for NGO registration and most importantly stated the financial reporting requirements for NGOs.

Regulation 99/22 continued to regulate the legal aspects of the NGO sector because the aforementioned law did not come into force by UNMIK authorities. 'The law was approved by the Assembly of Kosovo in 2005 after some amendments, but the goal

has remained the same "to help the development of civil society by providing a supportive legal environment' ' (Law No.02 / L-6, 2005).

The European Commission's Progress Report for Kosovo (2008) pointed out the lack of legislation needed to guarantee the freedom of association is an obstacle to the functioning of NGOs.

The incomplete legal framework caused ambiguous situations damaging the activities of NGOs. For example, the Ministry of Finance and Tax Administration required that NGOs pay taxes, even though they were previously granted with public beneficiary status by the Ministry of Public Services. The new 2005 NGO Law provides for a broad range of NGOs to apply for Public Benefit Status, which enables the qualifying NGO to take advantage of tax exemptions on earned income and tax incentives to charitable giving offered to individuals and businesses. Only in cases where the greater benefits are provided free of charge are considered to be of public benefit status under the Law (LAW NO.03/L-134).

The issue of NGO financing and donations under the provisional institutions of Kosovo (supervised by UNMIK) needed urgently to address its legislative aspects. 'NGOs in Kosovo had two options under the legislation. They could choose to benefit from self-financing ("income generated from lawful projects and activities") or choose to operate on a donation basis that can be absorbed in the form of grants, cash, in-kind contributions and membership fees'. According to the Regulation on the

Registration and Operation of NGOs, all NGOs can organize and implement projects on the basis of economic benefits as they serve to the community, to NGO objectives, and not to individual interest or to the board members who run the NGO. (Unmik Regulation No 2001 / 19). However, all NGOs are required to provide their tax registration certificates in order for them to qualify for payment services that may be contracted by the government or other public institutions. According to the legislation, up to 5 percent of the NGO's taxable profit can be given as a donation for other humanitarian activities related to culture, education, health, sports, etc. ' (Unmik Regulation No.2002/3).

Individual NGO donations were considered to be income and therefore subject to taxation as for individual donations tax benefits are excluded. Over-taxation is a problem due to inconsistent interpretations of the regulation by the Tax Administration of Kosovo. The definition of "charitable" purposes applied in the laws regulating personal income tax and corporate income tax was not in line and corresponding with the definition of the public benefit status in the NGO Law. In particular, many issues such as civil society, protection of democratic procedures and practices or even economic reconstruction were not included in the two tax laws. The NGO financing process has become an increasingly important issue but has not received clear answers from the legislation in force. Due to legislative ambiguity, this issue was often complicated in practice because there were many cases where an

NGO could not receive, for example, non-cash donations. The UNMIK Regulation complicated the process because it was in some cases discriminatory in relation to different NGOs. As such it was outdated and the need for new legislation emerged. Due to the ambiguity in the interpretation of the regulation and VAT law, there were situations when public institutions were also asked to treat donations as benefits by forcing them to pay the VAT. Such a well-known case for the public has been the reconstruction of the government building through donations to the European Agency for Reconstruction (EAR). The Tax Administration ruled that companies that will do the job should charge VAT to the government, regardless of whether it is a donation received by the government (Khadr, 2008).

A legislative gap affected also registration of certain entities in Kosovo, given that an entity can choose between registering as an NGO or business, the latter may end with a legally confusing status, in extreme cases by registering as both business and NGO. 'Among the many examples of legislative gaps and ambiguities hindering the NGO functioning is also a provision obliging organizations to issue an employment contract to its volunteers and/or interns. This has legal and financial implications for the organization. Clarification of the legal status is necessary for a proper functioning of the NGO sector' (Kipred, 2008).

After the independence of Kosovo, the legal framework for the public financial support for the civil society organizations has improved to some extent. Positive

changes in the legal framework regarding the public funding of NGOs were identified. However, to make a more favorable financial environment and to institutionalize a model for funding NGOs, more changes in the legal framework are needed. A model of public funding for NGOs has been adopted by the Government in May 2016 and the process of drafting the necessary regulation has been initiated.' Although the general legal framework for service provision is not restrictive, in practice these kinds of services become difficult to accomplish. Many NGOs have difficulty in providing service provision because they are usually limited only in the context of social services and they lack clear procedures in order to regulate other issues. The financial reporting formats for NGOs need to be upgraded not only by addressing the specific needs of the sector, but also by serving as a true source of information on the financial state of the sector '(Kscf, 2017).

The adoption of the Public Funding Model for NGOs has improved the situation to a certain degree because earlier according to the Law on Freedom of Association for NGOs that was followed with few Administrative Instructions the situation was further complicated as many problems appeared while considering what is the proper legal basis for public funding. 'Most of the administrative instructions refer to public grants to NGOs as 'subsidies', they lack a definition as to what is considered as a program or project, they lack any harmonized criteria for distribution of funds, some of them do



not provide the mandatory content of the agreement, and finally do not suggest that public calls are the only way to distribute any funds to NGOs.' (Tacso, 2016).

As emphasized in this section the available data suggest that the foreign donors, followed by state institutions provide the majority of funding for civil society which to some extent diversifies funding process for NGOs. However, not all the procedures related to the public funding are always transparent and accessible. EC Progress Report concluded that the public funding provided to civil society is non-transparent and unregulated, thus required from the government to set standards and criteria governing public funding for CSOs so as to install transparency, accountability, and credibility in the process. 'The lack of transparent procedures during the process of public funding for the civil society organizations remains one of the main concerns' (EC Progress Report, 2016).

The process of adopting legal acts in order to make more transparent financial data was intensified after the declaration of Kosovo's Independence. Within this context, a new law on the financing of terrorism and the prevention of money laundry was adopted. In 2013 the same law was amended. The importance of this law consists in the fact that the major part of the restrictive provisions for NGOs was removed. '

NGOs are very sensitive sector where the money laundry process could easily take place. Before receiving funds in higher amounts than 5000 euro NGOs are obliged to inform and get the authorization from the Financial Intelligence Unit of Kosovo. Thus,

the Law requires from NGOs that in order to receive payments as specified in the law they may obtain exemption from these obligations only through the approval of the Financial Intelligence Unit of Kosovo. '(Tacso, 2016).

The public funding for NGOs has had major legislative issues under the mandate of UNMIK and during the period of Kosovo's interim institutions. The period after the independence and specifically the year 2016 was marked by the adoption of a number of important documents related to the civil society operations and development; such is the case in the areas of public funding and the money laundry regulation. However, despite advances through the adoption of the Model on Public Funding for NGOs or the Law on Prevention of the Money Laundry and Financing of Terrorism the public funding for NGOs remains the least regulated area with regards cooperation of the representatives of the civil society and of the Government. Public funds for NGOs are more significantly present but distributed without any defined transparency and criteria (Kscf Index, 2013).

In order to functionalize the model on public funding for NGOs, to improve the situation with regard to the tax benefits for NGO donors and improvement of the process of the financial reporting from NGOs, more legal acts are needed. Approval of these legal acts would further regulate this area and improve the public funding process for NGOs. The adoption of the Model on Public Funding needs to be followed with the adoption of the specific regulation in the governmental level (not in

the ministry level) providing a comprehensive framework to govern the whole cycle of public funding for NGOs starting with planning, distribution, monitoring, reporting, and evaluation. Until the regulation is adopted and implemented, public funds for NGOs continue to be distributed without any clear criteria. On the other side, even with this legislation, there are some problems that are of the same nature as those at the time of the UNMIK's administration. The regulation tax benefits for NGOs, when they undertake economic activity was followed by legislative uncertainty. This is especially the case for those NGOs that have not applied for the public benefit status. 'The main interpretation is that NGOs that engage in any economic activity are exempt from the corporate tax if the income destination is solely for the public benefit purpose. While the article on tax exemptions mentions only PBOs, another article on commercial activities refers to all registered NGOs. This incompatibility and ambiguity results in a conjecture in the interpretation and implementation of economic activities. '(Bcsdn, 2017). No changes have been made with respect to the financial reporting of NGOs according to the Law 03 / L-222 on Tax Administration and Procedures.

With regards to the tax benefits for NGO donors, the main improvement has been noted in the new law on corporate income, adopted in September 2015, which doubled the tax exemption for corporate donors to a number of public benefit activities. If determined by other laws, this tax relief can increase up to 20%. ' While

the Law on Freedom of Association in NGOs allows for tax and fiscal benefits for Public Benefit Organizations, such benefits are ambiguous in the tax legislation and are not regulated according to the chapter on the Public Benefit of the Law on Freedom of Association in NGOs. Similar provisions are also in the new Law on Personal Income Tax. '(Tacso, 2016).

Kosovo institutions need to increase the dynamics of work related to the approval of the necessary legislation in order to address problems related to the financial and tax reporting formats and procedures for NGOs. In order for these procedures to be revised and meet the specific needs of the sector and increase the transparency of the public funding process, the civil society representatives have to increase their pressure towards the institutions (Kscf, 2017).

### **4.7.3 The Capacities of the Civil Society**

While analyzing the cooperation between the Government and the representatives of the civil society by referring to different research reports from the various international and local organizations, one can say that the deficiencies that exist in the dynamics of interactivity between the central and local institutions and of the civil society have a lot to do with itself with the lack of developed capacities of the civil society. Indeed, there are often problems that can be identified on the part of civil society, which hampers its commitment in the public policy decision making

processes. All of the investments after the war contributed in the creation of the civil society structures, especially in the NGO sector, but yet they did not achieve the desired level.

Based on the research conducted by KODI on behalf of OSCE in 2007, there were about 4,000 registered NGOs in Kosovo. For a country with less than two million people, this has been an enormous number of NGOs. A considerable number of these local NGOs have been formed as satellites of the large international organizations. 'Structures really exist, integrated into different local and international NGOs, but civil society has failed to make its contribution for developing a democratic society by being more active on behalf of citizens so to push ahead agendas related to important public interests' (Osce, 2007).

If we compare these data with the latest data from the Tacso report 2016 it emerges that in 2016 the number of registered NGOs has increased as there are more than 8,500 registered NGO's. It is assessed that no more than 10-15% of them are active. However, the assessment of the capacities of the civil society organizations is not measured exclusively by the number of registered NGOs because a large number of them are inactive. The capacities of civil society should mainly be evaluated through their internal governance, profiling (expertise), constituency building and visibility. These are all elements that help to increase alignment of specific indicators as part of

the "EU Guidelines for Civil Society Support in Enlargement Countries 2014-2020 (Tacso, 2016).

Internal governance is a very important aspect of civil society organizations. The Law on Freedom of Association in NGOs determines some minimum requirements for internal governance of an NGO. They are obliged under the applicable laws to organize their structures and have bodies such as boards and assemblies. All these bodies should have clear and organized responsibilities and duties. The law obliges registered organizations that besides structures they need to approve important documents that regulate financial issues, code of ethics, and possess strategic planning. The KCSF Index survey finds that the majority of NGOs have such an organization of structures and documentation but the issue is that a very small number of NGOs implement them in practice (Kscf, 2013). The 'Needs Assessment Report' conducted by Tacso for 2014, concerning the internal governance of NGOs, identifies financial management and organization of human resources as one of the acutest problems for NGOs. Financial and procurement management is a matter that reflects serious internal governance deviations followed by the lack of transparency as well. 'Instead of financial officers often founders and leaders of the NGOs execute payment to different parties. The issue of human resources remains a problem since the in-house staff of most NGOs is recruited only on a project basis and in this regard NGOs are consistently dependent on external international funding '(Tacso, 2014). On

the other hand, according to the TACSO Survey conducted in Spring 2016, most of the surveyed NGOs declare that their internal documents are accessible to the public - 57% of NGOs have access statutes, 51% of NGOs have the accessible internal rulebook, 58 % of NGOs have an accessible Annual Activity Report, 53% of NGOs have access to financial reports and 43% of NGOs have access to financial statements that are audited. Overall, the majority of NGOs have serious problems with the creation and organization of permanent government structures and the implementation of their decisions in practice (Tacso, 2016). In addition to these elements, the low citizen's engagement is another factor that impacts the development of the civil society capacities. Kosovar citizens remain largely apathetic towards public life in general, including low levels of engagement in civil society. Only 3% of citizens are members of an NGO and less than 4% of them have done any voluntary work for the sector (Kscf Index, 2016). Profiling and Networking of NGOs were often raised in various reports and researchers of international organizations as well as in forums between donors and civil society representatives. The 'can do all attitude' as emphasized earlier in this section remains a problem for most of the NGOs. 'In general, NGOs tend not to create specific but general expertise, hoping to qualify for all kinds of activities and projects sponsored by the international donors which caused more harm than benefit to them because lack of specialization in any field exposes great risks for their future functioning (Tacso, 2016). In addition to the

lack of profiling for NGOs, Kosovo has no accurate database of civil society networks. The Kosovo Women Network is one of the oldest networks in Kosovo that gathers around 100 women organizations throughout Kosovo. Democracy in Action is a national network, which becomes active only when there are local or national elections. The CiviKos Platform was established in 2007 in order to support the development of cooperation between the civil society and Kosovo institutions. As for the Advisory Group, there is only the Kosovo Local Advisory Group which was established in 2009 and is comprised of three government representatives, four representatives from the international donors, one from the media, and eleven civil society organizations. Having in mind that only a few NGOs have clearer missions and designed goals, one can say, that profiling and networking of NGOs are not yet on the desired level (Tacso, 2014 & 2016).

If we refer to the reports of various international and local organizations that have systematically monitored the development of civil society since the postwar period, it is quite easy to identify a nearly similar finding in all of their reports that explicitly states that NGOs in Kosovo have failed to build upon their constituencies and develop their legitimacy based on them. This similar phrase can be found in reports conducted by KIPRED, KHDR or OSCE in 2003, 2005, 2006, 2007 (before independence), until 2008 and 2010, 2011, 2013, 2014 and 2016. 'Observing the civil



society's priorities it results clearly that they often do not reflect public interests but rather those of their donors.' (Tacso, 2014).

In most of these reports, the reasoning is almost the same. NGOs have failed to build upon their constituencies because most are financed by international donors and therefore are obliged to follow donor agendas before the public ones (Tacso, 2016).

The debate is divided between those that think that NGOs don't need to build their legitimacy over their constituencies and the contrary. Some consider that civil society should be categorized depending on the nature of their activities and actions. They cannot be all integrated in one category because some are service providers, others do advocacy activities and others are anti-corruption civil society organizations. There are even opinions that go further by considering that the accountability has not risen from the people, but it belongs to individuals who have also taken the initiative to establish those civil organizations. However, it prevails the opinion that the representation of citizens by NGOs and their accountability to citizens is very important. In this context, membership NGOs makes an exception as they are accountable to their members who are defined by their mission and activities. Except for membership NGOs in all other activities that are taken on behalf of the public interest NGOs should have accountability vis-à-vis the citizens because if these projects are implemented for the benefit of the citizen then the responsibility must be given to that group of citizens' (Kfos, 2015). If referred to the above analyses of the

Kosovo Foundation for Open Society Report in 2015 on the 'Accountability of NGOs in Kosovo', which is given based on literature and in logical arguments, then it can be said that in general the situation has not changed much since the post-war period as most of NGOs have failed to develop their relationship with their constituencies.

There is only a limited number of NGOs that are involved in projects that aim to involve citizens and have stronger connections with their constituencies. They are organized around the advocacy and lobbying activities or by monitoring the Kosovo institutions in order to influence the public decision-making process for the interest of the citizen. However, their work is not very visible because in this regard the media does not give enough space to these NGOs. Consequently, all those NGOs interested in extending their political activism are imposed to operate with limited capacities as their activities do not appear in the media. Thus, a large number of civil society representatives remain outside of the orbits of government public decision-making. A study conducted by Tacso in 2013 on relations between media and NGOs shows that the civil society has serious problems with media communication. Their communication as two important sectors of civil society is not at the required level. Representatives of NGOs argue that the media do not give enough space to NGOs because they have more focus on daily political events. 'Both the media and NGOs identify completely different factors when attempting to justify the lack of their cooperation and joint projects. This shows that the two sectors are at a very low level

of cooperation, which means they must first advance their communication in order to improve their future relations '(Tacso, 2013).

It seems that the situation has improved a little bit in the last year, although the progress is still modest. If referred to findings of the Tacso Survey from spring 2016 the public still believes that NGOs are not sufficiently present in the public. Respondents' list primarily similar reasons why they think that NGOs are not sufficiently present in the media as 54% of them believe media shows little interest to report NGO activities and implemented projects, whereas only 28% of them say that the lack of adequate NGO activity is the reason for this.

Citizens believe that civil society is active more on the rights of women, human rights, and education, and have less activity related to what they consider that is their priority, such are: security issues, employment and fight against corruption (Tacso, 2016).

Most of the above-elaborated reasons influence in how citizens perceive NGOs and their activities. The relations developed with their constituencies as well as their visibility are main factors that impact on how the civil society is perceived by citizens in terms of their importance and impact in the public decision-making process.

#### **4.8 The process of European Integration and the civil society**

##### **4.8.1 The impact of European Integration process on NGO sector**

European integration is the process where citizens and Kosovo institutions see the future of society's development. However, while the euro-integration processes have backing of almost 90 percent of the citizens of Kosovo in all EU progress reports over the past years it is clearly stated that the institutions of Kosovo need to undertake more initiatives and serious reforms in order to achieve integration of Kosovo into the EU. According to recent progress reports from the European Commission the civil society is not fully engaged in this process. The EU integration process presents great opportunity for the civil society organizations to become more active by using the mechanisms and instruments that this process offers. Considering the importance of the EU integration process and the fact that Kosovo's society is not fully committed to this goal, there is a need for the civil society representatives to get better organized and put forth their contribution.

Apart from other societal factors, the transformation, development and reform of Kosovo institutions can also be influenced by the active role of civil society. Representatives of civil society organizations in the framework of the EU integration process can use important mechanisms and instruments that make their roles even more visible. In this context, if the EC Annual Progress Reports for Kosovo are analyzed, it is obvious that the reports evaluate the development of civil society, but rather direct support for the development of civil society should come from governmental institutions. Thus, the Annual Reports require by the national

government to invest more in its relations with civil society by giving civil society representatives a deserved role in public decision-making processes (Khadr, 2008). The civil society representatives should rely on these findings and search for their active role in relation to the government. In situations like in the last couple of years, it is necessary to intensify the role of the NGOs that focus on political activism in order to increase the democratic participation in the political system.

In Kosovo's circumstances, these types of NGO's are primarily considered NGO's that support rule of law projects, socio-economic reforms, public administration reforms, human rights, media development and reforms in education, as these are some of the basic fields where Kosovo needs to improve faster. Within this perspective, the role of NGOs is very important in the whole process, starting from monitoring the legislative process and implementation of certain laws, identifying citizen needs, active participation through drafting of strategies and policies, and EU compatibility check of the laws approved by the Assembly. It is not only the monitoring role for public institutions that contributes to the process. Representatives of NGOs should insist on becoming a serious cooperative partner with the European Commission (EC), in the euro-integration process. Kosovo's NGOs need to work seriously to improve their capacities in order to be able to participate actively and impact the public decision-making processes (Sterland, 2006).

The civil society in the European integration processes plays the role of the partner, and in this case the EC is the supporting organization which in its leading documents, such as expansion and financial strategies, has provisions that provide support to civil society. In a natural alliance between themselves, the civil society process of European integration is influenced by each other. One such case is the Baltic States, where EU integration has also affected civil society transformation. (Spurga, 2005).

Kosovo in its EU integration process, as well as other Western Balkan countries that work in meeting the conditions for membership, is part of the central mechanism - the Stabilization and Association Process (SAP) and the implementing instrument - the Stabilization Tracking Mechanism (STM), designed to enable them to participate in the SAP. This was the only opportunity for Kosovo to engage as separate from Serbia in the integration process, although the MPS did not respond to contractual questions regarding EU-Kosovo relations, EU has managed to create this special framework for Kosovo in these processes (Khadr, 2006). Impact on the EU can be exercised using EU instruments and this can be implemented by NGOs as in the case above. The problem of access to information, which can be very concerning, is regulated by addressing the European Commission, within the European Partnership. From there, the EC further through its own contracting authority, addresses the issue to the national authority and it will check whether or not the governments implement the recommendations, and reports progress on them regularly. The contracting

power of the EC in this case is quite large and for this is a proper way of addressing these problems (Khadr, 2008). NGOs do a lot of complex and not easy tasks in promoting their agendas and taking part in the EU integration process. "Although the EU tries to support civil society, the barriers that arise from bureaucratic procedures are quite large, and the aid programs that are appropriate are implemented by civil society (Raik, 2006). The role of civil society organizations in raising public awareness of the integration process consists in the use of EC financial resources and instruments, by designing projects and by participating in policy and strategy setting, and this has also been a good implementation practice in the civil societies of Eastern Europe. Many of the civil society organizations have implemented the monitoring of their government, precisely because of this political activism that has made the civil society participatory in drafting policies during the integration process. The more informed is the civil society, the more it has impact on this process. For this, evidence is found in the practices and experiences of Eastern European countries that have successfully completed the process followed with the integration into the EU (Sterland, 2006). Apart from the general integration process, regarding the monitoring implemented by NGOs, it is a process that embraces different instruments, depending on the capacity of the country aspiring to integrate. In some countries which are in the early stages of integration, the capacity to implement strategies and policies is smaller. Kosovo is one of these countries. In these cases,

policy-making itself is also monitored. This is particularly the case with the legislation, which should ensure that the draft laws are checked; to comply with the standards set by the EU and adopted in accordance with the EU established standards and timely adopted (Khdr, 2008). The other mode of exploitation of NGOs that participate in the integration process through monitoring is to include them in the Committee for European Integration, as part of the National Assemblies. The capacity of NGOs, with their mechanisms, which can bring rapid and effective results, in particular in the EU integration process, is generally neglected by the Government and NGO representatives (Usaid, 2008). This can be improved by involving more NGOs, in order that they direct their capacities in initiating and implementing public dialogue for Kosovo's membership in EU. In this process, publishers should be supported by the local media, with a view of providing greater public information about the European integration process and making more public campaigns through which more can be done to define the needs of citizens. NGOs should be inseparable in the reform process, as well as in monitoring the results, and consequently increase the effectiveness and reputation of civil society in assessing the effect of strategies, laws, and public policies. (Khdr, 2008).

The EU integration process has been increasing dynamics over the years in Kosovo. The EU operates in Kosovo through its political structures such as the European Union Presidency, the EU Special Representative and the European Union Office in Kosovo,



but it is also present through the EU Rule of Law Mission (EULEX). In addition to these EU mechanisms, the EU integration process in Kosovo is supported by the embassies of different EU member states present in Kosovo. Like in other Western Balkan countries, Kosovo benefits from the Instrument for Pre-Accession Assistance (IPA) and other EU financial support programs such as TEMPUS program, TAIEX, EIDHR and Twinning and P2P programs.

In order to support the EU Integration process with the special focus on active participation in the Stabilization-Association Process, Kosovo has established relevant structures such as: Ministry of European Integration, Parliamentary Committee for European Integration, National Council for European Integration, Ministry of Local Government and Administration European Integration offices in Ministries and Municipalities, as well as a number of offices and departments within independent agencies and institutions (Kscf, 2017).

As underlined above, following the declaration of independence, Kosovo moved from the STM process to Stabilization and Association Process. The Stabilization and Association Process enabled Kosovo to sign Stabilization and Association Agreement (SAA) with many difficulties as Kosovo is still not recognized as independent state from five EU member states. The process of EU integration in Kosovo has begun to take its form through the mechanisms and instruments provided within this process.

The participation of the civil society organization's in the European integration process is of a critical importance.

Within the framework of the EU Integration mechanisms and instruments, NGOs can contribute in many ways. However, the interaction of the civil society with the Kosovo government within the EU integration process is structured only in some of its levels. This co-operation lacks a more comprehensive structure where the role and contribution of civil society would be institutionally recognized. Both central and local officials should identify the potential cooperation with the civil society organizations. 'The best experiences and models in the region should also be taken in consideration in order to be able to build and develop effective forms of cooperation between the two sides' (CiviKos, 2017).

There are established mechanisms for the cooperation between the civil society and EU Institutions. NGOs are invited every year to a meeting which is held one day before the plenary session of the Stabilization-Association process dialogue, at the technical level, there are seven sectorial meetings between Kosovo authorities and representatives of the European Commission and NGOs are invited to contribute with their expertise depending on the field discussed. Another mechanism for cooperation is the contribution of the NGOs on the ECs Progress Report for Kosovo as they are invited from EC to give their contribution on various fields which are covered by the

Progress Report. Kosovo NGOs can also contribute to programming and determining priorities within the financial assistance aim to support the civil society (Kscf, 2017).

However, a more dynamic approach to the EU Integration process should be expected from NGOs. It is of an extraordinary importance for NGOs to give contribution to the process within the framework of the dialogue that takes place at both political and technical level.

In general, and as underlined in a previous chapter, the experience of the South-East European countries has shown how critical was the role and contribution of civil society organizations in the framework of the accession process.

## **Chapter V**

### **The role of educators and religious leaders in their capacities as civil society for the democratization processes**

#### **5.1 The contribution of civil society actors in capacity building and conflict resolution**

Rapid development of the NGO sector after the war was accepted from the public sometimes with optimism and other times with cynicism and skepticism. Because of the large number of established NGOs that in many reports of foreign and local organizations were referred as 'NGO boom', in Kosovo, as in any other post- socialist context the notion of NGOs became interchangeable with that of civil society. This was a direct consequence of the approach used by the international donors after the

war in Kosovo, as many of them 'forgot' that civil society organizations (CSO) represent more than an NGO. In fact, CSOs include a lot more than what the "non-governmental organization" represents as a conventional term. The western type of NGOs (non- governmental organizations) elaborated in the previous chapter bring people closer to one issue jointly, such as human rights organizations, humanitarian organizations, etc. On the other side, CSOs are more than an NGO as they include labor market actors (trade unions and federations), economic and social actors, and CBOs (community-based organization (Coneccs, 2016).

CSOs are usually categorized in: Advocacy CSOs (awareness activities) ; Mediation (acting as the intermediary between sectors and different groups) ; Service Providers (humanitarian, developmental ) ; Evaluation and monitoring (serves as "guard" or independent party (Nelson, 2007).

In the previous chapter, the role and contributions of the CSOs that are part of the functional categories such as: Advocacy, Mediation, Service Providers and Monitoring were analyzed. In this chapter, the role of organizations that are part of the functional categories such as: Capacity Building and Conflict Resolution will be analyzed. In this context, contributions of educators and religious actors in their capacities as civil societies are emphasized. During the process of providing education, training and information educators can give a significant contribution for the developing the identity among the main communities in Kosovo based on the concept of citizenship,

while religious leaders can act as mediators and moderators in their communities and get involved in their efforts to foster democracy.

### **5.1.1 The impact of education on identity formation in educational settings in Kosovo**

The solutions of interethnic conflicts, taking care that the dominant and minority groups have a respectful relationship within a balanced and constructed system, based on the principle of non-discrimination, is one of the main preconditions for EU membership for all countries in Southeast Europe. The educational rights in the Western Balkans were among the most problematic issues in the last decade, and in Kosovo's fragile society, the education system is one of the many challenges that Kosovo faces. Because of the difficulties in statehood building of Kosovo, which is often a painstaking process, and because of the dialogue with Serbia, many of the important issues related to education in Kosovo, remain under the shadow of these processes. In these circumstances, the education system remains fragmented and politicized. Education as one of the most influential elements in the formation of an individual's identity, especially in different cultural societies, plays a role in forming the identity of an individual, based on the concept of citizenship, as explained in various analyzes of the theoretical foundations of multiculturalism. Education has a strong influence on the formation of an individual's identity. Ethnicity, nationality and citizenship are only some of the possible identities within the very conception of the

individual that are most important to the relationship between the citizen and the state (Kostovicova, 2005). Concerning the impact on the formation of ethnic and national identity, education has had an impact both on Albanians and Kosovo Serbs, often in malicious ways, as a result of counterfeiting of history and keeping myths in school curricula. This affects the education of new generations and is often seen as threatening for Kosovo's integration in EU, and in general for a peaceful future of the country. For decades, younger generations through school curricula and media were fed with mythical stories and as a consequence the deception and hatred was placed in the public education system of Kosovo, which changed the practice of the common educational system of ethnicities that functioned for years after the World War II, almost without return. (KohaNet, 2017).

For a more detailed explanation of the parallel education system, as explained in the second chapter, the separate education system implies a system where Albanians were educated separately from Serbs, and Serbia had established state curricula for Serbs who in the 1990s had an impact on the creation of this fully separated and segregated system after the 1998-1999 war in Kosovo.

### **5.1.2 Promotion of nationalist type of segregated system of education**

The education process in Kosovo is divided into two parallel systems: the first is the system of Kosovo institutions where Albanians are educated as a majority and a few

non-Serb minorities, and the second is set by the Government of Serbia with their funds, where Serbs and some non-Serbian minorities get educated separately in their system. This type of nationalist-type segregated system is nowhere to be found in Europe. The failure of the international community and institutions of Kosovo to provide an integrated curriculum for Albanians and Kosovo Serbs is made even more impossible as a result of the constant pressure that Belgrade exercises in the Serb minority in order to stop them to integrate into the education system in Kosovo. This further strengthens the formation of ethnic-based identity by transforming this into a natural alternative for the new generations, and this makes it almost the only alternative for these created ethnic and national identities to dictate their political behavior as well (Kostovicova, 2005).

In the history of statehood of Kosovo, the history of education has a major impact on the communication of national narratives. This is communicated in continuity to the new generations by teaching the children two completely contradictory perspectives of the history of Kosovo, where the national narrative of one country offends the other, thus producing reciprocal hatred between the new generations and creating two new identities on this basis. It cannot be overlooked that the emphasis on this kind of national and ethnic identities is the result of the model of national history teaching in separate education systems of young generations in Kosovo. The resistance of Serbs to contribute to the design of school curricula continues to have

the same reasoning that they do not want to be part of the self-proclaimed state by Kosovar Albanians. On the other hand, the Albanians who are by majority responsible and in charge of education institutions, do not always follow the constitutional spirit of a multiethnic state, when it concerns the curricula. With this refusal by the Albanians and the Serbs it has deepened the 'status problem' by further damaging the process of statehood. This has also damaged the prospect of EU integration, where promoting and encouraging tolerance among ethnic groups, guaranteed by the Constitution of the Republic of Kosovo. Within this context, it is important to emphasize that The Constitution of Kosovo has the bases in the concept of citizenship as an identity (Kec, 2008).

Individuals that are strongly identified with Kosovo as a new state, given the greater importance to identity values, make up a significantly smaller number than those identified by their ethnicity and who consider that at their central level their group is more important. Such an attitude reminds us that ethnocentric arguments served long as a justification for horrific events such as ethnic cleansing and genocide throughout the history of Balkan. The root of failed democratization of Kosovo among many other reasons is also in the education system, a system of contradictions, overwhelmed by the force of ethnic identity. Among the ethnically-divided schools, it is difficult to make the right democratization and to establish a natural connection between Albanians and Serbs within the new state of Kosovo



(Kastrati, 2016). What may be the role of educators should be reflected in frame of the above discussion.

In a multicultural society that is evolving, still far from the ideals it seeks, one can ask how Serb minority education can help the bicultural identity through its education.

Approaches such as reforming legislation, drafting strategies, or redesigning education policies of the education system are not often promising and sustainable solutions. According to Terrice Bassler, the context of education is contradictory across Southeastern Europe "and triumphs of chance, as he describes them consist of reaching peace agreements, beginning a national education reform process, approving laws or any new program, and adopting texts or projects. In all of the above the entire Ministry of Education or the Government moves in line with these approaches. "(Bassler, 2005). On behalf of such experimental reforms of the education system, the international community and the institutions of Kosovo have made many steps in the country. These reforms did not touch the core of the problem, which is the education of younger generations in the extreme nationalist spirit. Such education that strengthens the nationalist ethnic identity has its effect on society and the state, and this effect cannot be avoided by applying reforms that are, in their nature, quantitative, formal and technical. The root of this phenomenon is from the Second World War, which continued after the war in Yugoslavia, while in the Milosevic era deepened even more and it was passed also during the UNMIK

administration and in independent Kosovo. During the administration of UNMIK lack of work with educational institutions and schools to develop positive feelings of youth identity and development of inter-ethnic youth programs in order to reach and deepen understanding among them has had its consequences. UNMIK authorities argued that the separation or traditional type of isolated education for the Serb community from the main society should be allowed (KEC, 2008). Kosovo, from its institutional design, is a state based on citizenship, where all citizens are equal before the law and by Constitution is a multiethnic state with elements of individual liberalism (more or less Christian Joppke's concept of citizenship).

It is based on the fact that citizenship rights are achieved through universal ones, traced through documents, strategies, state poetry and laws, namely the Constitution, and on the other hand, 189 schools continue to educate younger generations in the extreme nationalist spirit and hatred and demonization of the other party. The ethnocentrism that this approach creates increases even more with educating the youngsters that their race is more superior to the other race and that ethnocentrism is spread in all aspects of public life. The formation of national and ethnic identity is influenced by the divided system but also by the education system related to Albania for Albanians and Serbia for Serbs. This does not serve the EU perspective when it comes to a climate that shapes Albanian and Serbian youth in that manner so that they "stand ready to wait for the historical moment" to show the accumulated hatred

over the years because of these ultranationalist kitchens (Kastrati, 2016). Given the great role of national and ethnic identity in political behavior, apart from preserving ethnic identity and culture, Serbs as a minority should learn to be part of coexistence models, to integrate with the prevailing culture in Kosovo. A good model for Kosovo Serbs is the bicultural model. The bicultural model includes bilingualism and acceptance from the mainstream society without being disconnected from their cultural community. The tasks of the institutions of Kosovo, in this case the Ministry of Education are to start a public dialogue included and recognized in the school curriculum. In this context, with their role, educators are the foundation of society. They possess tools to bring prosperous social change and political stability. One cannot imagine a development of good human beings without education. As far as Kosovo is concerned, one cannot even think of a multicultural society without intercultural understanding. It is in the hands of Kosovo institutions to think about the impact that the education system has and to see if they will succeed in changing its role in the post-national era. As far as Kosovo and Serbia are concerned, it will take time to demonstrate the distinction of their national systems under the pressure of international convergence and in a world of international political organizations and global markets.

## 5.2 Islamic religious leader's convergence among civil society: roles and contributions for the stability and development of Kosovo's society

The differences between scholars regarding Islam and democracy consist in their concerns about the functioning of democracy alongside freedom, knowing many cases where democracy appears only in its outer form, in a great number of Muslim societies, when in fact authoritarian regimes are still in action in those societies. Knowing that without a functional civil society that finds an extension even outside the political sphere, one cannot talk about the existence and functioning of democracy in certain country. In Kosovo, although religion (in this case, Islam) has never replaced ethnicity, though it was often a self-identification factor, still it cannot be overlooked. It has its impact on the daily lives of people and politics, though the characteristics of development of Islam in Kosovo throughout history are quite different from other Muslim societies around the world. Non-immune to the global change, Kosovo faces the challenges that these global changes in Islam had brought to the country. In Kosovo, the institution of the Islamic Community, with its leadership, is of great importance due to the involvement of Kosovo youth in the ISIS front, despite those religious leaders rarely have been part of the activism as part of civil society to bring about changes in the policies and public sphere. On the other hand, it is almost impossible to monitor or timely control the networks of radical groups that operate in Kosovo and threaten security in the country. The potential to

strengthen peace in the country or the opposite to prevent efforts to build it and the potential to help democratize the country is also in the hands of religious leaders who are part of civil society, depending on their tendency and will and the ways they engage (Kastrati, 2016). In its complexity, the relationship "Islam –democracy" has brought many questions that continue to be discussed in academic circles and studied via scientific articles. One of them is whether Islam complies with the very concept of democracy or any form that empowers citizens and restricts authoritarian leaders? In today's world, different processes of Islamic modernization and extremism are as exclusive and contradictory reciprocal. Some scholars refuse to accept any link between democracy and Islam. On the other hand, there are scholars who see this potential relationship within "marital relations" of Islam and democratic ideals (Diamond, 1988). Depending on the country the relationship between Islam and democracy has its own specifics. In countries where the system is not defined as Islamic, and where Muslims make up the majority population different specifics are developed. Historically, if and when Islam may be closer to the West, is through its shared Jewish-Greek and Greco-Roman heritage, meritorious to the formation of modern Western civilization. From a political perspective, Islam is seen as misguidance for liberal democracy. According to Muslim doctrine, historically viewed, the Islamic state implements God ruled polity. The holy law is in this case the very law of God, and a holy army belongs to God, thus it automatically creates the enemy that

is directly God's enemy in this worldview (Lewis, 1993). The interpretation of the Islamic laws that play a great role in these aspects, in some of the Islamic states is made by the governing body of clerics. These states where the political power has been hijacked by Islamic extremists there can be no discussion of interpretations from legislative institutions in secular political systems emerging from free democratic elections and the will of the people. In such situations, there is a confrontation with the fundamental principles of the Platon and Aristotel of ancient Greece and of the fundamental concepts of the developed democracy from Thomas Jefferson and James Madison. The right to elect and the right to be elected as individual fundamental rights of the citizen in democracy is a crucial individual right. Still, civil liberties, freedoms and human rights outweigh the importance of just elections and the formal institutions (Diamond, 1988). Again, it can be argued that in any case where fundamental rights and civil liberties that derive from the concepts of democracy are in conflict with the principles of a country where the law is interpreted by a body of clerics that is governing body, a change from religious authoritarianism into any form of modern secularism or Islamic democracy is not possible, in any case. At this point different scholars conclude that the complex relationship between Islam and democracy is immutable. These scholars are determined not to abandon their arguments in the face of the disagreement of other scholars who insist that Islam embodies democratic values and are in constant effort to find the arguments that will

validate their theses. One of these arguments is that a country can create its own model of independent religious democracy if there is no occurrence of the abduction of political power by religious extremists (Esposito, 1999). Although these debates occur within academic circles, in societies such as Kosovo, which consists of a Muslim majority population and where the political system is not Islamic or even defined as such, all the arguments discussed in these circles regarding the relation or the inconsistencies of Islam with democracy have an effect on religious, political and political leaders in the state. Here the role of civil society, which is also composed of religious leaders, can be influential, depending on their involvement and activism.

### **5.3 The role of Islamic religious leaders in preventing religious radicalization**

This danger which threatens the Euro-Atlantic perspective of Kosovo and which derives from recruitment of youngsters to fight in Syria and Iraq continues to remain a challenge and an alarming situation, in spite of the strong pro-Western orientation of the absolute majority of citizens of Kosovo and the adoption of the Law on the prevention of Kosovo citizens to join to any war outside of Kosovo. Serbia and other countries who oppose Kosovo's Independence have used the argument that Kosovo is a country with terrorist activities, to the world, using examples of recruitment of Albanians from Kosovo, in the Iraq and Syrian war. The topic of Albanian youngsters from Kosovo who were recruited and involved in the war in Iraq and Syria was brought and discussed many times before the Security Council. As international

agencies and western governments report, there are no direct threats from radical groups in Western Balkan countries, although the governments of these countries report on pressure from fundamentalists. However, it is not possible to overlook these pressures, which may take the form of direct violence or terrorist attacks in the future. These pressures may easily take the form of promoting interethnic conflicts. As a result, U.K. has turned Kosovo into the list of countries that have potential to have terrorist attacks (The Telegraph, 2015). Event such as the cancellation of the concert of July 4, 2015, in honor of the Independence Day of the United States, which is organized every year, for security reasons indicates that these issues should not be overlooked. It is not only the reputation of the new state that calls for urgent response, but the rescue of Kosovo's youth by preventing their departure in wars such as Syria, Iraq and elsewhere in the future. It is worrying that the religious leaders in Kosovo have not made very strong statements in this regard even after the imams arrested. They do not strongly condemn their activities, while the leader of the Islamic Community in a TV show stated that: "God has made Kosovo a part of Europe, the Islamic community constantly monitors the Imams in their lectures, but so far has not found anything about these things. There is no radical and not radical Islam. Islam is a One "(Gazeta Express, 2015). In these cases, the Mufti should clarify his concept of Islam, which is one and unchangeable according to him, to the young people of Kosovo, in the local mosque and in the media and other public appearances. This is



because a radical Islam is being seen in Kosovo. It should also open public debates for the practice of Islam traditionally amongst Albanian population, with its uniqueness and specifics of forms and spiritual heritage belonging to spiritual traditions.

Discussion from religious leaders similar in nature as part of the civil society can substantially and successfully influence young people who are the victims of Salafi, causing them to open their minds. On one side, all of these analyzes contribute to academic debates on the probability of coexistence of Islam as a religion with society that claims or at least aims to be established as liberal-democratic. On the other side, inclusion of Mufti and Islamic Community in public debates as representatives of the civil society is of a critical importance.

In Kosovo, it is vital to develop a contentious discussion on Islamic identity and its position in the country's society by its own religious leaders because the lack of a proper discussion has caused greater polarization. Islam, according to those that abide to the historical perspectives remains and should remain unchangeable, because Islamic theology has been born at an unrepeatable specific time in history, while they conceptually defend the thesis that Islamic laws that derive from divine sources, as God's directives, they do never change, thus they are absolute. Others argue that Islam cannot be dogmatic and that a democratic model that governs Islamic beliefs can be built, precisely because democracy has different meanings and

is suitable for any culture that has its own specificities. In order to simplify this topic for younger generations, religious leaders may start discussing precisely the distinction between Islam as religion, faith in God, and practicing with rites and lecturing about Islam on the other end. If they would start from considering the religious discourses and lectures as products of the respective jurisprudence schools which qualify as fundamental, absolute and exclusive and are not to be interpreted by other religions, then the possibility to distinguish between the concept of Islam as a religion and the way it is taught and lectured about it in Kosovo, can become one of the way out of the situation which has been created and where the final product is resulting in the radicalization of individuals and groups. Also, a distinction between lectures in qualitative or quantitative terms in two generally different ways of teaching can be a reference point for further clarification (Cranberries, 2016). With active participation in civil society, in public, the work of religious leaders may result in many benefits for younger generations, by sending clearer messages about the necessity that religion and its practice should not be a source of violence but as a model to promote stability, peace and development in the country and that there may be cooperation with the parties or secular efforts in this regard. This seemingly idealistic view remains as an alternative to the best possible way of involving religious leaders as part of the civil society in the country, under current conditions and developments.

CHAPTER VI

**Summary: Improving interactions between Civil Society and State Institutions: New perspectives of cooperation and trust**

### **6.1 The Rebirth of Civil Society**

The civil society has made a valuable and historic contribution during the breakdown of many of the communist regimes all over Europe. After the fall of the communist regimes in many of the Central and Eastern European countries, representatives of civil society filled variety of roles in the process of developing democratic systems of government. It is indicative that the countries that today have a satisfactory level of civil society development have had at least basic knowledge for the role of the civil society and importance of public participation concept even during the communism. Not all the states that lived under the communist regimes have shared same experiences, but at least states like Poland and Czechoslovakia have made the difference (Kipred, 2005).

Leaders of civil society like Vaclav Havel or Lech Walesa later during the democratization process of their societies became state leaders. The situation in Southeastern Europe was different. Although many East Central European countries and South East European countries had similarities at this point, like the strict state control over the public life, the suspension of the independent private economic activities, etc there were some visible differences between them. In some of the East

Central European countries, like Poland, there was a broad social movement (Solidarity), East Germany and Czechoslovakia had structured dissident movements and Hungary to a certain degree had gone through a symbolic process of developing the private sector.

By contrast, in South East Europe the situation was very different; any initiative or activity from dissident groups identified by state police was interrupted with harsh repression and imprisonment for the group, whereas the private sector in countries such as Romania, Albania and Bulgaria was non-existent (Khadr, 2008).

The shift from totalitarian communist regimes to multiparty democratic systems in some of the South East Europe countries was made possible due to the contribution and significant role of civil society. Some powerful civil society movements that took place during the 1989 sent important signals for changes in the Balkans as well. These signals were also captured in Kosovo. 'Joining their efforts with Albanian political parties, civil society organizations focused on the organization of civil resistance movement, which was manifested through powerful peaceful protests and widespread solidarity within the Albanian population (The Kosovo Report, 2000).

As a consequence of the rapid development of the NGO sector after 1999, civil society (especially its NGO sector) experienced another phase of transformation: the shift of the pre-war focus from the programs of the humanitarian aid to the support for building of new Kosovo institutions (under UNMIK) and later during the state

building process. Support and development of newly established institutions needed the serious involvement of the NGO sector, in particular of those NGOs with the focus on political activism and in policymaking (Atrc, 2008).

### **6.1.1 NGO antagonisms and their impact for the development of the NGO sector**

The role of the NGO sector is critical during the process of developing Kosovo institutions in order to build a democratic system of governance, which is a basic requirement for the EU Integration process and very important for the successful completion of state-building process. As emphasized in this study, the civil society, respectively NGO sector in Kosovo has gone through two different phases of development. The first phase was the pre-war period under the Serbian apartheid pressures. These were circumstances that are completely unfavorable for a free and normal development of a civil society. The second phase begins after the 1999 in parallel with the beginning of the process for building the democratic system of governance in Kosovo. Consequently, after the 1999 the NGO sector often was identified with NGOs that were formed before the war of 1999 and those established after the war of 1999.

Antagonisms within the NGO sector are the result of its historical and philosophical roots of development. During the 1990's civil society groups were very much unified while LDK organized civil resistance towards the Serbian regime. This lasted up to

1997-1998 when Kosovo Liberation Army (KLA) was born. From this moment and onwards part of Albanian population supported KLA because they believed that KLA could speed up the process of liberation of Kosovo from Serbia, while others continued to support LDK and their peaceful and civic activism against Serbia. Consequently, some major NGO's that predated 1999 continued to support LDK's political platform after the war, while some other NGO's supported PDK and AAK as political parties that came out as a result of the disbanded KLA. In the meantime, the third group of NGO's that were formed after the war (as a result of the international 'NGO boom') took sides between international organizations and political parties in Kosovo (Kipred, 2005).

Depending on which political party was in power a very good number of NGOs would practice the so-called 'anti-institutional' behavior. In this context, very few NGO's remained politically independent. Even if they would remain so, competition for the international funds and local funds would produce very antagonistic relationships between NGOs. In these circumstances, Kosovo experienced the prevalence of centralized and rigid party structures in the Government which would not allow NGOs sufficient access to the policy process.

### **6.1.2 Key issues and challenges for NGO sector development**

In order to be able to influence positively the development of the democratic system of governance, civil society representatives and in particular NGOs should address a number of important issues and problems that directly impact their development. As analyzed in this study, NGOs should be more active in the legislative process and should have a particular focus on drafting legislation that regulates their field of action. Such legislation would allow NGOs to be able to take part in public decision-making, in creating and amending policies, monitoring the work of government institutions, offering services, and guaranteeing sustainable funding for NGO sector. In addition to the international donations and funding, NGOs should also seek alternative support from Kosovo institutions in order to ensure their financial sustainability.

They could start with taxation policy reforms, beginning with the revision of the Public Benefit Status in order to restore the situation in favor of their development. There should be initiatives in order for the taxation policies to favor big companies or even small businesses that give donations for NGOs. This would ensure the financial stability and self-sustainability for the NGO sector (Tacso, 2016).

The integration process for the Western Balkan countries is an ongoing effort to improve their position and fulfill the conditions for future membership. This process requires coordination of actions from all layers of the society, where NGOs as part of civil society play an active role in public support for reforms that preceded the final



goal. Moreover, NGOs can be considered as key actors whose priority is integration in EU, and can become one of the main partners of Kosovo in this process. In order to accomplish this successfully, the NGO sector should work more on development of capacities for contribution to policy and decision making (Kscf, 2017). The role and contribution of NGOs in the process of EU integration in the EU should be strengthened and guided by a jointly prepared strategy by the Kosovo institutions, the NGO sector and the international community. There are a number of instruments that NGOs can apply in this process. In the third chapter, related to this we referred to the reports of local organizations. The necessary triangle in this aspect is between civil society, the government and the EU. Creating and strengthening sustainable networks among NGOs through the target groups is also a necessity. In this process, individual interests should be abstraction, in the interest of networking and synchronous actions of NGOs in this regard. The network is a priority to maximize the potential that in individual capacity is not sufficient, regardless of the programs and quality of the NGO. The determination of the NGO that is a viable contributor to EU integration consists of greater pursuance and achievements towards targeted groups focus on mission and shift of opportunism for donors, towards better actions in benefit of integration (Khadr, 2008).

The other importance lies in the good cooperation which is established between the Government and NGO sector in this process, starts with acceptance, recognition and

shared values. The work should consist of sharing of responsibilities, financial and human resources. The Government institutions will allow for more space to NGO's, by reconsidering their exclusiveness in providing public services. The NGO sector can and should take more responsibility and perform more activities, and they are encouraged to build capacity and professionalism in this regard. Such an NGO will duly inform the public for its activism and would cooperate with other NGOs.

On the other side, the Kosovo Government must gradually become aware that it is impossible to address all the challenges of the transition processes in Kosovo, so they need support from the NGO sector in order to complement their efforts (Kipred, 2005).

## **6.2 NGO approach towards the Kosovo institutions**

UITU represents a concrete example of organizations that have consistently organized activities aiming to impact state policies and achieve their goals that have often been of political nature. That is why they are considered politically relevant both for position and opposition in Kosovo. For example, one of the most controversial issues from UITU in relation to state institutions was the process of privatization of ex-state enterprises. On the other hand, the Teacher's Union has, since 1999, organized protests against the government, demanding the increase of the salaries for all employees in all levels of the educational system in Kosovo. After the declaration of

independence, the International Monetary Fund (IMF) recommended that the increase should not exceed 8% due to negative financial implications for the Kosovo budget. With the price of annulling the IMF's financial program for Kosovo, the Government decided to increase the teacher's salaries. On the other side, we have the Association of War Veterans that has very close relations with the government channels (Khdr, 2008).

Both NGOs and Unions that pre-dated 1999 affiliated with LDK (the political party that led the civil resistance) and associations that were formed after the war as a result of the disbanded KLA (affiliated with PDK), develop and push for 'anti-institutional' or 'anti-governmental' models, dependent on whether their preferred political party is in power or not.

With few exceptions, the third type of NGOs that were formed after the war (as a result of the incentives from the international organizations) also develops an 'anti-institutional' model of behavior regardless of which party is in power. Their approach in most of the public discussions is very anti-governmental and they practice a very aggressive criticism towards the government many times without offering concrete alternatives for the solution of the problems. Many observers of civil society believe that this is caused out of frustration that most of these NGOs have as they were never able to compensate with available local and government sources the financial shortfall by international donors. In many situations these smaller NGOs identify

bigger unions and organizations affiliated with main political parties, thus securing advantages over the government funds and political support. On the other hand, unions and other large organizations see these small NGOs as being without identity and or any specialization in any field of civic activism and serving as implementers of particular international donor policies (Khadr, 2006).

These kinds of antagonisms do no benefit to civil society, as far as political efficiency is concerned and that in practice it takes different forms. The civil society and the state had different forms of co-operation in time and places. In the West, we can talk about close co-operation relations, both in Western Europe and in the United States. In Southeast Europe, the main dissidents and other groups chose "anti-institutional" behavior, because in these countries civil society was considered to be so in any regime. In Kosovo, unlike other SEE countries that this model has immediately picked up after the fall of Communism, reports NGO-state institutions on this model were built after the fall of the regimes (Atrc, 2008).

To a great extent, most of the civil society associations, unions and NGO's (both that dating pre-war and those after the war) continue to practice this kind of 'anti-institutional' approach, with exceptions when those in power are friends of a particular group of NGO's. NGO's that were established after the war also contributed to this fragmentation and this is mainly as a result of their aggressive competition for international and governmental funds. As a result of this antagonism, many important

processes for democracy are not seriously monitored from many NGO's and this harms the political efficacy of the NGO sector. Many of these NGOs see competition as a way to eliminate each other, instead of seeking alternative options to increase the dynamics of joint projects, thus by fulfilling their aspirations as civil society representatives. This kind of frustration also comes as a result of the rigid political party structures installed in the public institutions that play favoritism by supporting certain NGOs and preventing other NGOs from accessing the decision-making and policy-making process (Khadr, 2006).

## **6.2 Civil society in Kosovo before and after 1999: the relevance for the development of the democratic system of governance**

NGOs are an important factor for the development of the democratic system of governance. All NGOs are relevant to this process. However, NGOs that have the potential to impact and develop public policies as this potential stems from their link with strong constituencies could particularly contribute to the above context. All of the civil society organizations and NGOs focused on the socio-economic reforms, rule of law projects, electoral systems, EU integration, and education reforms - all of them representing civil society can play a very important role in assisting the Government to build efficient and democratic institutions, not necessarily by reducing the criticism, but by being more constructive in their criticisms.

In order to do this most of them need to make substantive changes in their strategic approaches towards the government. In parallel while identifying challenges, they can also give their significant contribution to the policy-making process. In order to reflect public needs NGOs should act actively on behalf of citizens and be less dependent on the state (Koha Ditore, 2010).

On the other side, the political parties should apply a more integrated approach in relation to the NGO sector in order to be able to contribute to the development of a democratic system of governance within a stable and broader political context. In parallel with this NGO must overcome their ideological and other potential differences that are a product of their historical roots of development. Instead, they should represent the role that belongs to them, which is to give dynamism to the civic engagement and activism in the society. Only by acting and being articulated on these bases they can help the important processes in the new polity (Khadr, 2008). As we saw in this study, the civil society groups in Kosovo were factors in the apartheid circumstances during the 1990s and could potentially be a force for development and democratization in the independent Kosovo. This is not an easy task and implies many challenges. However, although it is a challenging process, in the end, it can succeed as most of the challenges must be overcome by the civil society itself. 'Representatives of the civil society can contribute more than other actors in the advancement of democratic values. In some countries similar to Kosovo where

transition from violence to peace processes takes place, civil society itself does not always have an emancipatory role. This is especially complicated when the civil society structures themselves need internal democratization '(Fischer, 2006). Kosovo's NGO sector needs to get avoid the famous approach of 'a job that everyone wants to perform', and insist to develop a certain level of internal democracy in order to be able to further contribute to building and developing a democratic system of governance in Kosovo. Civic performance in its true character involves the good behavior or action of a citizens for a "useful cause" for the interest of the community, where it is not implied that it should be anti-institutional, anti-state or anti-social order, , although often phenomena that appear as anti-behaviors are part of it (Warren, 1996).

The civil society in Kosovo has developed a unique relationship with the state. This relationship was otherwise imposed by political circumstances after the 1990s. After the Serbian government abolished Kosovo's autonomy in 1989, civil society initiatives during the 1990s in Kosovo turned into a civil movement in order to resist to the imposed Serbian state institutions. As efforts to build the Kosovo state after the war of 1999 continued, more and more civil society organizations and political parties were born and various groups from within the civil resistance movement emerged, all with the aim of helping build a stable political system for Kosovo. They were not very coherent; as a result, not all of them had harmonized ideas and coordination on how

to best do it. Consequently, the main and most essential difference between the civil society of Kosovo before 1999 and after 1999 is on its goals. Kosovo's civil society goal before the war was to change the system, and its goal after the war should be to help in developing a democratic system of governance. Back in the 1990s, there was no confusion as to the goal, which is why they coordinated their full potential with other political parties to form a united front called a 'civil resistance against Belgrade's regime'. It seems that in the current circumstances, many civil society representatives, mostly coming from NGOs misunderstand their role in Kosovo. Their role now should not be to rise against the political system because we are not in the 1990s, the opposite must happen. The sector needs to be much more dynamic and actively in support of the development of the system. In the current socio-political circumstances there is no room for an anti-system or anti-state approach. This does not mean that NGO sector should drop out the pressure towards the government, but they do not necessarily have to look at the system like CSOs did in the 1990s (Khadr, 2008). The Kosovo society needs those NGOs that insist on the creation of mechanisms that would advance the cooperation with the state institutions in order to be more efficient while giving their contribution for the development of the system of governance in Kosovo.

Within this context, NGOs should actively be engaged in supporting the democratization process and good governance so to be able to address challenges



of transition in Kosovo. A contribution based on the parameters as analyzed and recommended in this study is needed from both NGOs and from the institutions of the state.

### **6.3 Enhancing role of educators and of the religious leaders in the civil discourse**

At the beginning of chapter five, it was pointed out that it is not only the NGO sector representing the civil society in Kosovo. That is not the case in other countries as well, but in Kosovo, this occurred as a consequence of the approach that international donors have been using since 1999. Kosovo's civil society has a classical feature of donor-driven agendas, because the donor's agenda often bypassed important local ideas and initiatives and has invested more in creation of other structures, modeled in as western NGOs. Local structures, such as unions, educational organizations/institutions, religious councils etc have been left sideways and were replaced by those (NGOs) for which the community had less knowledge, and needed long adaptation, therefore, the influence of civil society was reduced. International donors 'forgot' that civil society has wider representation than just through the NGOs (Osce, 2007).

CSOs are more than just a conventional term of the "non-governmental organization". Compared to NGOs that bring people closer to one issue jointly, CSOs include other structures like: labor market actors (trade unions and federations), CBOs

(community-based organizations) for example educational organizations and institutions, youth organizations, family associations and religious communities (Coneccs, 2016).

As underlined in chapter five, NGOs are mostly included in functional categories such as: Advocacy, Mediation, Service Providers and Evaluation and Monitoring, but there are other CSOs that fall into other functional categories such as Capacity Building (e.g. educational organizations) or Conflict Resolution (e.. religious councils). All of the contributions coming from educators and religious leaders in their capacity as civil society cannot be done exclusively through the NGO sector but within their institutions or associations where they function and where they meet with citizens on daily basis (Jane, 2007).

Within the Kosovo's context, the role of educators in capacity building is very important. The degraded and segregated system of education where the hostile between the two communities and the strength of ethnic identity prevails among others has negatively affected the development of democracy in Kosovo. During the process of providing education, training and information in their capacities as civil society, educators can give a significant contribution for the identity formation among Albanians and Serbs of Kosovo based on the concept of citizenship, while religious leaders can act as mediators and moderators in their communities and get involved in their efforts to foster democracy.

An open discussion which would enable religious leaders in Kosovo to explain if there are any obstacles in Islam related to lack of legislative deliberation, lack of intellectual basis for human rights and constitutionalism all needed for democracy, or they should take the stand of supporting other scholars, defend their political thought that democracy can be supported through independent interpretive judgment, consultation (ijtihad, shurah and ijma). Many generations have invested in religious peace among in Kosovo. An effort from religious leaders to contribute to these efforts is needed at this particular period of state-building of a new state which emerged from many hardships and whose Constitution also defines the state as secular, based on citizenship values, and guarantees equality for all, regardless of ethnicity or religion.

#### **6.4 The impact of the civil society in developing a democratic system of governance**

Challenges in dealing with international and domestic issues, continue to be significant even in the 10th year of the independence of Kosovo. After the decision of International Court of Justice that the declaration of Kosovo's independence did not violate international law, which made its way immediately in the global headlines, the image of Kosovo was intact in the international arena, until the report of Dick Marty, one of the members of the Parliamentary Assembly of the Council of Europe, where the Kosovo Liberation Army is charged with criminal activities during and after the

war, which seriously threatens to damage this image. Since five of the EU states have not recognized Kosovo's independence, and despite the dialogue between Kosovo and Serbia, it can be expected that there will be problems when it comes to its end. Meanwhile, Kosovo's government is made up of coalitions that try to be sustainable, where in each term they try to show that they have gathered the right potentials to fight corruption and organized crime. A special challenge for fulfilling their mandate to build a state in which rule of law is strong and the main challenge for both international mission and Kosovo government remains the governance of municipalities with majority of Serbian population, in the north of the country.

Eighteen years after the NATO intervention and nine years after the independence, Kosovo has failed to create a society of knowledge. Kosovo's political system today is on one side between the political parties that governed since 2001, most of them representing the anachronistic, primitive and semi-feudal side of the society (filled with corruption and violence), and on the other side with the 'Vetevendosje Movement' (LVV) as the opposition, which criticizes but leaves no building path. In fact, the alternatives that LVV proposes often are worse than the disease itself. Although Kosovo is one of the most pro-western societies in the region, if continued with this political course, it is not impossible to experience a wider chaos, where corruption on one hand and potential anti-western movements, on the other hand,

are crises that in the coming years may emerge as inclusive and cyclical and both together can potentially endanger its statehood.

One could say that in the current circumstances civil society's role and contribution is not in the desired levels. The role of civil society in situations such as this marked by political pressures, identity crisis, and corrupted governance is more than necessary and irreplaceable. Civil society organizations should offer a constructive contribution by acting as partner in their joint efforts with the state institutions to build a democratic system of governance in Kosovo. 'State building necessitates integrated approach which involves representatives of both civil society and of the government. People representing the society and the state need to cooperate and focus on building institutions that enable such developments' (Rittberger & Fischer, 2008).<sup>214</sup> In order to become a force for democracy and impact positively the development of a democratic system of governance, civil society together with Kosovo institutions must sincerely commit themselves to overcoming the challenges as identified in this study. All the challenges that hinder the process need to be addressed with concrete measures. All these issues must be answered with concrete terms as discussed in the conclusions below.

## Conclusions

If referred to the analyses given in the chapters five and the synthesis given in the previous chapter, when it comes to the specific terms, there are many ways, instruments, and mechanisms that can be used by civil society and Kosovo institutions so they could give a significant contribution for the development of the democratic

system of governance in Kosovo. Concrete improvements in many areas are needed, starting from: implementation of the legislation, improvement of cooperation between institutions and civil society, clearer orientation of donor policies, financial sustainability, a more active role of NGOs for EU Integration process and improvement of capacities of civil society.

In the near future, all of these improvements accompanied by an increasingly democratic culture of the Kosovo's society can positively influence the growth of the civil society in order to become an important factor and contributor for developing a democratic system of governance in Kosovo.

Within this context, in order to give concrete and clear answers to the hypothesis, as rose in this study, it is recommended for both civil society and Kosovo institutions to address all the above listed issues. Initially it should be started from problems deriving out of the current legislation which regulates this sphere. One could say that the legislation relevant to the civil society in Kosovo consists of a considerable number of legal acts ranging from the highest legal act 'The Constitution of the Republic of Kosovo', by continuing with a broad range of other laws as listed in the fifth chapter. There are fewer problems with the approved legislation but more in its implementation. In order to implement properly the legislation, both the institutions and the civil society should show more will to be followed by concrete actions.

Proper implementation of the legislation and of the institutional strategies would secure the enabling environment for the civil society. The enabling environment is broadly referred to various economic, political, social, cultural and legal conditions that affect the capacity of citizens, whether individually or collectively, to voluntarily participate in civil society. Although most of the legislation especially related to the freedom of association is in place, in practice, many of the standards are not met yet. This is both due to the hesitations from the institutions and because the civil society sector seems to be largely apathetic towards public life.

As elaborated in the chapter four, the interactions between the representatives of the civil society and Kosovo institutions has seen improvement after the declaration of independence, but still, it's not at the desired level.

With regard to improving the cooperation with the Kosovo institutions, concrete measures must be undertaken from both sides. The interaction between the President and civil society is twofold-through advocacy and partnerships. Although the President by the Constitution has the right to return a law to the Assembly for changes (after this has been initiated by the civil society) this has been done rarely. Consequently, this has lowered the motivation of many CSOs to require from the President the amendment of laws in the interest of citizens. President should provide a safer environment for making impact in legislation through the work of civil society, in the process of reviewing these laws, otherwise, both President's and civil



society's role can remain symbolic at this stage (Tacso, 2016) .The cooperation between Parliament and the NGOs is on a more advanced level, but it was also accompanied by problems of different natures. One of the identified problems from Monitoring Matrix conducted from the Kosovo Foundation for Civil Society was the failure to fully implement the Strategy for Information and Public Relations 2012-2014. Consequently, the Parliament approved Declaration of Partnership between the Assembly and the Civil Society, followed by an Action Plan for this Declaration. Nevertheless, despite some very slight improvements, the commitments expressed in this declaration are far from being fulfilled. The adoption of strategic documents should be accompanied with sufficient engagement in the implementation of the commitments. Human and financial capacities dedicated by the Parliament to the development of civil society should improve followed with the sufficient political will in order to undertake more substantial reforms in this area (Kscf, 2017).

Following the declaration of independence co-operation between civil society organizations and the government, has been accompanied by an increased dynamism in terms of approving strategic documents that advance the interactivity between the two parties. The Government Strategy for Cooperation with the Civil Society 2013-2017 was the main document setting the cooperation principles and measures between the two sectors. However, as outlined in the fourth Chapter, according to the evaluation of the Action Plan of the Strategy by the CiviKos

Secretariat and findings in the survey conducted from Tacso in 2016 many of the objectives set in the Strategy have not been implemented. Concrete measures and actions need to be undertaken for improving the cooperation between the representatives of civil society and the Government. The Government should inform NGOs for the public consultations and invest in training civil servants who understand the idea and the concept of the strategy. Better coordination is needed between the ministries in relation to the contracting of the services. Ministries should increase the transparency during the process of allocation of public funds for NGOs and create automatic co-funding system for NGO winners of the EC grants. In general, more direct involvement and contribution from both the government bodies and the civil society representatives or external experts is needed, as there are insufficient capacities for qualitative implementation of many measures that could strengthen the cooperation between the government and NGOs (CiviKos, 2016).

Another important aspect of civil society development is related to the local governance. Compared to the above institutions, cooperation between CSOs and local government is poorer. According to the Municipal Transparency Reform Index 2015, the situation is still far from being positive in the majority of municipalities. The strengthening of civil society sector at the local level should be an imperative. Local government representatives should consider drafting a strategic document that will establish a systemic cooperation with civil society.

When it comes to the advocacy initiatives representatives of different municipalities shouldn't hesitate to give access to different NGOs to information on the work of their municipalities (Ec Ma Ndryshe, 2015).

On the other side, NGOs should be more active in order to build their legitimacy over their constituencies. Although accountability of civil society should be categorized since some are for example service providers and service provider's deal with a different type of accountability compared to organizations where the nature of their action is related to anti-corruption, advocacy or watchdog activities. The representation of citizens by NGOs and their accountability to citizens is very important since CSO acts as an organized voice on behalf of certain group of people. In these cases, when they are not membership organizations, NGOs should give accountability to the group by measuring whether the change has been accomplished (Kfos, 2015).

The development of the civil society is dependent especially to the NGO sector, among other things; the donor policy and the co-financing of Kosovo institutions for NGOs need to change. In chapter four it was emphasized that international donors had serious impact for the growth many NGOs and have deeply impacted the development of their structure and activities. The situation after the war has proven that a good number of local NGOs have rarely developed strategic approaches in order to reflect the public's interests but have largely been oriented towards benefits

out of the short-term projects driven by donor agendas. Consequently, these NGOs have not managed to create a legitimate public image. International support is very important for the development of the NGO sector, but the diversity of donors and the increase of supporters to NGOs would have a positive impact on the activity and commitment of NGOs. In this context, the government could potentially assist NGOs both through financial support (outsourcing) and through indirect means (Khdr, 2008).

Very often NGO's influence is limited as most of them follow more the agenda of their donors, rather than what comes out of society. International donors should allow the local agenda to be set and support issues which are raised from the NGOs that are developed around those issues and have their source in society. They should also recognize the need for NGO's to **formulate policy agendas at the local level** in order to secure their self-sustainability in the future. The lack of coordination of the major international donors remains a serious problem as it affects the impact of NGO on public policy makings and simultaneously risks duplication of the same projects and efforts in the absence of close coordination. A comprehensive and updated database for donors support to the civil society should be established (Tacso, 2016).

On the other side, in order to diversify funding for NGOs the funding of NGOs from the institutions is depended on the changes to the legal framework that should take place in the near future. EC Progress Report concluded that the public funding

provided to civil society is non-transparent and unregulated, thus required from the government to set standards and criteria governing public funding for NGOs so as to install transparency, accountability, and credibility in the process (EC Progress Report, 2016).

In order to make a more favorable financial environment and to institutionalize a model for funding NGOs, more changes in the legal framework are needed. Kosovo Government should invest in creating favorable environment in order to engage more NGOs in service provision and upgrade the financial reporting formats for NGOs. Kosovo institutions need to increase the dynamics of work related to the approval of the necessary legislation in order to address problems related to the financial and tax reporting formats and procedures for NGOs (Kscf, 2017).

The financial and tax reporting formats and procedures for NGOs should be revised in order to correspond with the needs of sector. The Regulation on Public Funding for NGOs should be completed and transparencies for the procedures through which NGOs are financially supported. Public institutions shall initiate a systematic collection, processing, and publishing of specific and relevant data for civil society sector (Bcsdn, 2017).

Administrative instructions should define as to what is considered as a program or project, they should harmonize the criteria for distribution of funds, provide a mandatory content of the agreement, and make it clear that public calls are the only

way to distribute any funds to NGOs. The adoption of the Model on Public Funding needs to be followed with the adoption of the specific regulation at the governmental level. Changes are needed with regards to the financial reporting of NGOs as according to the Law tax reporting rules for NGOs are identical to businesses (Tacso, 2016).

In the fourth chapter, it was underlined how important it is for the CSOs to engage in the framework of the EU Integration mechanisms and instruments, NGOs can contribute in many ways. However, there is a lack of cooperation between the civil society and the government in the framework of this process. Collaboration develops only at some levels as it is not structured properly. A more dynamic approach to the EU Integration process should be expected from NGOs (CiviKos, 2017).

More concretely, NGOs should actively participate in a meeting which is held one day before the plenary session of the Stabilization-Association process dialogue. They should also be more active at the technical level, and contribute with their expertise in the sectorial meetings between Kosovo authorities and representatives of the European Commission. NGOs should give their contribution to the EU's Progress Report for Kosovo in programming and determining priorities within the financial assistance aim to support the civil society (Kscf, 2017).

Last but not least, due to the above-elaborated situations, the capacities of civil society remain limited. While analyzing the cooperation between institutions of

Kosovo and representatives of the civil society various research reports conducted from the international and local organizations emphasize that deficiencies that exist in the dynamics of cooperation between the civil society and the central/local institutions, often have to do with itself the capacities of the civil society. NGOs should focus more on developing more aspects and elements of their expertise, networking, visibility, internal development, governance and approach to constituency issues. The Civil Society index produced from KCSF has identified crucial areas for improvement for NGO's and one of them is Internal Governance, where highlights are lack of implementation of internal documents, even though they are all in place. On the other hand, 'Needs Assessment Report' conducted from Tacso in 2014 regarding the internal governance of NGOs identifies as some of the acutest problems their financial management and organization of human resources. Financial and procurement management are matters that need to improve their structure and organization (Tacso, 2014). Besides these elements, the low citizen's engagement is another factor that impacts the development of the civil society capacities. Kosovar citizens remain largely apathetic towards public life in general, including low levels of their engagement in civil society. Only 3 % of citizens are members of an NGO and only 4 % of them have done any voluntary work for the sector (Kscf Index, 2016). NGOs should also avoid a 'can do all attitude', usually practiced in order to expand to activities which are likely to get more funding that is available from donors. They

should develop capacities in their field of specializations, in specific sectors or proven capacities. On the contrary they can end up with an undetermined expertise and less chances to stay viable and functional in the longer run.

In a given environment, which would enable becoming a driving force for the development of the democratic system of governance by deliberating public problems, NGO representatives and Kosovo institutions should address all the above problems starting with the legal framework by insisting on the implementation of the legislation and coordinate donor policies and address the transparent public funding models for NGOs. On the other side, NGO representatives need to be part of important process of European integration, through preparation of strategies for this process and outreach to target groups. NGO sector should continuously articulate the values of political engagement as the obligation of active citizenship by becoming the focal factor within the 'bigger picture' of building a sustainable community and democratic system of governance.

Apart from the civil society representatives coming from the NGO sector, the role of educators and religious leaders to foster democracy should be enhanced. In Kosovo circumstances, their role is in parallel important just as important is the role and contribution of the NGO sector for the development of a democratic system of governance by serving as a watchdog to giving input on public policies.



Educators in their capacity as a civil society should equip the new generation with the proper knowledge and skills for the future labor market. If they fail to do so, the education system which is based in segregation will shape the youth in a prevailing ethnic identity model, of belonging only to their nations.

The new identity of Kosovo as a civic state should be promoted. In the current political situation this option is most suitable for Kosovo's society. This option promotes the values of the civic state and helps to strengthen democracy. As Kosovo aspires to integrate into the EU, by strengthening its state identity in line with the Constitution of the Republic of Kosovo, it will also help the Euro-integration process in the future. On the other hand, Serbs will continue to use the problem of "status" in Kosovo, denying the state, while most Albanians will refuse the civic character of this state. With current attitudes, Kosovo is a constitutionally established state on the principle of citizenship with such institutionalized identity, but this identity lies behind the petition of ethnic and nationalist identities. This coat threatens the nationality of Kosovo, holding hostage to its end.

Not less important is the role and contribution of the religious leaders for peace and development in their capacities as civil society representatives. The institutional independence of religious actors, as in Kosovo, may result in greater democratic activism. However, this depends on their individual interest. This is a risk that should be known because their activism can go from pro-democracy as was in the case of

Ayatollah Sistani, or the anti-democracy of members of the Methodist Church, as was the case in Fiji. The general and main role of religious leaders as representatives of civil society is to prevent the radicalization of younger generations as a result of indoctrination, regardless of the other work they do, such as analyses about consequences related to the understandings on the concept and objectives of Islam, or how Imams lecture about them, fanatically or not, and thesis or discussion about the coexistence of Islam and democracy.

Civil society representatives whether coming from the NGO sector or bigger CSOs, whether educators or religious leaders, should be aware of how much they can help Kosovo in these fragile political circumstances and how they can potentially risk democracy, if they choose not to become it's force. Although many would qualify it as idealistic or utopian, however the true result of the new relationship, with new roles between civil society and the state, where political leaders regard civil society as supportive and not a threat, where civil society sees the state as defender, is the future of democracy and the true functioning of civil society. This civil society will be a "reborn" of the civil society, supportive of the democratic governance system in Kosovo. This is the path that Kosovo assigned to take in the long process of real birth of democracy.

Socio-political changes that the new state of Kosovo is undergoing can be understood by taking the opinion of civil society on many issues, such as, ethical,

political and best institutional practices for the benefit of the country. The free vibrant and creative society produces this kind of fantasy. This is not the negative model where civil society is only opposing the state, but it is a positive model where through mutual trust the civil society and state institutions develop a sustainable democratic governance system. It is the only path for the civil society to become the remedy for 'postmodern' Kosovo's society.

## Bibliography:

Anzulovic, B. (2000). Heavenly Serbia: from myth to genocide. Annandale, NSW: Pluto Press.

Arnold. Th. W. (1952). Studies and Documents Relating to the History of the Greek Church under Turkish Domination. Brussels, P.17

ATRC (2008). NGO sector in Kosovo: development, challenges and opportunities, 8-18, Prishtine.

Bassler, T. (2005). Learning to change: the experience of transforming education in South East Europe. Budapest, Hungary: Central European University Press.

BCSDN (2017). Retrieved March 02, 2017, from [http://www.balkancsd.net/novo/wp-content/uploads/2017/10/WB\\_CountryPaper\\_Kosovo.pdf](http://www.balkancsd.net/novo/wp-content/uploads/2017/10/WB_CountryPaper_Kosovo.pdf)

Bieber, F., & Daskalovski, P. (2004). Understanding the war in Kosovo. London: Frank Cass.

Blumi. I.(2005). Political Islam among the Albanians: Are the Taliban coming to the Balkans (Kosovar Institute for Policy Research and Development, Prishtina), pp 3-9.

Bota e re (1997). Printed weekly edition.

Bota e re (1999). Printed weekly edition

Boyd. J. (1950). The Papers of Thomas Jefferson, Volume 5, amendment I, Document 8 , (Speech and Press), The University of Chicago Press, Princeton University Press, Princeton.

Brand, M. (2003). The development of Kosovo institutions and the transition of authority from UNMIK to local self-government. Geneva: CASIN.

Brinton, A. (1990). The idea of civil society: Evolution and Challenges in the ... (n.d.).

Retrieved June 30, 2017, from :

[http://www.bing.com/cr?!G=8E0386C5CC4D42BA93C2B06661A58EC7&CID=322F8FD30DE76AB0320E85620CE16B05&rd=1&h=zvslvrszcObX8tl\\_Sf5FLMyStyOmgfOFtLfHq7Rqtw&v=1&r=http%3a%2f%2fusers.ox.ac.uk%2f%7eoaces%2fconference%2fpapers%2fAspen\\_Brinton.pdf&p=DevEx,5061.1](http://www.bing.com/cr?!G=8E0386C5CC4D42BA93C2B06661A58EC7&CID=322F8FD30DE76AB0320E85620CE16B05&rd=1&h=zvslvrszcObX8tl_Sf5FLMyStyOmgfOFtLfHq7Rqtw&v=1&r=http%3a%2f%2fusers.ox.ac.uk%2f%7eoaces%2fconference%2fpapers%2fAspen_Brinton.pdf&p=DevEx,5061.1)

Bspk (2017). Retrieved January 12, 2017, from <http://www.bspk.org/rrethnesh.html>

Bugajski, J. (2001). Facing the future: the Balkans to the year 2010. Bonn: Zentrum für Europäische Integrationsforschung.

Bujku Newspaper (1990). March, April, May and June printed editions.

Buletini Informativ (2014), Retrieved April 28, 2017, from <https://zqm.rks-gov.net/Portals/0/Docs/informatori%201.pdf>

Centre for Civil Society. (n.d). Retrieved June 30, 2017, from:

<http://www.lse.ac.uk/CCS/home.aspx>

Chiodi.L., Martino.F., Vanoni.F. (2017). From one parallel society to another -

Transeuropa. Retrieved February 07, 2017, from

<https://www.bing.com/cr?IG=0410A41DB5AF4B219FD3D3F5A58C4D81&CID=221864CF8FDE602223EA6FFF8ED861B0&rd=1&h=EYN-rquxpajXUtC9mvh7rVNn7wqpaz0JsvcbmQrm-Bg&v=1&r=https%3a%2f%2fwww.balcanicaucaso.org%2feng%2fcontent%2fdownload%2f77930%2f663581%2ffile%2fDownload%2520-%2520From%2520one%2520parallel%2520society%2520to%2520another.pdf&p=DevEx,5036.1>

CiviKos (2016), Retrieved May 06, 2017, from

[http://www.civikos.net/repository/docs/Monitoring\\_report\\_on\\_implementation\\_of\\_the\\_Strategy\\_720688.pdf](http://www.civikos.net/repository/docs/Monitoring_report_on_implementation_of_the_Strategy_720688.pdf)

CiviKos (2017), Retrieved April 16, 2017, from <http://www.civikos.net/en/background>

CiviKos (2017), Retrieved April 28, 2017, from <http://www.civikos.net/en/activities-of-civikos-platform/The-approval-of-Government-Strategy-and-Action-Plan-for-cooperation-with-Civil-Society-2013-2017-34>

CiviKos, (2017), Retrieved April 17, 2017, from <http://www.civikos.net/en/activities-of-civikos-platform/Role-of-Civil-Society-in-the-European-Integration-38>

Civil Society Development Program. (n.d.). Retrieved June 30, 2017, from

<http://www.kcsfoundation.org/?page=2%2C39>

CivKos (2007). Retrieved February 10, 2017, from <https://zqm.rks-gov.net/Portals/0/Memorandum%20i%20bashkepunimit%20Anglisht%20%20.pdf>

Clark, H. (2000). *Civil Resistance in Kosovo*, Pluto Press, London.

Cleary, S. (1997). *The role of NGOs under authoritarian political systems*. New York: St. Martins Press.

Cohen, J. L., & Arato, A. (1995). *Civil society and political theory*. Cambridge, MA: MIT Press.

Coneccs (2017), Retrieved June 10, 2017, from [http://ec.europa.eu/civil\\_society/coneccs/question.cfm?CL=en](http://ec.europa.eu/civil_society/coneccs/question.cfm?CL=en)

Constitution of Yugoslavia (1963), Retrieved December 12, 2017, from [https://en.wikisource.org/wiki/Constitution\\_of\\_Yugoslavia\\_\(1963\)](https://en.wikisource.org/wiki/Constitution_of_Yugoslavia_(1963))

Demokracia ne Veprim, (n.d.). Retrieved April, 2016, from: <http://www.demokracianeveprim.org/en/>

Developing Together (n.d.), Retrieved May 18, 2017, from: <http://developingtogether.org/>

Diamond, L. J. (1994). *Political culture and democracy in developing countries*. Boulder, CO: L. Rienner .

Diamond, L. J. (1999). *Democracy in developing countries*. Boulder, CO: Lynne Rienner .

Djokic, D. (2003). Yugoslavism: histories of a failed idea 1918-1992. London: Hurst and Co.

Dugolli, B. (2013). 1 Tetori i Kthese: Levizja studentore 1997 - 1999. Prishtine: Univ., Fak. Filozofik.

Easton, D. (1965). A framework for political analysis. Englewood Cliffs, NJ: Prentice Hall.

EC IPA II (2014-2020), Retrieved May 03, 2017, from

[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial\\_assistance/ipa/2015/multi-country/ipa\\_ii\\_2014-031-605.05\\_2015-037-653.05-csf-and-media-kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/financial_assistance/ipa/2015/multi-country/ipa_ii_2014-031-605.05_2015-037-653.05-csf-and-media-kosovo.pdf)

EC Kosovo Progress Report (2015), Retrieved April 28, 2017, from

[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2015/20151110\\_report\\_kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2015/20151110_report_kosovo.pdf)

EC Ma Ndryshe (2015). Municipal Transparency Reform Index 2015

EC Progress Report (2008), Retrieved April 03, 2016, from

<https://www.scribd.com/document/118435972/Kosovo-progress-report-2008>

EC Progress Report (2010), Retrieved April 02, 2016, from

[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2010/package/ks\\_rapport\\_2010\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2010/package/ks_rapport_2010_en.pdf)



EC Progress Report (2013), Retrieved April 22, 2017, from

[http://ec.europa.eu/enlargement/pdf/key\\_documents/2013/package/brochures/kosovo\\_2013.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/brochures/kosovo_2013.pdf)

EC Progress Report (2016), Retrieved June 02, 2017, from

[https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2016/20161109\\_report\\_kosovo.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2016/20161109_report_kosovo.pdf)

EC White Paper (2017), A New Impetus for European Youth, Retrieved June 30, 2017,

from <https://eric.ed.gov/?id=ED472113>

Edwards, M. (2015). Civil society. Cambridge, UK: Cambridge University Press.

Esposito, J. L. (1996). Islam and democracy. New York: Oxford Univ. Press.

Feltes, T. (2011), Retrieved May 11, 2017, from

[http://www.kas.de/upload/dokumente/2015/07/TilmannFeltes\\_HumanRightsandSecurity\\_Vol24Issue2\\_195-202.pdf](http://www.kas.de/upload/dokumente/2015/07/TilmannFeltes_HumanRightsandSecurity_Vol24Issue2_195-202.pdf)

Ferguson, A. (1995). An essay on the history of civil society. Cambridge University Press, Cambridge.

Fevziu, B., Elsie, R., & Nishku, M. (2017). Enver Hoxha: The iron first of Albania.

London: I.B. Tauris & Co. Ltd

Fischer, M. (2006). Civil society in conflict transformation: ambivalence, potentials and challenges. Berlin: Berghof Research Center for Constructive Conflict Management.

Forbrig, J. (2002). The Neexus Between Civil Society and Democracy. Reichel Walter, p-79-103

Forumi Shqiptar (2017). Retrieved April 03, 2016, from <http://www.forumishqiptar.com/threads/43584-Historiku-i-shkurt%C3%ABr-i-LDK-s%C3%AB-1989-2004>

Frane, A. (1987). Civil Society and State, Delol, Ljubljana.

Freedom House (2007), Retrieved April 12, 2017, from <https://freedomhouse.org/report/nations-transit/2007/kosovo>

Gazeta Express (2015), Retrieved June 20, 2015, from <http://www.gazetaexpress.com/lajme/ka-fakte-per-te-arrestuarit-per-terrorizem-express-sjell-fotografite-36475/?archive=1>

Gazeta Express (2017), Retrieved February 12, 2017, from <http://www.gazetaexpress.com/lajme/70-vjetori-i-gazetes-rilindja-80356/?archive=1>

Gazeta Tema (2015), Retrieved May 06, 2017, from <http://www.gazetatema.net/2015/04/23/lufta-e-kosoves-dhe-nderhyrja-e-nato-19981999-2/>

Gellner, E. (1994). Conditions of Liberty: Civil Society and its Rivals, Penguin Books, London and New York.

Gjecov, Sh. (1989). The Code of Leke Dukagjini, Gjonlekaj Publishing Company, New York.

Glasius, M. (2004). Retrieved June 20, 2015, from:

[http://www.bing.com/cr?!G=0668CFD6277A4987A17773D42445E792&CID=27FDD4A300396CC73F43DE12013F6D67&rd=1&h=AjMS8merk68hfEYjcWGsgTdZ\\_jhiP6N3fjlm-WoCmJA&v=1&r=http%3a%2f%2fwww.uva.nl%2fprofiel%2fg%2f%2fm.e.glasius%2fm.e.glasius.html&p=DevEx,5064.1](http://www.bing.com/cr?!G=0668CFD6277A4987A17773D42445E792&CID=27FDD4A300396CC73F43DE12013F6D67&rd=1&h=AjMS8merk68hfEYjcWGsgTdZ_jhiP6N3fjlm-WoCmJA&v=1&r=http%3a%2f%2fwww.uva.nl%2fprofiel%2fg%2f%2fm.e.glasius%2fm.e.glasius.html&p=DevEx,5064.1)

Golubovic, Z. (1995). *Traditionalism and Authoritarianism as Impediments in Development of Civil Society in Serbia*, Hobisport, Belgrade.

Gramsci, A. (1971). *Selections from the Prison Notebooks*, International Publishers, New York.

Habermas, J. (1989). *The structural transformation of the public sphere*, Trans.T.Burger.MA, MIT Press, Cambridge

Hahn. J.G. (2015). *The Discovery of Albania: Travel Writing and Anthropology in the Nineteenth Century Balkans*, I.B.Tauris & Co LTD, London, pp. 17-24, 73-87.

Hann, Ch. (1992). *Civil Society at the Grassroots: A Reactionary View*, in *Democracy and Civil Society in Eastern Europe*, ed. P.G. Lewis, St. Martin's Press, 152-165, London

Hobbes. Th. (1960). *Or the Matter, Form and Power of a Commonwealth, Esslestiasticall and Civil*, Basil Blackwell, Oxford

Hulme. B. (2012). *The role of NGOs and civil society in development*, Retrieved February 04, 2017,from

[http://www.bing.com/cr?IG=9EFD7760C18D4D02BA28C711F7A3E852&CID=37EF219B3DE667B808B62AAB3CE06647&rd=1&h=tniN5JXD8CBPM2ltl\\_3C\\_H9FQDKVhDXBD324ZUPHI2k&v=1&r=http%3a%2f%2fwww.cid.org.nz%2fassets%2f2015-Role-of-NGOs-Civil-Society-in-Development-2012.pdf&p=DevEx,5067.1](http://www.bing.com/cr?IG=9EFD7760C18D4D02BA28C711F7A3E852&CID=37EF219B3DE667B808B62AAB3CE06647&rd=1&h=tniN5JXD8CBPM2ltl_3C_H9FQDKVhDXBD324ZUPHI2k&v=1&r=http%3a%2f%2fwww.cid.org.nz%2fassets%2f2015-Role-of-NGOs-Civil-Society-in-Development-2012.pdf&p=DevEx,5067.1)

Human Rights Watch/Helsinki. (1993). Open Wounds-Human Rights Abuses in Kosovo, Human Rights Watch, New York

Ingrao, C. W., & Emmert, T. A. (2013). Confronting the Yugoslav controversies: a scholars initiative. West Lafayette (Indiana): Purdue University Press.

Interfaith Kosovo (2015), Retrieved June 19, 2015, from <http://interfaithkosovo.org/En/>

Jano, D. (2008). From 'Balkanization' to 'Europeanization': The Stages of Western Balkans Complex Transformations, Centre international de formation européenne.

Kastrati, A. (2017). 20 vite nga protesta e 1 Tetorit, 1997 - ku ishim dhe ku jemi. Retrieved November 03, 2017, from <http://www.koha.net/veshtrime/47772/20-vite-nga-protesta-e-1-tetorit-1997-ku-ishim-dhe-ku-jemi/>

Kastrati. A. (2016). The Role of Education for Identity Formation among Albanians and Serbs of Kosovo: The Application of the Difference-Blinded Approach for Establishing Citizenship Regime in a Multi-Cultural Society. European Journal of Social Sciences Education and Research Vol.6, Nr. 1 .

Kastrati. A.(2015). The Relationship between Islam and Democracy in Kosovo: The Roles and Contributions of the Religious Leaders in the Democratization Process. European Scientific Journal October, Vol.1, ISSN: 1857-7881 (Print) e - ISSN 1857- 7431.

KCSF Index (2016), Retrieved June 02, 2017, from <http://kcsfoundation.org/index2016/>

Keane, J. (1991). The Media and Democracy, Cambridge: Polity Press.

KEC (2008), Retrieved June 18, 2015, from [https://kec-ks.org/wp-content/uploads/2016/03/botime\\_016-shqip.pdf](https://kec-ks.org/wp-content/uploads/2016/03/botime_016-shqip.pdf)

KEC (2017). Hulumtimet në fushën e arsimit Archives. Retrieved January 08, 2017, from [http://kec-ks.org/project\\_category/hulumtimet-ne-fushen-e-arsimit/](http://kec-ks.org/project_category/hulumtimet-ne-fushen-e-arsimit/)

KFOS (2015), Retrieved June 04, 2017, from <http://kfos.org/wp-content/uploads/2013/11/Kush-mbik%C3%ABqyr-mbik%C3%ABqyr%C3%ABsit-en.pdf>

Kfos (2016), Retrieved June 18, 2017, from [http://kfos.org/wp-content/uploads/2016/12/Historia\\_e\\_Kosoves\\_SHG\\_ALB.pdf](http://kfos.org/wp-content/uploads/2016/12/Historia_e_Kosoves_SHG_ALB.pdf)

Kfsc (2013), "Complicit in Dysfunction – Analysis of the National Council for European Integration's performance in Kosovo",

KHDR (2006). United Nations Development Programme Kosovo, "A New Generation for a New Kosovo', Fact Sheet Kosovo Human Development Report, Prishtina, 1-8.

KHDR (2008). Kosovo Human Development Report, 'Civil Society and Development', Prishtina, 36-47, 90-92, 119-138.

KIPRED (2005). A changing civil society-Kosovo's NGO Sector after the War, Prishtina, 5-16, 19-24.

Kleinberg, B., & Clark, J. (2000). Economic Liberalization, democratization and Civil Society in the Developing World, New York: St. Martin's Press.

Klemenčič, M., & Žagar, M. (2004). The Former Yugoslavia's Diverse Peoples, a Reference Sourcebook, ABC-CLIO, Santa Barbara, California.

KMLDNJ-Council for Defense of Human Rights and Freedoms (2000), Yearly Report, 1999-2000

Koha Ditore, (2010). May, 23d printed edition.

KohaNet (2015). Retrieved January 20, 2017, from

<http://archive.koha.net/?id=&l=69756>

KohaNet (2017), Retrieved June 18, 2017, from

<http://www.koha.net/arberi/54530/forumi-2015-arsimi-ne-kosove-ne-krize-te-thelle/>

Konxheli , Drita (2017), Retrieved April 22, 2017, from

<http://www.ajbms.org/articlepdf/4ajbms2012262708.pdf>

KosovaInfo (2016). Retrieved January 20, 2017, from <http://www.kosova.info/shoqata-nene-tereza-dhe-materniteti-ne-kodren-e-trimave-simbol-i-humanizmit-solidaritetit-dhe-rezistences/>

Kosovo 2.0 (2016,). Kosovo's civil society is a product of its post-war roots - Retrieved February 03, 2017, from <http://kosovotwopointzero.com/en/kosovos-civil-society-product-post-war-roots/>

Kosovo 2.0 (2017), Retrieved April 12, 2017, from <http://kosovotwopointzero.com/en/kosovos-civil-society-product-post-war-roots/>

Kosovo Democratic Institute (KDI), Kdi-kosova.org - BALLINA. (n.d.). Retrieved July 30, 2016, from:

<http://www.bing.com/cr?IG=AF2454574EDC49A48287B17BC62E2D9D&CID=16025A0EF1CB6874187D50BFF0CD691C&rd=1&h=XL7mrpXdumNGAGNFmXLR3YydIH7uMrMltxg8EVaJMOK&v=1&r=http%3a%2f%2fkdi-kosova.org%2f&p=DevEx,5062.1>

Kosovo Progress Report (2009), Retrieved May 11, 2017, from [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2009/ks\\_rapport\\_2009\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2009/ks_rapport_2009_en.pdf)

Kostovicova, D. (2005). *The Politics of Identity and Space* Routledge, New York

Kreiser. K. & Evliya. Ç. (1988). *Book of Travels: Land and People of the Ottoman Empire in the Seventeenth Century, Volume 3 a Corpus of Partial Editions*, E.J. Brill.

KSCF (2017), Retrieved April 27, 2017, from <http://www.kcsfoundation.org/?page=2,106#.WgDzAI9Szcs>

Ksfc Index (2013), Retrieved May 16, 2017, from

[http://www.kcsfoundation.org/repository/docs/05\\_02\\_2015\\_2315218\\_KCSF\\_Kosovar\\_Civil\\_Society\\_Index\\_web\\_final\\_ENG.pdf](http://www.kcsfoundation.org/repository/docs/05_02_2015_2315218_KCSF_Kosovar_Civil_Society_Index_web_final_ENG.pdf)

Kuvendi i Kosoves (2012). Retrieved February 12, 2017, from

[https://www.kuvendikosoves.org/common/docs/2012\\_10\\_25\\_Strategy.pdf](https://www.kuvendikosoves.org/common/docs/2012_10_25_Strategy.pdf)

Kuvendi i Kosovës (2017), Retrieved May 09, 2017, from

[https://www.kuvendikosoves.org/common/docs/2012\\_10\\_25\\_Strategy.pdf](https://www.kuvendikosoves.org/common/docs/2012_10_25_Strategy.pdf)

Kymlicka, W. (1989). Liberalism, community and culture, Oxford, England & New York: Oxford University Press.

Lani, R. (2009): Balkan media: lost in transition? - UNESCO. (n.d.). Retrieved July 6, 2015, from:

[http://www.bing.com/cr?IG=FA22B60E976F4E149ECEC46C657C99F5&CID=2FFE63307EA862332AD569877FAE6347&rd=1&h=-lft3ZMZr05Byq4g6o7i0EGx-u2Kw8\\_Dc5JpLcXHC7Y&v=1&r=http%3a%2f%2fwww.unesco.org%2fnew%2ffileadmin%2fMULTIMEDIA%2fHQ%2fCI%2fCI%2fpdf%2fEvents%2fJournalism\\_Ethics\\_and\\_Self-regulation\\_in\\_Europe%2fbackground\\_papers%2fRemzi\\_Lani.pdf&p=DevEx,5061.1](http://www.bing.com/cr?IG=FA22B60E976F4E149ECEC46C657C99F5&CID=2FFE63307EA862332AD569877FAE6347&rd=1&h=-lft3ZMZr05Byq4g6o7i0EGx-u2Kw8_Dc5JpLcXHC7Y&v=1&r=http%3a%2f%2fwww.unesco.org%2fnew%2ffileadmin%2fMULTIMEDIA%2fHQ%2fCI%2fCI%2fpdf%2fEvents%2fJournalism_Ethics_and_Self-regulation_in_Europe%2fbackground_papers%2fRemzi_Lani.pdf&p=DevEx,5061.1)

Law No.02/L-6, (2005). On Freedom of Association in Non-Governmental Organizations, Ministry of Public Service, MPS, Prishtina

LAW NO.03/L-134, (2005). On freedom of association in non-governmental organizations, Ministry of Public Service, MPS, Prishtina



Law on Access to Public Documents (2017), Retrieved May 07, 2017, from <http://www.gazetazyrtare.com/e->

[gov/index.php?option=com\\_content&task=view&id=91&Itemid=28&lang=en](http://www.gazetazyrtare.com/e-gov/index.php?option=com_content&task=view&id=91&Itemid=28&lang=en)

Lewis. B. (1993), Islam and Liberal Democracy: The Historical Overview, The Atlantic Monthly, vol.271. No.2. Retrieved July 18, 2015, from

<http://www.theatlantic.com/magazine/archive/1993/02/islam-and->

[liberaldemocracy/308509/](http://www.theatlantic.com/magazine/archive/1993/02/islam-and-liberaldemocracy/308509/)

Locke, J. (1963). Two Treatises of Government, Cambridge University Press, New York.

Lukic, R. (1996). Europe from the Balkans to the Urals: The Disintegration of Yugoslavia and the Soviet Union, Stockholm International Peace Research Institute, Contributor Allen Lynch, Oxford University Press, Oxford.

Madison, J. (1961) The Federalist Papers, New American Library, New York.

Magas, B. (1993). The new internationalist, Issue 247 - September 1993, London.

Malcolm, N. (2008). Is Kosovo Serbia, in the: " The Guardian", London, 26 February, 2008.

Mangalakova, T. ( 2004). The Kanun in Present day in Albania, Kosovo and Montenegro, International Centre for Minority Studies and Intercultural Relations (IMIR), Sofia.

Memorandum Gov-CivKos (2007), Retrieved April 19, 2017, from <https://zqm.rks-gov.net/Portals/0/Memorandumi%20i%20bashkepunimit%20Anglisht%20%20.pdf>

Mertus, J. (1999). *How Myths and Truths Started a War*, University of California Press, Los Angeles.

Ministry of Public Service. MPS (2015). Decision 01/97, Prishtina.

Miszlevitz, F. (1999). *Illusions and Realities: The Metamorphosis of Civil Society in a New European Space*, Szombatheley: Savaria University Press.

Montagu. L. (2013). *The Turkish Embassy Letters*, BroadviewPress, Claremont, p.294.

Mother Theresa Association, Retrieved March 8, 2015 from:

<http://www.mothersociety.org>

Mudde, C. (2005). Racist Extremism in Central and Eastern Europe. *East European Politics and Societies*, 19(2), 161-184.

Murphy, P. (2007). *Media and Democracy in the Age of Globalization*, State University of New York Press, Albany.

Nano. M. (2014) *PaxxAlbanica*, Saras, Tirana, pp. 41-59.

NATO (1999). Retrieved April 18, 2015:

<http://www.nato.int/kosovo/docu/u990610a.htm>

Nato (2017), Retrieved April 12, 2017, from

<https://www.nato.int/kosovo/docu/u990610a.htm>

Nelson, J. (2007). *The operation of NGO in a world of corporate and other codes of conduct*. Working Paper 34, Harward University.

O'Brien, R. (1999). *Philosophical History of the Idea of Civil Society*, 1-2.

OSCE (2007). SHOQËRIA CIVILE DHE PROCESI LEGJISLATIV NË KOSOVË - OSCE.

OSCE (2011). Retrieved February 12, 2017, from

<http://www.osce.org/kosovo/89170?download=true>

OSCE (2013). Co-operation of the Assembly of Kosovo with Civil Society - OSCE.

Peçllumbi, S. (2002). Gjurmime sociologjike. Tirane: Botimet Dudaj.

Progress Report 2009 - Kosovo (under UNSCR 1244). (n.d.). Retrieved July 09, 2016,

from <http://wbc-inco.net/object/document/7207>

Putnam, R. (1993). Making democracy work, Princeton University Pres, Princeton N.J.

Raik, K. (2006). Promoting Democracy through Civil Society: How to Step up the EU's Policy towards the Eastern Neighborhood, (CEPS Working Documents No. 237, p- 3.

Reka, B. (2003). UNMIK as an international governance in post-war Kosova: NATO's intervention, UN administration and Kosovar aspirations:. Shkup: Logos-A.

Rittberger, V. & Martina, F. (2008). Strategies for Peace, Contributions of International Organizations, States, and Non-State Actors. Opladen & Farmington Hills, MI: Barbara Budrich.

Robbins, K. (2002). The First World War, Oxford University Press, Oxford.

Rousseau, J. (1950). The Social Contract and Discourses, E. P. Dutton and Co., New York.

Salamon, L. (1995). The global associational revolution: the rise of the third sector on the world scene.

Schmitt, O. J., & Robelli, E. (2012). Kosova: histori e shkurte e nje treve qendrore ballkanike. Prishtine: Koha

Schwandner –Sievers, S. & Jurgen Fischer, B. (2002). Albanian Identities-Myth and History, Indiana University Press, Bloomington.

SECURITY COUNCIL (2017). WELCOMING YUGOSLAVIA'S ACCEPTANCE OF PEACE PRINCIPLES, AUTHORIZES CIVIL, SECURITY PRESENCE IN KOSOVO | Meetings Coverage and Press Releases. Retrieved February 02, 2017, from <http://www.un.org/press/en/1999/19990610.SC6686.html>

Security Council Press Release (1999), Retrieved April 09, 2017, from <http://www.un.org/press/en/1999/19990610.SC6686.html>

Seligman, A. (1992). The idea of Civil Society, Princeton University Press, Princeton, New Jersey.

Sell, L. (2003). Slobodan Milosevic and the Destruction of Yugoslavia, Duke University Press, Durham.

Shils, E. (1991). The virtue of Civil Society, Government and Oppositions, 3-20.

Skendi, S. (1967). The Albanian national awakening, 1878-1912. Princeton, NJ: Princeton University Press.

Skovajsa, M. (2008). Independent and Broader Civil Society in East European Democratizations. Retrieved May 2, 2015, from

[http://www.academia.edu/3631056/Independent\\_and\\_Broader\\_Civil\\_Society\\_in\\_East\\_European\\_Democratizations](http://www.academia.edu/3631056/Independent_and_Broader_Civil_Society_in_East_European_Democratizations)

Spurga, S. (2005). Evaluation of the Impact of the European Integration on the Civil Society of Baltic States, Mykolas Romeris University, Vilnius.

Spurk, Ch. (2010). Understanding Civil Society, contribution to book Civil Society & Peace-Building, Lynne Rienner Publishers, Boulder & Co, USA, p-3, p-5.

Stavileci.E. (2000). "UNSC Resolution 1244 me një vështrim të veçantë në kornizën kushtetuese", Kosova Law Review, 6 (2001), f. 13; Gjakovë.

Sterland, B. (2006). Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo, International NGO Training and Research Centre, Oxford.

Stipcevic, A. (1977). The Illyrians: History and culture, Noyes Press, New Jersey.

Strazzari F., Selenica. E. (2013) Nationalism and Civil Society Organisations in Post-Independence Kosovo. In: Bojicic-Dzelilovic V., Ker-Lindsay J., Kostovicova D. (eds) Civil Society and Transitions in the Western Balkans. New Perspectives on South-East Europe Series. Palgrave Macmillan, London.

TACSO (2010), Technical Assistance to Civil Society Organizations in the IPA Countries: "Needs Assessment Report", Prishtina, p-13

TACSO (2013). Better cooperation- mutual interest Report on relations between Media and CSOs in Kosovo

Tasco (2014). Technical Assistance for Civil Society Organizations, Civil Society Needs Assessment Report Kosovo

Tasco (2016). Technical Assistance for Civil Society Organizations, Civil Society Needs Assessment Report Kosovo

Telegrafi (2009). Retrieved January 18, 2017, from <https://telegrafi.com/sindikatat-kujtojne-grevat-e-pergjithshme/>

The Constitution of Republic of Kosovo (2017), Retrieved April 13, 2017, from <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

The Kosovo report: conflict, international response, lessons learned. (2000). Oxford: Oxford University Press.

The NGO Law (2017), Retrieved April 16, 2017, from <https://qzk.rks-gov.net/ActDetail.aspx?ActID=2764&ActID=2764>

The President (2017), Retrieved May 07, 2017, from <http://www.president-ksgov.net/?page=1,145>

The Strategy (2013), Retrieved May 11, 2017, from [https://www.mkrs-ks.org/repository/docs/KOSOVO\\_STRATEGY\\_FOR\\_YOUTH.pdf](https://www.mkrs-ks.org/repository/docs/KOSOVO_STRATEGY_FOR_YOUTH.pdf)

The Strategy (2017), Retrieved May 03, 2017, from [http://www.kryeministri-ks.net/repository/docs/Strategjia\\_qeveritare\\_per\\_bashkepunim\\_me\\_shoqerine\\_civile\\_drafti\\_perfundimtar\\_\(2\).pdf](http://www.kryeministri-ks.net/repository/docs/Strategjia_qeveritare_per_bashkepunim_me_shoqerine_civile_drafti_perfundimtar_(2).pdf)

The Telegraph (2015), Terror threat around the world, Retrieved June 22, 2015, from <http://www.telegraph.co.uk/travel/travelnews/11707583/Mapped-Terrorthreat-around-the-world.html>

Tocqueville, A. (1969). Democracy in America, 2 Vols, Garden City, NY: Doubleday 516.

UNDP (2016). Public Pulse Analysis of civil society in Kosovo,

UNDP Human Development Report (2002). Kosovo NGO Data for 1989-1998, p.37.

United States Agency for International Development (2002). The 2001 NGO Sustainability Index, DC: USAID, Washington.

UNMIK (1999). NGO Registration to Begin in Kosovo 29 November. Retrieved February 10, 2017, from <https://unmik.unmissions.org/095-ngo-registration-begin-kosovo-29-november>

Unmik (2017), Retrieved April 12, 2017, from [http://www.unmikonline.org/regulations/1999/re99\\_01.pdf](http://www.unmikonline.org/regulations/1999/re99_01.pdf)

UNMIK REGULATION NO. 2002/3 - UNMIK | United Nations ... (n.d.). Retrieved July 6, 2016, from [http://www.bing.com/cr?IG=4C6F1011DE8643DBAB365FF71A3DD7A6&CID=18492CC77B0861CA0E1826707A0E60F8&rd=1&h=O5Y9cNIhi4ykgYpLDnPgI-iPzjOCo\\_knWCSaBtMubjl&v=1&r=http%3a%2f%2fwww.unmikonline.org%2fregulations%2f2002%2fRE2002\\_03.pdf&p=DevEx,5060.1](http://www.bing.com/cr?IG=4C6F1011DE8643DBAB365FF71A3DD7A6&CID=18492CC77B0861CA0E1826707A0E60F8&rd=1&h=O5Y9cNIhi4ykgYpLDnPgI-iPzjOCo_knWCSaBtMubjl&v=1&r=http%3a%2f%2fwww.unmikonline.org%2fregulations%2f2002%2fRE2002_03.pdf&p=DevEx,5060.1)

UNMIK/REG/2001/19 - United Nations Mission in Kosovo. (n.d.). Retrieved April 6, 2016, from

<http://www.bing.com/cr?!IG=702A96F0BEC5439FAAF811D5F80A7A28&CID=0A77D27D8DD9643D3E8DD8CA8CDF65F3&rd=1&h=47d0gYV0zpLroPh-ZFWFzEgSB8k8B0GIMvjsXV5NhNM&v=1&r=http%3a%2f%2fwww.unmikonline.org%2fregulations%2f2001%2freg19-01.pdf&p=DevEx,5060.1>

UNMIK/REG/2001/19 - United Nations Mission in Kosovo. (n.d.). Retrieved June 30, 2017, from: <http://www.bing.com/cr?!IG=7DF69F8ADC2C442C99C99235628EC217&CID=0B520FC0528A6D3E263B0571538C6C32&rd=1&h=47d0gYV0zpLroPh-ZFWFzEgSB8k8B0GIMvjsXV5NhNM&v=1&r=http%3a%2f%2fwww.unmikonline.org%2fregulations%2f2001%2freg19-01.pdf&p=DevEx,5060>.

USAID (2004). Kosovo Civil Society Assessment, p-4, Prishtina

USAID, Final Evaluation Report (2008). Kosovo Civil Society Program, Prishtina.

USCIRF (2012), United States Commission on Interior Religious Freedoms Report

Vasiliev, A. (2012). History of the Byzantine Empire, Aristeus Books.

Vendimi Nr.04/181 (2014), Retrieved May 03, 2017, from [http://webcache.googleusercontent.com/search?q=cache:IC1XqwTxlugJ:www.kryeministri-ks.net/repository/docs/Termt\\_e\\_references\\_-\\_verzioni\\_i\\_fundit-\\_shqip\\_.docx+&cd=1&hl=sq&ct=clnk](http://webcache.googleusercontent.com/search?q=cache:IC1XqwTxlugJ:www.kryeministri-ks.net/repository/docs/Termt_e_references_-_verzioni_i_fundit-_shqip_.docx+&cd=1&hl=sq&ct=clnk)



Waller, M., Drezov, K., & Gökay, B. (2001). *Kosovo the Politics of Delusion*, Frank Cass Publishers, London.

Walzer, M. (1990). *The Idea of Civil Society*, Dissent, New York.

Warren, R. (1996). *Perspectives on Community*, Chicago, Rand McNally, 448-461.

Weller, M. (2009). *Contested Statehood: Kosovo's Struggle for Independence*, OUP Oxford, 2009. York: Oxford University Press.

Whitehead, L. (2004). "Bowling in the Bronx: The Uncivil Interstices between Civil and Political Society", in: Peter Burnell and Peter Calvert (eds.), *Civil Society in Democratization*. London: Frank Cass, 22-42.

Wilkes, J. (1995). *The Illyrians*, Blackwell Publishing, Oxford.

Woehrel, S. J., & Kim, J. (2006). *Kosovo and U.S. policy*. Washington, D.C.: Congressional Research Service, Library of Congress.

Working Together (2014), Retrieved May 03, 2017, from [http://www.civikos.net/repository/docs/CiviKos\\_Baseline\\_Study\\_final\\_draft\\_92906\\_449660.pdf](http://www.civikos.net/repository/docs/CiviKos_Baseline_Study_final_draft_92906_449660.pdf)

World Bank (2017). Retrieved March 02, 2017, from <https://data.worldbank.org/indicator/NY.GNP.MKTP.CD?locations=XK>

Zeri (2014), Retrieved June 20, 2015, from <http://old.zeri.info/artikulli/49304/ja-kush-jane-55-kosovaret-e-arrestuar-per-terrorizem>

Zeri (2015). Retrieved January 17, 2017, from <http://zeri.info/zerat/39668/njezetepese-vjetet-e-bspk-se-me-plot-sfida/>

Zeri Newspaper (1990). May and June printed editions.

Zeri Newspaper (2000). Printed edition April, 2nd 2000.

Zeri Newspaper (2000). Printed edition. May 18th, 2016

### *Abstract*

*Many research studies for civil society development see enormous potential for the use of public discourse by civil society as a means to help transitional nations get important issues onto the public agenda. For transitional countries, it is essential to have an active, effective and responsive civil society. There are great challenges to post-conflict countries, and for Kosovo as a new emerging independent state, many years of political uncertainty have contributed to these challenges. The challenges of*

*Kosovo's fragile society vary from healing ethnic conflicts, political conflicts, building infrastructure and economy. The development of sustainable civil society is necessary for Kosovo's society in order to tackle efficiently social, economic and political problems. The role of civil society and public discussion should increase in this regard, in order to build new and strong institutions. In the case of Kosovo, limited research has been conducted on the role of the civic organizations regarding their democratic participation and impact for developing the political system.*

*By using comprehensive qualitative research methods this study analyses the role of the civil society for developing a democratic system of governance in Kosovo, set as one of the central objectives of both international community and of the Kosovo institutions. The development of civil society is analyzed thoroughly. The study concludes how important is the role and engagement of the civil society as one of the key factors in impacting the development of the democratic system of governance by assisting in state capacity built and increasing the role of active citizens in public decision making.*

**Key words:** Civil Society; Democratic Governance; NGO Sector; EU Integration; Educators; Religious Leaders

### *Prošireni Sažetak*

*Proces uspostave održivog i aktivnog civilnog društva koje djelotvorno i odgovorno sudjeluje u demokratskom sustavu upravljanja ključno je za tranzicijske zemlje. Nakon godina sukoba i političke neizvjesnosti, neovisni status Kosova predstavlja velike izazove. Krhko društvo Kosova suočava se s mnogim izazovima, a razvoj civilnog društva samo je jedan od njih. Problemi političke, društvene i gospodarske naravi*

zahtijevaju povećanje uloge civilnog društva. U slučaju Kosova, provedena su ograničena istraživanja o ulozi različitih građanskih organizacija u pogledu njihovog demokratskog sudjelovanja i utjecaja na razvoj političkog sustava. Djelovanje organizacija civilnog društva čiji je fokus politički aktivizam koji nastoji proširiti praksu građanstva i povećati zahtjeve za pravom javnom raspravom i pokrivenost svih strana važnih pitanja - elemenata ključnih za funkcioniranje demokracije - otežava se ako se ne spriječi. Stoga, civilno društvo Kosova još nije učinkovit i utjecajan partner u donošenju javnih odluka. Korištenjem sveobuhvatnih kvalitativnih metoda istraživanja ova studija analizira ulogu civilnog društva za razvoj demokratskog sustava upravljanja na Kosovu postavljenim kao jedan od glavnih ciljeva međunarodne zajednice i institucija Kosova. Razvoj civilnog društva temeljito se analizira.

Početkom devedesetih godina na Kosovu uspostavljeno je niz organizacija civilnog društva. U početku, osnovni cilj kosovskih Albanaca bio je ispuniti barem neke od svojih društvenih potreba kulture, obrazovanja i zajedničkog javnog života kroz civilno društvo i kao reakciju na izolaciju Albanaca iz javnog života uzrokovan iz srpskog režima. Istovremeno, temelje albanskih političkih stranaka bile su međusobno povezane, ako ne i izravni nastavak nekih od tih civilnih udruga. S raspadom bivše Jugoslavije, te su se političke stranke razvile u nacionalni albanski pokret. To je bio početak razvoja ranog oblika civilnog društva koji se postupno

organizirao unutar tzv. "Civilnog Otpora" osnivanjem paralelnih institucija Kosova. Slijedom toga, razdoblje pod srbijanskom okupacijom dovelo je do stvaranja skromnog civilnog društva. Nakon rata 1998-1999 pod Misije Ujedinjenih Naroda u Kosovskoj upravi (UNMIK), uspostavljen je ogroman broj malih nevladinih organizacija (NGO-a) i lokalnih medija.

Imajući u vidu da je odnos civilnog društva i kosovskih institucija prošao kroz dvije vrlo različite faze razvoja, ova se studija usredotočuje na predratnu situaciju pod Miloševićevim režimom i poslijeratnom razdoblju pod međunarodnom upravom i izgradnji demokratskog upravljanja u Nezavisno Kosovo. Kao što ćemo vidjeti, razvoj civilnog društva bio je snažno pogođen represijom srbijanskog režima od 1989 do 1999 i radikalnom promjenom okolnosti pod UNMIK upravu koja je pratila rat 1999. godine. Međutim, nakon proglašenja neovisnosti civilno društvo se smatra važnim faktorom kako bi ispunio različite uloge, dok se gospodarske i političke institucije Kosova zrele; od služenja kao 'watchdog' do davanje uloga na javnim politikama.

Ova će studija istražiti proces razvitka civilnog društva na Kosovu, od dana njihovog nastanka, kroz složene političke situacije devedesetih, do njihovih potencijalnih uloga i doprinosa za razvoj demokratskog sustava upravljanja na Kosovu. Studija je podijeljena u šest poglavlja, a na kraju slijedi glavni zaključci.

*U prvom ću se poglavlju usredotočiti na različita značenja i potencijalne definicije civilnog društva, kao i na razne postojeće diskurse civilnog društva, dok će se u drugom poglavlju uvesti kratka povijest Kosova. U trećem poglavlju opisat ću povijesne korijene razvoja civilnog društva na Kosovu prije rata 1999. godine. Uključivat će razdoblje pod komunističkom Jugoslavijom i godine represije pod Miloševićevim režimom. Glavni fokus četvrtog poglavlja bit će proces uspostave i razvoja nevladinog sektora u sklopu civilnog društva, pod upravom UNMIK-a i na Kosovu. Razlog zašto je razvitak sektora nevladinih organizacija biti posebno elaborilan je da ovaj sektor predstavlja onaj dio civilnog društva na Kosovu koji je najviše primio podršku iz međunarodnih agencija usmjerene na razvoj civilnog društva, a financiranje donatora posebno je bio usmjereno na nevladine organizacije. Slijedom toga, nevladine udruge bile su vrlo relevantne za političke agende međunarodnih donatora, a pojam "nevladina organizacija" postala je tako prevladavajuća da je na Kosovu, kao iu mnogim drugim postsocijalističkim kontekstima, gotovo zamjenjiv s pojmom civilnog društva.*

*U petom poglavlju analizirat će se uloga i doprinos odgajatelja i vjerskih vođa u njihovim sposobnostima kao predstavnici civilnog društva. Ovo je važno uzevši u obzir da organizacije civilnog društva (CSO) predstavljaju više od nevladine udruge*

*(osobito u usporedbi sa zapadnim vrstama nevladinih organizacija koje su uveliko podržale mnogi međunarodni donatori na Kosovu), kao što su organizacije civilnog društva među ostalima CBO ( community based-organizacija u zajednici ), sindikate, saveze, obiteljske udruge, obrazovne organizacije, vjerske zajednice itd. Neuspjeh demokratizacije na Kosovu među ostalim razlozima može se pripisati sustavu obrazovanja s puno kontradikcija gdje prevladava snaga etničkog identiteta. Tijekom procesa obrazovanja i informiranja nastavnici mogu dati značajan doprinos stvaranju identiteta među Kosovskim albancima i srbima na temelju koncepta državljanstva, dok vjerske vođe mogu djelovati kao posrednici i moderatori u svojim zajednicama i uključiti se u svoje napore za poticanje demokracije. Završit će u petu poglavlju analizirajući da li je moguće omekšavanje autoritarnih tendencija nekih od važnih islamskih vjerskih vođa i aktera na Kosovu kroz mogućnosti njihove konvergencije među civilnim društvom ispitivanjem u kojoj mjeri su kosovski islamske vjerske vođe uključeni u svoje napore za poticanje demokratije. Poglavlje šest će ponuditi sintezu analiza o razvoju civilnog društva prije i poslije rata na Kosovu ukazujući na izazove koje predstavnici civilnog društva moraju prevladati kako bi značajno pridonijeli razvoju demokratskog društva. Zaključit će u naglasivši važnost uspostave održivog civilnog društva koje bi moglo igrati pozitivnu ulogu i utjecaj na utvrđivanje parametara i kvalitete upravljanja na Kosovu i rizika koje mogu predstavljati kada odluče ne postati snage za demokratiju. Studija zaključuje koliko je važna uloga i*



*angažman civilnog društva kao jednog od ključnih faktora koji utječe na razvoj demokratskog sustava upravljanja pomažući u izgradnji državnih kapaciteta i povećanju uloge aktivnih građana u javnom odlučivanju.*

*Postoji mnogo načina, instrumenata i mehanizama koje civilno društvo i kosovske institucije mogu koristiti kako bi mogli dati značajan doprinos razvoju demokratskog sustava upravljanja na Kosovu. Potrebna su konkretna poboljšanja u mnogim područjima, počevši od: provedbe zakona, poboljšanja suradnje između institucija i civilnog društva, jasnije orijentacije donatorskih politika, financijske održivosti, aktivniju ulogu nevladinih organizacija u procesu integracije u EU i unapređenje kapaciteta civilnog društva. U bliskoj budućnosti, sva ta poboljšanja uz paralelni progres demokratske kulture kosovskog društva, mogu pozitivno utjecati na rast civilnog društva kako bi postali važan faktor koji bih dao doprinos razvoju demokratskog sustava upravljanja na Kosovu. U tom kontekstu, kako bi se dao konkretan i jasan odgovor na hipotezu u ovoj studiji, kosovske institucije i predstavnici civilnog društva bi trebalo da se intenzivno bave svim gore navedenim pitanjima. To bi mogao biti tzv proces "ponovnog rađanja" civilnog društva na Kosovu.*

*Demokratija je proces i trebat će neko vrijeme za civilno društvo Kosova, a posebno za organizacije civilnog društva da razviju svoj politički aktivizam. Međutim, da bi*

*razumjeli društveno-političke promjene u "New-Born" Kosovu, neophodno je da se civilno društvo uzme u obzir kako bi se odgovorilo na mnoga etička pitanja vezana za političku i institucionalnu praksu na Kosovu.*

*Predstavnici civilnog društva koji dolaze iz nevladinog sektora ili većih organizacija civilnog društva, bilo odgajatelja ili vjerskih vođa, trebaju biti svjesni koliko mogu pomoći i Kosovu u ovim krhkim političkim okolnostima i koje rizike mogu predstavljati kada odluče ne postati snaga za demokraciju. Iako to može biti previše idealistično, ako ne i utopijsko, samo kada se shvate ove uloge, nove generacije nevladinih organizacija Kosova shvaćaju će državu kao svojeg zaštitnika, a politički čelnici će vidjeti predstavnike civilnog društva kao svoje pristaše, a ne kao prijetnju za sebe, tek tada će se stvarno živopno civilno društvo moći razvijati i podržavati demokratski sustav upravljanja na Kosovu. Ovo je fantazija kreativnog, fluidnog i slobodnog civilnog društva. To je koncept civilnog društva koji nije negativno definiran kao suprotnost državi, ali pozitivno, u kontekstu ideja i praksi kroz koje se uspostavlja suradnja i povjerenje između državnih institucija i civilnog društva, čime se pridonosi razvoju doista demokratskog sustava upravljanja postajući "postmoderni" lijek za kosovsko društvo.*

*Ključne riječi: Civilno Društvo; Demokratsko Upravljanje; Sektor Nevladinih Organizacija; Integracija u EU; Obrazovanje; Vjerske Vođe*

### **Biography**

Ardian Kastrati is a Lecturer at the Department of Political Sciences of the University of Prishtina (UP). Mr. Kastrati graduated for his BA studies at UP. He completed his

first MASTER program at the University of Graz (Austria) where he was awarded with the degree Master of European Studies (M.E.S). He continued his second MA program with the Department of Political Sciences at the University of Salzburg (Austria) and awarded with degree Master of Arts (MA) in Political Science. Mr. Kastrati presented and published papers related to his research interest in different international journals and conferences.

During his academic career Mr. Kastrati was part of some of the most world prestigious scholarship schemes, fellowship programs and research grants like: Erasmus Mundus 'Sigma Agile', 'State Department University Funds' and Open Society Foundation (Soros Foundations).

His areas of specific research interest include contemporary theories of civil society and democracy by exploring the various topics of civil society, respectively its relation to other social and political phenomena, such as: social movements, religion, ethnic conflicts and democracy, as some of the crucial phenomena in contemporary world; democracy and democratization, some of its determinants and different aspects, such as: culture and its role in democracy and its impact on democratization processes; international agencies and their role in democracy promotion; as well as some alternative concepts such as trust and social capital.

### **Životopis**

Ardian Kastrati je predavač na Odsjeku za Političke Znanosti Sveučilišta u Prištini (UP). G. Kastrati diplomirao je na BA studijima u Sveučiliste u Pristini. Završio je svoj prvi MASTER program na Sveučilištu u Grazu (Austrija) gdje je stekao Magisterij Evropskih Studija (M.E.S.) a drugi Magistarski Studij završio je u Odsjeku za Političke Znanosti u Sveučilištu u Salzburgu (Austrija) i stekao magistarski studij Magistra Znanosti iz Političke Znanosti. G. Kastrati predstavio je i objavio radove vezane za njegovo istraživačko zanimanje u različitim međunarodnim časopisima i konferencijama.

Tijekom svoje akademske karijere g. Kastrati bio je dio nekih od najuglednijih svjetskih programa stipendija i istraživanja kao što su: 'Erasmus Mundus' 'Sigma Agile', 'Sveučilišni fondovi Americkog State Departmenta' i 'Soros Foundations'.

Njegova područja specifičnog istraživačkog interesa uključuje suvremene teorije civilnog društva i demokratije istražujući različite teme civilnog društva, odnosno njihov odnos prema drugim društvenim i političkim pojavama, kao što su: društveni pokreti, religija, etnički sukobi i demokratija, kao neki od ključnih fenomena u suvremenom svijetu; demokratije i demokratizacije, neke od njegovih odrednica i različitih aspekata, kao što su: kultura i njegova uloga u demokraciji i njezin utjecaj na proces demokratizacije; međunarodne agencije i njihova uloga u promociji demokratije i alternativne koncepte kao što su povjerenje i društveni kapital.