INCEPTION PLUS TEN

Reviewing the First Decade of Kosovo's Statehood

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Content

Executive summary

A decade ago, the elected representatives of the people of Kosovo gathered in an extraordinary session to declare the country independent and sovereign. One of the main arguments, which was continuously repeated throughout the process of resolving Kosovo's political status, was that the country represented a unique case in the world politics. Such uniqueness was not limited on the legal realm of international relations and the way Kosovo declared its independence from Serbia, but also covers the multiple transitions that the Kosovo society went through. As such, although the Declaration of Independence represents a key event in Kosovo's statehood, it is neither the beginning nor the end of the statebuilding story.

What is, then, the story of Kosovo's statehood, ten years after independence? Starting from this very question, D4D has compiled this report that seeks to review the statehood with the help of hindsight. It should be noted in the very beginning that this report is not comprehensive and it does not aim to say the final word regarding statebuilding in Kosovo. Instead, we take the liberty to assess pragmatically the statehood through local lenses whilst being informed about both academic and policy works on the topic. The report is constructed around four chapters.

Hopping through key developments during the time when the UN administered Kosovo, the first chapter takes advantage of hindsight in capturing meanings on statebuilding. On the one hand, we underline how it is precisely during the UN interim administration (UNMIK) that Kosovo constructed the architecture of its state-like institutions. This allowed the society to practice state functions, both legislative and executive, albeit in a rather virtual sense within the operating framework of the international administration. Supporting elements of statehood such as setting up Kosovo as an independent

customs zone and the decision to use the German Mark and later Euro as currency also took shape during UNMIK. On the other hand, however, we point out problems that emerged from this period, most of which we attribute to the complex constellation of local and international institutions and their power and competences.

Here, we problematize the blurry separation of powers during UNMIK as the key problem, to which, we argue, Kosovo's institution are path-dependent. The tendency of externalisation of responsibilities, that Kosovo's political class developed mainly owing to the confusion over competences and responsibilities during UNMIK, is identified as another problem. Consequently, Kosovo politicians were opting for a rather pro-forma and not outcome-oriented policy efforts. Lastly, we highlight how the long process of resolving Kosovo's political status through international negotiations has generated an anxiety over independence and macropolitical issues, which continue to dominate Kosovo's public sphere even ten years after independence.

Whereas in hindsight the problems that marred the governance during the time of UNMIK seem obvious, it is important to note how the same problems spilled over onto post-independence Kosovo. From the very nature of constitutional design with elements of consociational democracies introduced by the international administration, to the very pro-forma method in which the constitutional and policy consultations were carried out in the aftermath of independence, are arguably path-dependant to the institutional practices established during UNMIK. This is elaborated in the second chapter of this report.

We briefly stop to note the statebuilding efforts of Kosovo institutions following the declaration of independence and then problematize how institutional practices of pro-forma governance and lack of respect for the separation of powers

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have hindered this process. Owing to such path-dependency as well as the international setting in which Kosovo declared its statehood, the Kosovo institutions continued the same practices of adopting legislation without proper policy processes. At the same time, interference from the executive and the legislature on the judiciary became an obvious problem, which in turn made the rule of law the weakest link in Kosovo's governance.

We note how Kosovo marked an incredible success when it comes to completing the institutional and legal framework needed to functionalise the statehood it declared. We also note the flaws of such processes that hinder the functioning of the state, which is often praised to have good laws but fails to implement them. Throughout this time, we note how the anxiety of independence was replaced by the anxiety of statehood – that of recognition of Kosovo by countries worldwide. Such shift, in our view, has only reinforced the dominance of macropolitics in the public sphere, where attention is given to high-level politics for which Kosovo has little say over internal political and policy issues that matter to its citizens. The anxiety of statehood, in this way, served well to the political class that often used it to externalise responsibility for governance.

Seeking to further describe and understand statebuilding efforts within Kosovo, in the third chapter we explore power and power dimension during the first decade of its statehood. Whereas the constitutional design puts Kosovo a parliamentary republic in which power cannot be concentrated on a single institution or individual, we underline that a key problem remains the informality of power. To cut it short, real power in Kosovo is kept in the hands of informal power structures ran by political parties. As a series of wiretaps revealed in 2016, key decisions, from policy choices to the appointment of senior state officials, are made by informal party structures, while the state

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institutions only validate and legitimise such decisions.

The extent to which such power reaches is then described through the elaboration of the 2014 Constitutional crisis. Informed by the literature of political science on constitutional constraints when it comes to government formation, we describe how the 2014 crisis was more a result of power greed and less that of unclear constitutional provisions. Furthermore, we argue that the 2014 decision by the Constitutional Court has put Kosovo somewhere in between 'positive' and 'negative' models of parliamentary democracies, complicating government formation process even further, in addition to the complications deriving from consociationalism. The power analysis, in this sense, shows the fragility of fundamental aspects of statehood against powerful informal actors.

In the very last chapter, which we have entitled the story of the state, we turn to discourse and explore the discursive dimension of Kosovo's statebuilding. Mapping Kosovo as a discursive battleground between Albanian and Serb nationalism, we problematize the effects of the liberal-institutionalist discourse promoted by the international community. Namely, we observe how both nationalist discourses have been able to co-exist in the same space with what is usually perceived as dominant discourse of the international community. On the one hand, the Albanian political elite has been generating the Albanian nationalist discourse in which Kosovo is the occupied Albanian space that finally gained freedom from foreign occupation, whereas on the other hand also generating the liberal-institutionalist discourse of Kosovo as a space of all of its citizens, where the Constitutional provisions guarantee accommodation of national minorities.

Whereas many studies that focus on the top-down approach applied by the international community can explain the rejection of liberal-institutionalist discourse by both

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Albanians and Serbs in Kosovo, it is interesting to see locally how political actors were able to generate opposing discourses simultaneously. Consequently, to put it simply, ten years after declaring itself independent and sovereign, Kosovo still lacks a common narrative for its existence, a common story of how it was built as a state.

Throughout its four chapters, this report provides an informed critical account on the first decade of Kosovo's statehood covering institutional, power and discursive domains. In spite of its limitations in both scope and methods, the report attempts to offer a critical overview of key issues related to Kosovo's statehood. A special appendix to this report offers the perspective of the Kosovo citizens on the tenth anniversary of independence.

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Introduction

On 17 February 2018, Kosovo celebrated the tenth anniversary of its declaration of independence. State institutions presented formal festivities, while nearly a sixth of the country's entire population rushed to the streets of Pristina celebrating the first decade of statehood. Whereas the country has made a remarkable progress in consolidating its statehood and democracy, only few could argue that statebuilding in Kosovo is a complete success story.

A glance at Kosovo's institutional framework and especially the trajectory of its development indeed indicates a success story. Since 2008, the country has established fully-fledged state institutions, which, with the exception of the armed forces, represent a complete picture of a functioning state. The legal framework, similarly, has been substantially developed, although its implementation lags behind in almost every aspect. Yet, the tenth anniversary found the country exhausted from a series of political and institutional crises. The Albanian community found itself divided over the future of the self-government of the Serbs, while the Serbs found themselves unrepresented in the political system they are an integral part of.

For a good portion of its history as a sovereign country, Kosovo has struggled to initiate an election reform. The separation of powers has been a persisting problem, while political corruption, politicisation of civil service and state capture have been the terms used to describe internal developments. In spite of a steady growth, Kosovo's economy has been struggling; the incremental growth of the GDP does not reflect on the well-being of the people and fails to meet their expectations regarding quality of life.

Externally, Kosovo's statehood continues to be actively undermined by Serbia. Legitimation of statehood through integration in international bodies has been successful, yet

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not at the level to meet the expectations of the people, or the international standards of statehood. On the tenth anniversary of their statehood, Kosovo citizens are the only Europeans who require visas to travel to the European Union (EU). The EU-facilitated dialogue between Kosovo and Serbia has become the leading foreign policy development with crucial implications on the domestic agenda.

In this report, we take the tenth anniversary of independence as a symbolic starting point to review state-building in Kosovo. The aim here is not to conduct a chronological assessment of statebuilding efforts, but rather to generate conceptually-informed text for policymakers, be that national and international, as well as the wide public. As such, the report is neither framed as an academic study, nor as a policy paper. Thus, the report seeks to programmatically present an overview of Kosovo's first decade as an independent country.

We begin by reviewing Kosovo's road to independence, seeking to take the advantage of hindsight and identify elements of path-dependency when it comes to the behaviour of the institutions in the statebuilding process. Given that a plethora of literature has already been produced on the nature and the ethics of international missions, we focus on looking at the internal elements and the performance of the institutions during the UN administration. The idea here is not to restate the findings of previously conducted research, but rather to draw a picture of internal dynamics during the preparation of statehood and independence.

In the second chapter, we assess state-building process following the declaration of independence, painting a picture of how Kosovo constructed its legal and institutional framework. Here, we delve deeper into election cycles, the works of legislatures and the government, while we focus on problematising path-dependency of the institutions regarding hastiness of policy processes, laws without policies, pro-forma governance and externalisation of responsibilities.

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In the third chapter we turn to review political developments in Kosovo by looking at power dimension and power relations. After problematising the formal constitutional setting in which power is dispersed through elements of consociational democracy and an oversaturated political spectrum, we move to identify the informality of power as Kosovo's biggest internal obstacle to statebuilding.

Finally, in the fourth chapter, we explore the discursive dimension of Kosovo's statehood. We start by reading the data from a specially designed survey that problematise the attachment and the sentiments of the people of Kosovo for the state. Then, we review the statebuilding discourse in Kosovo and problematise its local embeddedness. We argue that the statebuilding narrative of Kosovo that is asserted by the international community is stripped of any national elements. While most political leaders pay lip service to the dominant international statebuilding narrative, they have not abandoned local nationalist discourses that have informed local struggles for statehood. These two competing narratives frame local understandings of the overarching goals and values of Kosovo's statehood.

Notes on methodology

In order to maximise the inputs of the data used, the methods through which such data is co-generated as well as insights from relevant social and political theories, this report has been compiled using the approach of interpretive social science[1]. As a whole, the report does not align with any specific school of thought, thus does not claim epistemological rigor. Yet, throughout its chapters, the report is thoroughly informed and guided by the principles of certain theories -- institutional, power and discourse -- which are put into use through the combined experience of the author and the D4D research team.

The corpus of data used herein has been co-generated through a set of combined methods. The first batch of data comes from primary sources consisting of relevant policy documents, legislation and non-papers published by the Kosovo institutions as well as international organisations operating in Kosovo. Secondary sources such as reports published by think tanks, specialised organisations, international organisations and NGOs, surveys and previous research, as well as a few press clippings, represent the second batch of data.

We combine all this with the data co-generated by a survey, specially designed for this report and conducted with 1074 respondents in Kosovo, as well as in-depth semi-structured expert interviews.

A questionnaire in the form of omnibus[2] was conducted using a sample of 1074 people (51.5% men, and 48.5% women). The survey covered all seven (7) Kosovo regions, with respondents from age of 18-65+. The sample was stratified: (i) based on ethnicity, where three non-groups are created, (ii) based on the residence, and (iii) based on the number of surveys implemented in each residence. The coverage includes both urban and rural areas. The questionnaire was

divided into five parts: political representation, individual and collective freedom, state belonging, citizen's priorities, and citizen's perception on decision-making.

Additionally, we have conducted 8 semi-structured interviews with experts -- academics and civil society representatives in Kosovo – as well as 4 interviews with politicians. Here, it is important to underline that we have also used expert interviews to interpret the data of the survey, in order to maximise the overall discursive activity and enforce the comprehensive nature of this report. Furthermore, previous research findings as well as raw research material mainly extracted from previously conducted interviews, be that of D4D or the author, have been used throughout the report.

Taking the advantage of the interpretive research design, our analysis is guided by insights provided by political and social theories and concepts. In this way, we have framed the first two chapters to follow institutional theory, particularly historical institutionalism and the concept of 'path-dependency'[3].The concept explains how any decisions the institutions are faced with depend on the past knowledge trajectory and the trajectory of the past decisions made by the said institutions. We take into account the concept of 'path-dependency' when reviewing patterns of performance by the Kosovo institutions before and after the declaration of independence. Whereas the first chapter is framed to guide the road to Kosovo's independence, we look at the data guided by institutional theory and focus on repeated patterns that hint to 'path-dependency' in the aftermath of the independence, which we then review in the second chapter.

The third chapter is constructed around concepts of power and examines the internal power dimension in Kosovo. Here we particularly look at power concentration and power dispersion analogy but also delve deeper into investigating the nature of power actors, formal and informal powerful

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players, as well as the decision-making processes through lenses of power.

Lastly, the fourth chapter is primarily based on insights provided by discourse theory which maintains that social realities are constructed through discourse. Here we are guided by Discursive Institutionalism[4], a new institutionalism theory that maintains a less solid definition over institutions and how discursive practices shape them. We also employ the toolkit of Critical Discourse Analysis[5] as guidance to explore the discursive realm of Kosovo's statehood, by analysing data gathered from interviews and press clippings. The assumption here is that there is a dialectic relation between the discourse and the social reality, and that discourse is the vehicle that reproduces power relations in a society.

The combined methods used herein seek to strengthen the value to the overall objective of this report, which is to serve as a critical overview at the first decade of Kosovo as independent and sovereign state.

Crawling Towards a State

The history that led to Kosovo's independence and statehood is rather long and complex. During socialist Yugoslavia, Kosovo enjoyed the status of an autonomous province, a similar but not equal to Serbia and five other republics. While Kosovo had its own legislative and executive powers as well as representtion in the federal level of governance, it was not equal to the republics when it comes to aspects of sovereignty. Following the rise to power of nationalists led by Slobodan Milošević, Kosovo's autonomy was unilaterally revoked in 1990 and its territory was put under direct control of Belgrade. Throughout the Yugoslav wars of the 1990s, the Albanians, who constituted more than 90% of the population of Kosovo, were deprived of basic rights, whilst they organised in a peaceful resistance to Milošević's regime under the leadership of Ibrahim Rugova. The situation escalated in the late 1990s when Kosovo Liberation Army (KLA) initiated a series of guerrilla attacks on Serbian forces. The violence escalated to a wide conflict in 1998-99, during which thousands have died and nearly one million Kosovo Albanians were expelled from the country. In 1999, amid a humanitarian catastrophe in the making, NATO launched operation Allied Force against Yugoslavia. After 78 days of air strikes, Milošević's regime agreed to withdraw its forces from Kosovo, opening the way for the UN Security Council to adopt its Resolution 1244 (1999) establishing the United Nations Interim Administration in Kosovo -- UNMIK -- the most ambitious peacekeeping mission in its history.

It is during UNMIK that Kosovo developed its Provisional Institutions of Self-Government (PISG), a kind of state-like institutions, namely legislative and executive branches of governance, that gained gradual power whilst operating under international administrators. Given the humanitarian nature of the intervention which preceded UNMIK, as well as a strong Russian objection of Kosovo's secession from Serbia,

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many have questioned whether UNMIK indeed had a statebuilding mandate. On the one hand the international community in Kosovo was developing state-like institutions and slowly empowering them with competences, whilst on the other hand it was also initiating a process of resolving Kosovo's final political status. Notwithstanding the fact that it is during UNMIK that Kosovo constructed most of its state-like features, it is important to identify a few problems that stem from this time.

In hindsight, we can say that during UNMIK Kosovo received what Isaiah Berlin[6] calls negative liberty, that is freedom that results from absence of obstacles, in this case a repressive regime of Serbia in the 1990s, whereas it still lacked positive liberty, that is freedom to act and take control of its own basic purposes, in this case to act like a state. Problems that arise from such constellation are various. The problems that emerge in such constellations of international missions are multiple and they are widely captured in literature that shows how international interveners continue to use approaches and tools that are ineffective, inappropriate and sometimes even counterproductive to what they aim to achieve[7]. While there's a plethora of literature reviewing the 'effectiveness' and 'success' rates of international missions, critical debates are usually constructed around issues of local ownership and local agency in international interventions[8] or the ethics of such interventions[9]. The critique on UNMIK is righlty constructed on both these avnues and is largely based around the mantra of UNMIK which was stability above all. Ian King and Whit Mason, for instance, describe how UNMIK aimed to turn a poor society into a society of Western values with little concern about the society itself[10]. In turn, as Andrea Capussela argues, the international community was less committed to build a state based on democratic values and the rule of law and more interested to act upon short-term interest and preserve short-term stability[11]. Elaborating how any and all actions of the international community in Kosovo

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were subordinate to the principle of 'stability', Vjosa Musliu and Jan Orbie describe the competing narratives 'locals' and 'internationals' and the twisted roles between 'the guest' and 'the host'[12]. Whilst being well informed on such arguments, this report is framed to explore statebuilding efforts locally, in order to identify and problematise persisting challenges from a Kosovar institutional perspective.

Under UNMIK Kosovo became an independent customs zone and adopted the German Mark and then the Euro as its currency. In 2000, UNMIK organised the first local elections, which produced local authorities that worked directly under the international administrators. A year later, in 2001, UNMIK enacted the Kosovo Constitutional Framework, a document that drew the basic features of state-like institutions and their functioning. The Framework provided for separation of powers and installed the first elements of consociational democracy in Kosovo. The concept seeks to regulate power sharing in political systems of states with divided societies, for example along ethnic lines, in order to guarantee individual and collective rights[13]. In this way, 100 seats of the Assembly were elected, whereas 20 were reserved for the representatives of national minorities. Similarly, national minorities would be represented in the government as per Constitutional Framework's provisions. Whereas overrepresentation of national minorities in the legislature was largely welcomed, consociational elements made the Serbs in Kosovo veto players not only on issues related to the Serb community but also to core state issues. Later studies have shown that elements of consociationalism have displayed high levels of instability in Kosovo, as they were designed and shaped to address short-term concerns[14]. Thus, we identify consociational foundations and their improper implementation as the first problem of statebuilding to have emerged during the time when Kosovo was administered by UNMIK.

1999-2000

UNMIK transferred some competences to **Kosovo municipal assemblies**

2000

UNMIK was the executive power in Kosovo

- Adopting the **Constitutional Framework**
- Finalizing **Kosovo's status**
- Transferring the governance competences from **UNMIK** to Kosovo's Provisional Institutions of Self-Government

2001-2007

2008+

- **Declaration of Independence**
- Delegation of major competences from **UN** to **Kosovo's Government**

During UNMIK, political life in Kosovo witnessed continuous intensification. Pluralism that was rather improvised in the parallel system under Rugova's leadership in the 1990s, had now become real, with new actors from the KLA in play. In November 2001, UNMIK organised the first general election in Kosovo. To the surprise of many, the Democratic League of Kosovo (LDK) of Ibrahim Rugova won 45.6% of the votes, the former KLA politicians and commanders led by Hashim Thaçi under the Demoractic Party of Kosovo (PDK) won only 25%, while the other KLA figure Ramush Haradinaj's Alliance for Future of Kosovo (AAK) came in third with 7.8%.[15] Consequently, a crowded government coalition comprising all political parties was deemed as the only viable solution. Very rapidly Kosovo had a functioning legislature and government. Yet, the entire system of Provisional Institutions of Self-Government (PISG) was rather virtual, functioning within the UNMIK system. As such, all the laws promulgated by the Kosovo Assembly would only enter into force as UNMIK Regulations once signed by the head of mission, who also had the power to annul any and all decisions made by the PISG.

The 2004 general elections produced the first-ever coalition government in Kosovo. Having won the election for the second time, the LDK and the AAK joined forces to form a government with minority representatives, leaving the PDK in opposition.[16] By this time, Kosovo had a governing cabinet which lacked foreign affairs and defence portfolios. The overall transfer of competences from international

authorities to local institutions was rather long and slow, which, in turn, generated a sequence of problems. Although the Constitutional Framework provided for separation of powers, such a concept was obsolete within the setting of UNMIK in which the head of mission was the supreme authority over the executive, the legislature and the judiciary. As many commentators rightly noted, UNMIK was rather undemocratic and there was no possibility for any societal actor to advocate either policy change or accountability at this international mission. Kosovo think tanks have repeatedly stated in their findings that the emerging Kosovo institutions were operating in a setting where no separation of power existed, generating in this way a rather problematic ground for a path-dependency.[17] Indeed, judiciary and the rule of law is considered to be one of the weakest links in the UN mission in Kosovo.[18] As we shall point out later in this report, this setting in which perception of separation of powers was blurred is highly problematic as it has potentially generated a path to which the Kosovo institutions could be dependent.

The third problem that emerged during international administration is that of externalisation of responsibilities. Given that the transfer of competences from UNMIK to locally elected authorities was slow and complicated, with different branches receiving different powers gradually, it was very common for local politicians to use lack of competences as a catch-all excuse for any actions.[19] This was highly problematic as it interrupted links of accountability between the elected representatives and their constituencies, an issue which, as we will elaborate in the next chapters, continues to persist in Kosovo.[20] Especially in the period that led to the declaration of independence, the public sphere of Kosovo was overwhelmingly preoccupied with the issue of power, that is with discussions about who is in charge over policy agenda in Kosovo.

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With insufficient mechanisms in place to channel societal preferences and concerns, the Kosovo institutions, in a way, served as a buffer zone between the people and UNMIK which maintained the real power. This brings us to the fourth problem which is arguably rooted in Kosovo's transition during UNMIK and which has to do with policy agenda. A glance at the campaigns for 2001, 2004 as well as the consequent 2007 general election reveals that the main if not the only topic of the agenda was independence for Kosovo. As interviews with independent political commentators in Kosovo reveal, promising independence for Kosovo served as an additional legitimation for the political elite, which by this time was being seen as corrupt. Although the Kosovo Assembly promulgated nearly 80 laws between 2001 and 2003, and the same amount between 2004 and 2007, the law-making process was carried out without proper policy process.21 In a setting with obscure overlays of competences and powers, the decision-making process in Kosovo turned into a formality. Authorities were mainly occupied with the country's independence and were only pro-forma performing on policy issues, which continues to hinder Kosovo.

UNMIK initiated a policy named 'Standards before Status' in 2002, providing eight areas in which Kosovo institutions would need to make progress before any discussions on the status could begin. The standards included effective democratic representation, rule of law, freedom of movement, return of refugees and displaced persons, market economy, enforcement of property rights, a dialogue with Serbia and transformation of the former KLA fighters. Rather an improvisation, the policy delivered no salient outputs and given unclear competences of the institutions no clear progress tracking mechanism could be put in place. This was another tumultuous time in the Balkans, with conflict in Macedonia just being settled, Serbian Prime Minister Zoran Djindjic assassinated, and the flurrying frustration of the Kosovo Albanian population culminating in March 2004

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riots, resulting in deaths and destruction of tens of Orthodox cultural heritage sites in Kosovo.[22] The March riots were largely seen as a failure of the interntional community to maintain peace and ensure progress in Kosovo, as the unrests led to displacement of many non-Albanian communities. A report compiled by Kai Eide, a special envoy of the UN Secretary General suggested it was necessary to initiate resolution of Kosovo's final political status. Although the divisions of the international community over the future of Kosovo would become obvious, a key determinant of such future would be a statement by the Contact Group for Kosovo which included USA, Britain, France, Germany, Italy and Russia. The statement, issued on 2 November 2005 read that there would be no partitioning of the territory of Kosovo, no return of situation to as it was in 1999, and no unification of Kosovo with any other country.

From this moment on, statebuilding efforts in Kosovo were mainly if not entirely focused on gaining independence through diplomacy. The public sphere in Kosovo entered what could be described as anxiety of independence, where the public agenda was overwhelmingly obsessed with high level politics. As monitoring reports noted, more than 90% of media cover stories during this period were about Kosovo's independence. High level political events were also plentiful. In November 2005, the UN Secretary General appointed former Finnish President Martti Ahtisaari as special envoy to resolve the Kosovo status.[23] While Ahtisaari was preparing a series of negotiations between Kosovo and Serbia, throughout 2006 Kosovo had its own share of political shocks. In January, Kosovo's historic President Ibrahim Rugova died; in March his party, the LDK, split. With AAK's Ramush Haradinaj being in trial for war crimes at the ICTY, the party struggled to maintain its governing coalition with the LDK. In March, AAK sacked Bajram Kosumi, who had replaced Haradinaj as prime minister, and appointed Agim Çeku, former KLA commander-in-chief, to lead the

government. Only such major internal shocks, however, could compete in the public sphere with the process of negotiations for Kosovo's final status. During 2006 alone, Ahtisaari organised more than 10 meetings between representatives of Kosovo and Serbia to discuss decentralization of power in Kosovo, minority rights and religious heritage, all of which were passionately followed and commented. Given that Kosovo and Serbia maintained opposing views on the future of Kosovo, with Kosovo insisting on nothing but independence and Serbia insisting on anything but independence, in February 2007 Ahtisaari presented his own 'Comprehensive Proposal for Kosovo Status Settlement' which read: 'Kosovo's status should be independence, supervised by the international community'[24]. The process of resolving Kosovo's political status by this time was long overdue.

There were two aspects to Ahtisaari's Proposal. Externally, Ahtisaari envisaged the approval of his proposal by the UN Security Council, which, in the best case scenario, would replace the UNSCR 1244 and transform UNMIK to supervise Kosovo's independence. Yet, due to Russia's objections, which was heavily neglected by the West throughout Kosovo's transition, it soon became obvious no solution through the UN was possible[25]. This would generate one of the firmest obstacles to Kosovo's statehood and its legitimacy in the international front. Internally, the plan envisaged details on how Kosovo should constitute itself as a state, from the very nature of the republic and the consociational elements of its constitution, to the electoral system, decentralization of power, territorial organization, law-making, all the way to protection of cultural heritage and local governance. As we shall elaborate in the following chapter, Kosovo moved to implement the Ahtisaari Proposal unilaterally, facing all internal challenges it brought whilst benefiting from none of its external projections that would have come through a UN Security Council Resolution. Before that, however, it is

important to state that the provisions of the Ahtisaari Proposal were without any doubt heavily dependent on the nature of the Constitutional Framework and governance in Kosovo during UNMIK.

As we have eclectically captured throughout this chapter, it is during UNMIK that Kosovo laid out the foundation of its state, establishing a state-like system with independent customs, currency and state-like institutions, elected through free, fair and democratic elections. These institutions were gradually empowered with competences descending form the international mission, promulgating laws and taking executive decisions. In this chapter we have chosen not to summarise and evaluate such statebuilding efforts but rather to use hindsight in exploring persistent issues and problems that originate from the times that preceded Kosovo's declaration of independence. First, we have argued that it is during this time that elements of consociational democracy were introduced in Kosovo, which could as well be improper and problematic in the way they were implemented. Secondly, we have spotted blurry separation of powers during UNMIK as a key problem. Thirdly, we have captured how Kosovo politicians developed a tendency of externalisation of responsibilities, mainly owing to the confusion over competences and responsibilities during UNMIK. The same confusion relates to the fourth problem, which is a tendency of the political elite to conduct pro-forma and not outcome-oriented policy. Finally, we have observed how the long and unsuccessful process of resolving Kosovo's status internationally generated an anxiety over independence in Kosovo's majority Albanian population and a tendency of the public sphere to deal only with high-level politics and ignore day to day policy issues.

Hastening the State

On Sunday, 17 February 2008, the representatives of the people of Kosovo signed a declaration that proclaimed the country as independent and sovereign. The wording in this sentence will serve as a peculiar argument in the battle for the international recognition of the country's independence. Under the system of UNMIK and the Constitutional Framework, it could be argued, the Kosovo Assembly had no power to declare the country independent. Yet, as it would be argued during the proceedings at the International Court of Justice (ICJ) this did not mean that the representatives of the people, elected through an internationally recognised free and democratic process, could not declare the interest of their constituents.

Indeed, in 2011, the ICJ brought an Advisory Opinion stating that Kosovo's declaration of independence did not violate international law, nor did it violate the UNSCR 1244. This would serve as a pivotal point in Kosovo's quest for international recognition of its statehood, which, as Gezim Visoka brilliantly captures in a recent book, was rather complex and relied on a 'situational assemblage of multiple discourses, practiced through a broad variety of performative actions' and it was shaped by 'a complex entanglement with global assemblages of norms, actors, relations, and events'[26]. Ten years on, in 2018, Barbados became the 116th country worldwide to recognise Kosovo's independence.[27] Kosovo has achieved a remarkable success of consolidating its statehood on the international front, in spite of all contestations. The acceptance of Kosovo in the world's sports associations such as UEFA and FIFA, as well as regional and international bodies has further strengthened the statehood, which in spite of all efforts continues to be challenged intensively by Serbia.

After struggling for nearly a decade to build and functionalise state-like institutions, a period which we have described as crawling for a state, the Declaration of Independence brought

expectations for radical changes when it comes to statebuilding efforts by the institutions.[28] We have labelled the period that followed February 2008 as the hastening of the state because it was characterised by hasty policy choices and decisions, many of which have arguably reinstated some of the flaws of the democratic consolidation.

Kosovo's declaration of independence and the formal starting point of its statehood, derived from a detailed and tailor-made plan, drafted by the UN Sepcial Envoy Martti Ahtisaari. Mr Ahtisaari was tasked by the UN Secretary General to come up with a creative solution for Kosovo's final political status given that two rounds of negotiations between representatives of Serbia and Kosovo failed without any noted success. Annex XII of the Ahtisaari Plan for Kosovo provided an accelerated legislative agenda that the country had to undertake, mainly in order to ensure protection of national minorities and the level of self-governance. Yet, the Plan also envisaged details about Kosovo's future constitutional order, its election system, the rapport between local and central government as well as a process of decentralising power.

Following the Declaration of Independence, the political life in Kosovo intensified heavily with activities ranging from preparation of legislation, to establishing new state institutions, to lobbying at other countries to recognise the new statehood. Unlike predictions made by many commentators, and in spite of tensions, the Declaration of Independence produced no violence and did not mark a single inter-ethnic incident. As per Ahtisaari's plan, Kosovo invited the international community to establish an International Civilian Office (ICO) led by an International Civilian Representative, who had supreme authority over any national and local institutions of Kosovo. In this way, the blurry lines of power that were established during UNMIK were reinforced, and so were some of the problems raised in

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the previous chapter, such as externalisation of responsibilities by Kosovo politicians.

One day after declaring itself independent and sovereign, Kosovo received recognition by 8 nations worldwide, with the number reaching 62 in total during the first year of statehood.[29] Some 25 of them established the International Steering Group (ISG) for Kosovo, which controlled the ICO and the ICR. By this time Kosovo was an independent state as per the declaration of independence, yet was also still subject to acting within principles of International Law, and UNSC resolution 1244, and this made the question of who was in power rather a difficult one to answer.[30] The institutional behaviour that was established during UNMIK, in this way, was being spilled over to the new setting.

The Declaration of Independence and its aftermath ensured that macropolitical issues and high-level politics would dominate the public sphere. The news agenda was heavily dictated by high-level politics and the new obsession of the media became the recognitions by other countries worldwide.[31] In 2008, the climate, created by prime minister Hashim Thaçi, and Kosovo's independence sponsors at that time, was such as to expect more than 100 recognitions within months of declaring independence, and within five years to see Kosovo join the United Nations[32].

Suddenly, the Kosovo public became well-aware of the world's political map. It did not matter which countries would be recognising Kosovo's statehood – they would all make it to the news and provide grounds for internal political battles. For instance, recognitons by Burkina Faso and Marshall Islands, two remote nations with virtually no potential whatsoever to influence the lives of the people of Kosovo, would be portrayed as the greatest policy successes by the country's leadership. In this way, recognition of statehood replaced the macropolitical agenda of declaring statehood, overshadowing other policy issues.[33]

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In the aftermath of Declaration of Independence, Kosovo institutions were caught up in hastening the statebuilding process. The path-dependent behaviour of the institutions characterised by prioritising formality against substance is best explained with the legislative agenda of the Kosovo Assembly. During 2008 alone, the Assembly adopted ninety-one (91) laws, without having any policy discussions whatsoever. [34] The tendency to adopt legislation without policy developed during the time of UN administration was spilling over into the new political setting of the newly independent state. Discussions over legislative agenda were left outside the parliamentary sessions, with fringe political forces objecting the top-down approach generally, while the general sentiment was that laws were simply being imposed by the international community, this time not through UNMIK, but through unilateral acceptance of the Ahtisaari plan, and later on through the ICO.

Although UNMIK never ceased its operations, Kosovo institutions deemed the mission as unnecessary and serving no purpose following the declaration of independence. In this way, the institutions began working closely with the ICO as it assisted Kosovo in making final preparations for drafting the constitution, completing the architecture of the institutional framework, and drafting and adopting legislation. The ICO's approach to the legislative agenda wanted to ensure that it would instill ownership to the local authorities through following four steps: (a) technical assistance in the drafting process, (b) cross checking compliance with Ahtisaari proposal, (c) ensure that the process involved substantially both the opposition and minority communities, and (d) establish an early warning mechanism in order to avoid using formal powers.

The shared responsibility between 'locals' and 'internationals' to which Kosovo's political elite was accommodated during UNMIK, resumed with the same

intensity and characteristics, but with a different acronym for the international institution. In this way, the major problems identified in the era of UNMIK during the first chapter of this report were simply confirmed in the aftermath of the independence, with the ICO.

The development of legal and institutional framework, albeit formal and hastened, was considered rather successful. As the following figures show, Kosovo managed to complete the architecture of its government, established independent agencies and even gathered a donors' conference to support its statehood. Five months after the independence, Kosovo organized a donor conference in Brussels. The orchestrated donor conference were to serve not only to raise funds, but also to reconfirm Kosovo's statehood. It was done in 2008, five months after the independence, and around 1.2 billion euros were pledged by the international community[35]. A donor conference of that type was held only that one time and it did occur again, with its impact still being questioned as statebuilding continues to be an ongoing process.

The establishment of independent agencies provides a glance at how institutions were established without offering a proper analysis as to why they are needed. From 2000 until 2008, 24 independent agencies were established, out of which seven were established in 2008. Agencies were seen merely as a way to provide employment for partisans. Nonetheless, not all agencies fall within that parameter, however, a number of them, given that they have overlapping competences, roles, and aims, goes on to prove that they were either established due to lack of rationale and proper analysis, or due to using them for personal benefits. One could also say it may fall into both.

Timeline of developing institutions

13 Ministries established, with some being:
Ministry of Education, Science, and Technology
Ministry of Finance
Ministry of Health
Ministry of Transport and Post-Telecommunication
(later to be changed to Ministry of Infrastructure)
7 Institutions as:
Tax Administration
Customs
Parliament
24 Independent agencies as:
State Prosecutor
Kosovo Judicial Council
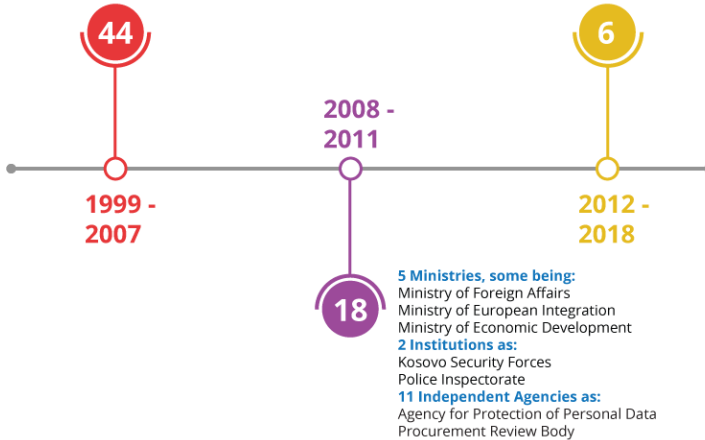Kosovo Prosecutorial Council

2 Ministries established:
Ministry of Regional Development
Ministry of Innovation, and Entrepeneurship
Institutions as:
Justice Academy
3 Independent Agencies as:
Agency for Management of
Memorial Complexes

44

6

2008 - 2011

1999 - 2007

2012 - 2018

18

5 Ministries, some being:
Ministry of Foreign Affairs
Ministry of European Integration
Ministry of Economic Development
2 Institutions as:
Kosovo Security Forces
Police Inspectorate
11 Independent Agencies as:
Agency for Protection of Personal Data
Procurement Review Body

source: Kosovo Government Portal

The problem did not reside with the laws specifically, as laws could always be amended. The main issue resided with the know-how. Having witnessed one political transition after another, the Kosovo society was not given any proper time and means to review and consolidate societal values in the process of making the state.

For many years Kosovo has been at the spotlight for the international community. The international community's task was to help Kosovo transition smoothly from supervised independence, to total independence, and ultimately become a success story of intervention. A plethora of stakeholders were involved in the international community. Given the

large amount of stakeholders, this created confusion especially for power sharing. Given that there was confusion amidst the international community this was also passed on to the local politicians. The confusion allowed for laws to be drafted, and passed in an absurd speed without any substance whose crippling effects would be seen later on.[36]

Whereas the agenda of the international institutions has been overwhelmingly preoccupied with security and stability, the development of local institutions suffered from an exclusive top-down approach in any political development. There was never a clear narrative supporting the state building process. UNMIK was there to play the role of the state, Ahtisaari to ensure that there would be a smooth transition to Kosovo's independence, the ICO served as a support on the transitional period, and the whole international community to observe and intervene aiming to make the intervention a success story. The citizens were detached from the process, even though the declaration of independence is written in the name of the people. Laws without substance, context, and proceeded in a hasty way were done for the sake of ticking the box. The narrative as to the purposes for which we are creating a state was never developed. Thus, the hymn, flag, and any other identity related symbolism were created hastily and without much public input. The ICO was part of the Commission that approved the design of the flag and seal. Ironically the identity was ought to be created by avoiding any identification.

To conclude, the days that led to Kosovo's declaration of independence and its immediate aftermath was crucial for the inception of Kosovo's statehood. The context in which the process of consolidating the state was developed, however, was far from being optimal. Whereas the international aspects of such context have been studied and elaborated thoroughly, we found it important to focus this report on the

domestic aspects. Capturing these developments pragmatically, we elaborated how certain problems manifested during the time when Kosovo was administered by UNMIK have spilled over onto the post-independence period when the country defined its statehood. Pro-forma political decision, hastened legislative processes without proper policy development and externalisation of political responsibility to the international community allow us to describe this period as the hastening of the state.

Power and the State

In this chapter, we turn to power dimension in attempts to draw a power map and make sense of Kosovo's first decade as a state through the lenses of power. We begin by reviewing the balance of formal power provided by the constitution and institutional practice.

A glance at the Kosovo Constitution gives the impression that the country relies on a solid power-sharing framework with adequate instruments of checks and balances. The constitution provides for separation of power. The Assembly is the highest body in the institutional framework, elected directly by the people through a proportional system with open lists. In addition of being the legislative body of the republic, the Assembly elects the President and the government, and holds them accountable for their performance. The Assembly is also in charge of a list of independent agencies and regulatory authorities, as well as the Central Election Commission.

The executive powers are divided between the government and the President. Kosovo civil society organisations have repeatedly argued that the process of drafting Kosovo's Constitution was hasty and that the public discussions attached to it were merely a formality.[37] As a consequence, the power balance between the Prime Minister as head of government and the President as head of state, is rather blurred.[38] For instance, the constitution provides that the President is the commander in chief of the armed forces and leads the country's foreign policy, leaving the cooperation between the President and the executive branch ministries for these domains prone to interpretation. At the same time, the Constitution states that the President, in co-operation with the Prime Minister, appoints important state positions such as country's ambassadors and the head of the intelligence service.

Under this framework, the real power of the President of Kosovo depends heavily on the support the President has in the Assembly and consecutively the government. For instance, Fatmir Sejdiu (2006-2010) and Hashim Thaçi (2016-present) have been demonstrating to be much influential Presidents than Atifete Jahjaga (2011-2016). The former were leaders of two largest political parties in Kosovo whereas the latter was an apolitical figure prior to her election. Hence, the real powers of the President of Kosovo depend not only on the charisma of the person holding the office, but primarily on the parliamentary support of the said person.

The balance of power between the President and the government, in this way is once again defined by the Assembly. It goes without saying that the concentration of the formal power in the Assembly is indeed a dispersion of power. In Kosovo, such dispersion is two-fold. The first fold is that of consociational democracy, which provides that 20 out of 120 seats in the Assembly are guaranteed to the representatives of national minorities, in spite of their performance in the election. Out of these, 10 seats are guaranteed to Serbs and other 10 to other non-Albanian minorities. Further, the consociational nature of the Constitution makes it mandatory for every government cabinet to include national minorities, which de facto guarantees their participation in the governing coalition. As such, power is by definition dispersed and cannot be concentrated on a single political party, as any government would require a coalition with at least the representatives of national minorities.

The second aspect of power dispersion is dictated by Kosovo's political landscape, which is oversaturated. The Central Election Commission certified 91 political parties to compete for the local elections in 2017.[39] Currently, there are eight different parliamentary groups in the Assembly, representing

more than fifteen political parties and coalitions. The current landscape makes it virtually impossible for any Albanian political party to be able to receive the majority of seats in the Assembly and be able to form a government in coalition with minority representatives. Thus, any governing coalition is likely to consist of more than two Albanian political parties as well as a number of political parties representing national minorities. This fact alone influences the government formation process, a topic which is elaborated in detail in a previous publication by D4D.[40] During the first decade as an independent country, Kosovo had governments and prime ministers that were considered powerful or weak, but formally, the power was continuously dispersed.

What hinders a proper mapping of powerful actors in Kosovo is the outlook of political parties. Recent studies have repeatedly stated that the biggest obstacles to Kosovo's democratic are very undemocratic political parties.[41] It is very well known that political parties in Kosovo, until very recently, have shown little interest in putting forward political programmes based on certain ideologies, and were rather constructed around powerful charismatic leaders. In such party setups, the power is not always concentrated in party chairmanship, but also in the so-called 'local kings' who are powerful local politicians that secure continuous electorate for the parties.[42] In a political scene with no ideological profiles, the relationship between elected politicians and their constituencies is not that of principal and agent, but rather that of client and patron.

The patronage system is carried out by virtually all political parties in Kosovo, with each party or faction satisfying the demands of its political clienteles for public sector jobs, government contracts, social benefits, etc., in exchange for their loyal votes.[43]

While this expanding array of persons appointed to political positions in government is partly the result of the patronage-

based system of party control that has developed in postwar Kosovo (with each party or party faction having to satisfy the demands of its political clienteles for public sector jobs, contracts, pensions, etc.), it also poses a threat to the effectiveness of governance, control over expenditures, and the cohesion and unified direction of policy.[44] For example, after the hastily negotiated coalition deal with the PDK in 2014, the Isa Mustafa government spent the following year ordering up advisors and ministries to develop strategy documents that defined the government's goals and policy priorities. In 2015, its first full year in power, the Mustafa government planned to produce 48 such documents outlining policies and goals. None of them have been implemented.

Notwithstanding the formal dispersion, taking a look deeper into power dimension in Kosovo reveals a whole different landscape. As Freedom House establishes in its annual Nations in Transit report, the biggest problem in Kosovo is that power remains largely informal; it is powerful actors of informal circles run by political parties that take all important decisions, which are then only formally validated by state institutions[45]. A series of wiretaps of phone conversations between high level politicians recorded between 2010 and 2012 was published by Kosovo media in 2016, revealing what became known to the public as the "Pronto Affair'. The focus of media investigations based on the wiretaps was Adem Grabovci, the whip of PDK's parliamentary group, whom the phone conversations portray as the boss of an underground network of power, in charge of appointing key public officials.[46] Other key politicians of the PDK, including Kosovo's current President Hashim Thaçi, the speaker of the assembly and the chairman of PDK Kadri Veseli, were also part of the wiretaps which reveal that the PDK-run network of informal power is rather wide.

The existence of powerful informal networks of political

actors that operate separately from the democratically elected institutions brings us back to a key formal determinant of a power analysis. When it comes to emerging democracies, a powerful democratic test is considered that of peaceful and democratic transition of power. Here, it needs to be stated explicitly that during the first decade of its statehood, Kosovo never witnessed a true transfer of formal power. Although the country organised general elections in 2011, 2014 and then again in 2017, and had different compositions of such governments, the PDK managed to get more votes than other parties in all these elections, thus remaining part of all governing coalitions since the declaration of independence in 2008.

It is precisely through the combination of informal power structures with formal powerful position in the state institutions that the PDK has put itself in a supreme power position vis-à-vis other political parties in Kosovo. Such powerful position has been tested even against independent state institutions, such as the Constitutional Court. Following the general election of 8 June 2014, Kosovo found itself in a constitutional crisis, with parties contesting each other's right to form a government. In a surprise move following the elections, three political parties -- the Democratic League of Kosovo (LDK), the Alliance for Future of Kosovo (AAK) and the newly established Initiative for Kosovo (Nisma) agreed to form the government, nominating Ramush Haradinaj of the AAK for Prime Minister. This agreement was backed the Vetevendosje (Self-Determination) movement, which said it would vote for the government whilst remaining in the opposition. The four parties together counted well above the needed majority of 61 votes to form a government. Yet, the PDK, which had won the election by gathering more votes than any other party, claimed it had the constitutional right to form a government, in spite of not having a majority in the Assembly.

Article 95(1) of the Kosovo Constitution that regulates government formation reads:

> *After elections, the President of the Republic of Kosovo proposes to the Assembly a candidate for Prime Minister, in consultation with the political party or coalition that has won the majority in the Assembly necessary to establish the Government.*

The PDK received 31% of the votes in the 2014 elections but faced a political situation where no other party would join them in a coalition to form the government. In attempts to stop other parties that had a de-facto majority in the Assembly to elect a government, the PDK referred the case to the Constitutional Court, seeking clarifications on government formation procedure. The court's verdict was complex, to say the least.

Through fringe interpretation of constitutional provisions and a great dosage of judicial activism, the Constitutional Court of Kosovo brought a whole new concept in the country's politics, that of the victor of elections, be that relative or absolute. The verdict said that the PDK, having won the election, has the ultimate right to elect the speaker of the Assembly as well as the right to form a government. By underlining a difference between pre-election coalitions and post-election coalitions, the Court said that other parties gathered in a post-election coalition had no right to form a government, in spite of having a majority in the assembly, before the PDK would be given the chance to do so. This means that the party with more votes than other parties in the election would have the right to appoint a formateur of the government even if there would be no chance of them ever reaching a majority.

The confusion that this verdict by the Constitutional Court brought to Kosovo was substantial. Through a single document, the Court had turned the political system in

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Kosovo from a positive parliamentary democracy to a mixed system. In political science, parliamentary democracies are categorised in 'positive' and 'negative' depending on the role of the legislatures on the government formation process[474849]. In positive democracies, the parliaments must confirm the formation of the government with a majority vote. In negative parliamentary democracies, governments need no formal approval by legislatures and can function as minority government as long as they are tolerated by the parliaments. In such democracies, for instance in Denmark, parties that win the election can form governments in spite of not having a majority in parliaments. The overall constitutional design of Kosovo is that of a positive parliamentary democracy, as the constitution requires for governments to be voted by the Assembly. The 2014 verdict of the Constitutional Court creates a hybrid system, with elements of both positive and negative parliamentary democracies, which has further complicated the government formation process.[50] What the proceedings of the court and their aftermath have revealed, however, is the dominant position of the PDK vis-à-vis other parties. Just weeks after the verdict was made public, the PDK managed to break the LDK out of the coalition with other parties, and establish a governing coalition with them.

The last aspect of power dimension in Kosovo which requires some attention is that of concentration of power at the central level vis-à-vis the power that was decentralised and given to the municipalities. The process of decentralising power from national authorities to municipal ones was another process that was driven entirely by the international community. Decentralisation in Kosovo has been focused almost entirely on accommodating the Serbian minority, redrawing municipal boundaries as per ethnic composition and empowering them with specific competences over education, health and culture. As a result, the decentralisation process was not rated against the satisfaction of the people with the true empowerment of municipal governments, but rather

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with the satisfaction of the international community on the accommodation of the Serbs. Kosovo municipalities have exclusive competences in 16 fields, mainly having to do with municipal services, which is significant compared to centralized states. Kosovo municipalities, however, do not have powers when it comes to budget, finances and taxation, but rather only implement strictly structured policies of the national government. In this way, if looked through the usual cleavage of centre vs periphery, power in Kosovo institutions is rather centralised.

To conclude, a glance at the power dimension reveals a rather complex picture in Kosovo. Whereas generally power is concentrated in national institutions and arguably away from the rural periphery, this accumulation of power lies within the Kosovo Assembly, which is not a concentration in one actor as such. This means that power is then dispersed throughout political parties represented in the Assembly, with the main share naturally belonging to the parties that can form and maintain a government. Yet, as we have shown throughout this chapter, such power is still further dispersed, be that through consociational elements of the constitution which provides for power-sharing across ethnic communities, or through an oversaturated political landscape which makes surplus governing coalitions almost mandatory. As such, no actor in Kosovo can have concentrated power.

Whereas dispersion of power is generally seen as a positive feature in international interventions, especially in cases like Kosovo where deep-divisions between ethnic communities are taken into account, in politics it can also be seen as an obstacle to change. Crowded government coalitions, or surplus coalitions, are generally seen as less effective when it comes to policy agenda, since policy preferences are often hostage to the lowest common denominator of coalition partners.[51] In Kosovo, such dispersion of power, as we have

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shown, is multidimensional, yet it is a secondary issue when it comes to statebuilding compared to informality of power, which remains the biggest challenge for Kosovo.

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The Story of the State

Ten years after declaring itself independent, Kosovo still lacks a common statebuilding narrative, a single story for its existence as a state. This statement is not limited on the deep divisions between ethnic communities that compete in constructing narratives and generating discourses in the country, which are often competing if not opposing each other, but is rather based on observing a mishmash of conflicting discursive elements in Kosovo's public sphere.

The formal discourse of Kosovo institutions is heavily embedded in the liberal-institutionalist discourse. Rooted in international interventions and liberal peace promoted by the West and particularly by the EU, this discourse was initially installed by UNMIK. It is characterised not only with political products such as consociational elements of the state, but also with the predominant liberal peace building elements. In Kosovo, it was manifested with a tendency to eradicate any and all nationalist elements from the political discourse. The story that UNMIK constructed in Kosovo was that of a post-national, postmodern state, which is based on the equality of all of its citizens, as well as the equality of social groups defined on the basis of ethnic difference. Aiming to achieve maximum neutrality to the context and reality on the ground, the discourse installed by UNMIK was installed top-down and had little chance to be internalised by the people of Kosovo.

Political elites in Kosovo, be that Albanians or Serbs, mainly due to instrumental purposes, embraced the liberal institutionalist discourse almost immediately, which in our view represents the very first discursive problem when it comes to the new state.

The Albanian political discourse prior to 1999 NATO intervention in Kosovo and the instalment of UNMIK, was predominantly characterised by nationalism. Being

supressed by the Milosevic regime of the 1990s, Kosovo Albanians regenerated the old Albanian nationalist discourse as means of survival. The story narrated by this discourse was that of Albanians' struggle for statehood and independence, that of Albanian lands being occupied by neighbouring nations and countries.[52] The peaceful resistance and the parallel system the Albanians built in Kosovo under the leadership of Ibrahim Rugova was significantly characterised by nationalism. As a direct response to a segregation on national basis that Milosevic was leading in Kosovo, Rugova's discourse was not purely nationalist, but rather a mixture of nationalism and liberal-institutionalism. Whereas embedded in Albanian values, Rugova's discourse contained elements of peaceful resistance and non-violence, and an appeal to international (especially Western) intervention.

By the late 1990s, when the Kosovo Liberation Army (KLA) came to play and was taking the lead in terms of political actors in Kosovo, the discourse of Albanian resistance in Kosovo was entirely nationalist. Unlike Rugova, the KLA leadership promoted a more radical nationalist discourse. Their aim was to unite all Albanian lands in the Balkans in the same state with typical strategies of simplification, where Albanians and Serbs were juxtaposed as two opposed groups and irreconcilible enemies.

When UNMIK was installed in Kosovo in 1999, the Albanian political elite was split in at least two wings – the peace wing led by Rugova and the war wing led by the former KLA commanders. The Serb discourse in Kosovo, unfortunately, remained that of Milosevic. Almost throughout the UN administration of Kosovo, the majority of Serbs maintained hopes that Serbia would return its authority, troops and jurisdiction over Kosovo. In June 1999, almost overnight, there was a new player in town with a supreme authority over legislative, executive and judicial powers and with a discourse that was nothing alike the local one. UNMIK's heavily liberal-

institutionalist discourse stood in direct collision with the Albanian and Serb nationalism.

As Vjosa Musliu and Jan Orbie depict in a recent study, it is during this time that Kosovo becomes a battleground of narratives and discourses.[53] The concepts of 'home' and 'hospitality' became very problematic as the concept of 'guests' and 'hosts' was intermingled and confusing. Looking at the local and international narratives in Kosovo as a struggle of conceptual ownership, the study shows how international and local narratives were always both subject and object yet at the same time failed to be fulfilled either as object or subject. Serbs and Albanians in Kosovo have reached a historical point in their fight over discursive ownership of Kosovo, where for the Serbs Kosovo is the historical home beyond remedy, whereas for the Albanians a new home which was somehow beyond reach.[54]

An interesting phenomenon about the period of UNMIK that led to Kosovo's independence is that the discourses of Albanian and Serb nationalism found a way to cohabit Kosovo's discursive space with liberal institutionalist discourse that was promoted by the international community. Whereas struggles between such hegemonic nationalist discourses was to be expected, it is fascinating how they they cohabited with the dominant liberal-institutionalist discourse. This cohabitation did not involve any discussion or juxtaposition of the said discourses. The Albanian political elite, simply managed to maintain and regenerate simultaneously the discourses of Albanian nationalism and that of liberal institutionalism. Politicians would argue about the Albanian people's struggle for freedom and independence from Serbia thus cultivate the Albanian nationalist discourse of the KLA. Serb politicians would maintain the injustice that the international community has done to the Serbs in Kosovo with the 1999 NATO intervention and with UNMIK, thus cultivating the nationalist discourse

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of the late 1980s early 1990s promoted by the Milosevic regime. Yet, at the same time, both Albanians and Serbs in Kosovo, would regenerate the liberal-institutionalist discourse within the UNMIK framework. Both, Albanians and Serbs, would maintain liberal institutionalist elements as a temporary discourse, whereas the story for Kosovo was told through the respective nationalist lenses.

When Kosovo declared independence from Serbia in 2008, the discursive battleground was not over, it was merely reinstated. For the Albanians, the Republic of Kosovo became the ultimate achievement of the people's struggle for freedom and independence. For the Serbs, it became the ultimate threat for their cultural heritage and history. Notwithstanding the Serbs' opposition, which has gone through varieties of small changes, the Albanian story of making of the state of Kosovo, was left somewhat opaque. On 17 February 2008, overnight, the Albanians had to embrace yet another push of liberal institutionalist discourse, this time not coming from UNMIK but from the process of resolving Kosovo's political status and the provisions of the Ahtisaari Plan that Kosovo unilaterally adopted.

Discursively, statebuilding efforts in Kosovo were stripped off from any nation-building elements. Kosovo was not to become a nation, but merely a state. In the statebuilding efforts of the West, Kosovo, similarly to Bosnia, was to become a kind of ideal state, a state which is deprived of the very essence of statehood. As Aidan Hehir brilliantly captures, when it comes to statebuilding in Kosovo and Bosnia and Herzegovina, the international community desired 'to create political communities which mirror an idealised and unreal vision of the Western state'.[55]

This has provided room for nationalist discourses of the Serbs and the Albanians to remain in the public sphere and to be reproduced by politicians. Furthermore, the political elites were regenerating the same discourses whilst

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simultaneously accepting and regenerating the liberal institutionalist discourses.

This is particularly the case for the majority Albanian politicians, who have been maintaining nationalist discourse that paints a story of Kosovo as the occupied Albanian space that finally gained freedom from Serbia. At the same time, they have been regenerating the liberal-institutionalist discourse of Kosovo as a space of all of its citizens, where the Constitutional provisions guarantee accommodation of national minorities. When the very same political elite promotes such very different discourses that oppose each other on fundamental issues, the story of Kosovo as an independent and sovereign state becomes weak. This explains, to some extent, the shattered diagrams appendixed to this report that show how differently Kosovo citizens perceive its relationship to the state.

Appendix - Survey Results

In order to represent an overview of how Kosovo citizens perceive the statehood of their country ten years after the declaration of independence, we have conducted a public opinion poll. The poll was part of an omnibus survey conducted in Kosovo with a demographically representative sample of 1074 people (51.5% men, and 48.5% women). The survey covered all seven (7) Kosovo regions, with respondents from age of 18-65+. The sample was stratified: (i) based on ethnicity, where three non-groups are created, (ii) based on the residence, and (iii) based on the number of surveys implemented in each residence. The coverage includes both urban and rural areas.

The questionnaire was constructed to cover five aspects: political representation, individual and collective freedom, state belonging, citizen's priorities, and citizen's perception on decision-making. As such, it is intended to provide a glance of the public's opinion on Kosovo's statehood, which would serve as complementary to the arguments presented in this publication. Given the scarcity of the data as well as survey limitations, the questions of the poll were constructed in order to extract new and relevant elements when it comes to how citizens perceive their state. As the poll merely measures the pulse of the society on statehood, multiple-choice answers were not standardized to match typical surveys.

As an example, the first question asked citizens on their perception of political representation now compared to 2008. The majority of respondents (21.8%) claimed that there is perception of a status quo, as they stated that they feel that they remain represented the same as before, and that to some degree the Assembly represents their political preferences. However, it should be noted that there is also a high percentage that believes that they do not feel politically represented, as 18.3% report that they do not take part in the

election, nor vote, and neither expect much from the political representatives. The survey shows also that there is also a percentage that feels completely represented (13.2%) and around 14.5% that feel better represented than before. Other questions are left to be interpreted by the readers, as also explained in the last chapter of this paper they pertain not only an odd distribution of answers but also open up discussions on the narratives of topics as state belonging, freedom, and political representation.

Details of the survey and the graphics below depict a very peculiar distribution of the answers. As it was also argued in the fourth chapter of this publication, there is quite some confusion among Kosovo citizens when it comes to perceiving statehood. It should be noted that we took no measures to clarify such confusion whilst administering the survey. Furthermore, using concepts such as 'freedom' as cornerstone of a survey question has most likely added to it. Yet, in spite of such limitations, the survey shows indeed a very peculiar pattern when it comes to perceiving statehood and their relationship with the state.

Below are the answers of the survey:

The feel of political representation, compared to the year 2008:

I feel lthat I am completely represented in the political life. My representatives in the Assembly of Kosovo represent me with dignity.

I feel lthat I am better represented in the political life. My representatives are increasingly reaching out to represent me through their political activity.

I feel that I remain represented the same as before. My representatives somewhat reflect my political preferences in the Assembly.

I feel that my representation in the political life has faded. My representatives are less concerned with sharing my concerns and preferences with the Assembly.

My political representation has degraded. My representatives are less and less representing my interest, whilst prioritizing the interest of political parties and clans.

I do not feel politically represented. I do not take part in the elections, or even if I vote, I do not expect much from the political representatives.

13.2%

14.5%

21.8%

17.9%

14.4%

18.3%
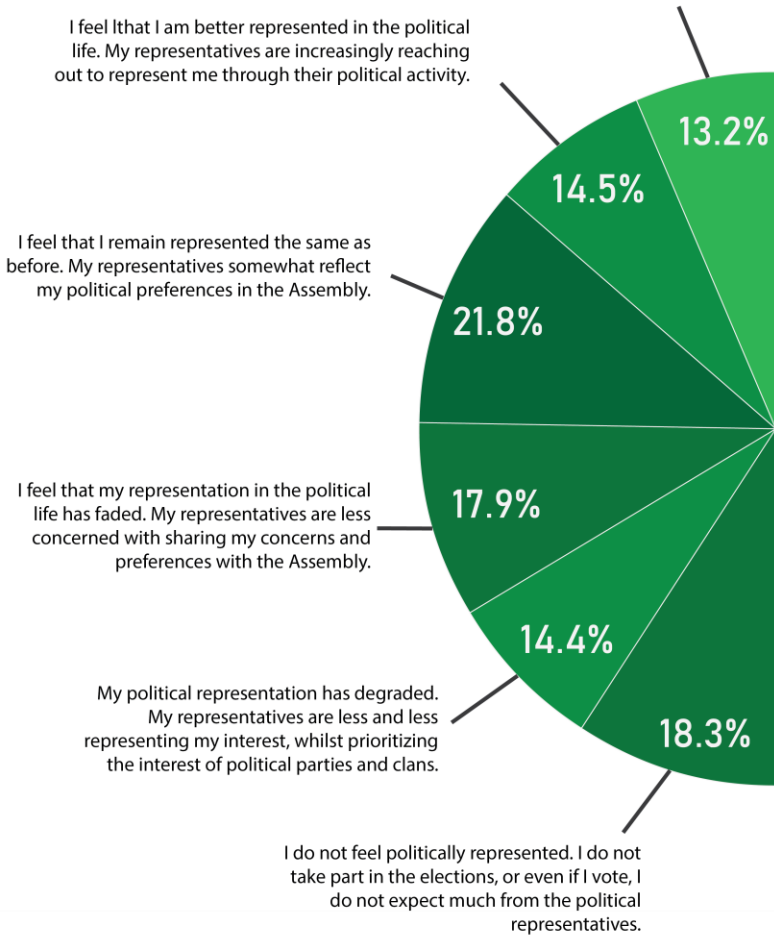
The individual and collective freedom, compared to 2008

Since the Declaration of Independence, Kosovo has prospered enormously in terms of individual and collective freedoms. Today, Kosovo is an example in the region and beyond for respecting freedoms.

14.5%

20.9%

The level of individual and collective freedom has increased steadily. Today, I feel free in all sort of aspects. Life and daily activities can be developed freely.

30.6%

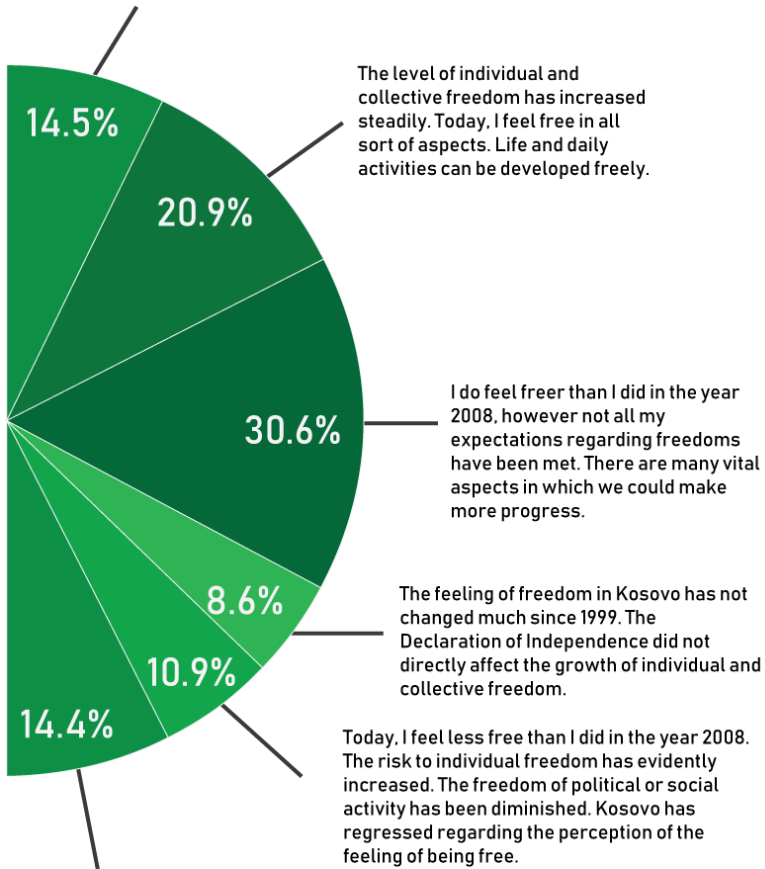I do feel freer than I did in the year 2008, however not all my expectations regarding freedoms have been met. There are many vital aspects in which we could make more progress.

8.6%

10.9%

The feeling of freedom in Kosovo has not changed much since 1999. The Declaration of Independence did not directly affect the growth of individual and collective freedom.

14.4%

Today, I feel less free than I did in the year 2008. The risk to individual freedom has evidently increased. The freedom of political or social activity has been diminished. Kosovo has regressed regarding the perception of the feeling of being free.

Individual freedom in Kosovo has taken the downfall. The state is completely captured and the citizens are not free. On a daily basis, I feel less free than I did in 2008.

Concept of state belonging, compared to the year 2008:

I consider myself to be a citizen of the Republic of Kosovo. The symbols of the Republic awaken a feeling of pride. I consider my state to be my own, state property as public property and I completely accept the authority of my state.

36.0%

I am a citizen of Kosovo. The symbols of the Republic do not give me any particular feeling, although they enjoy normative respect

21.6%

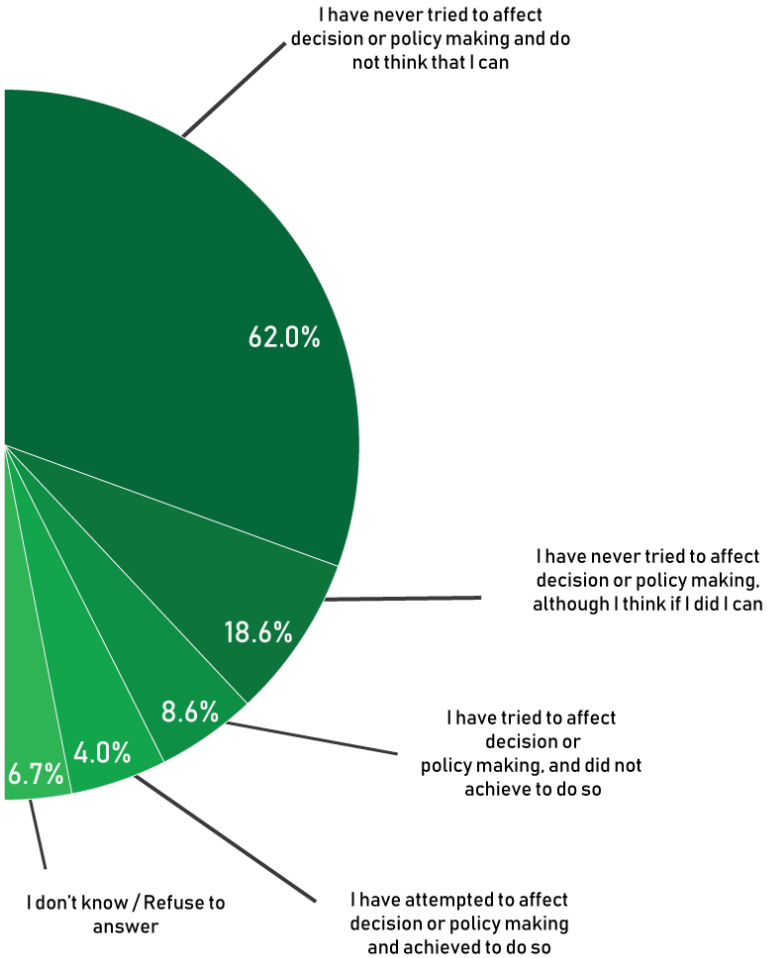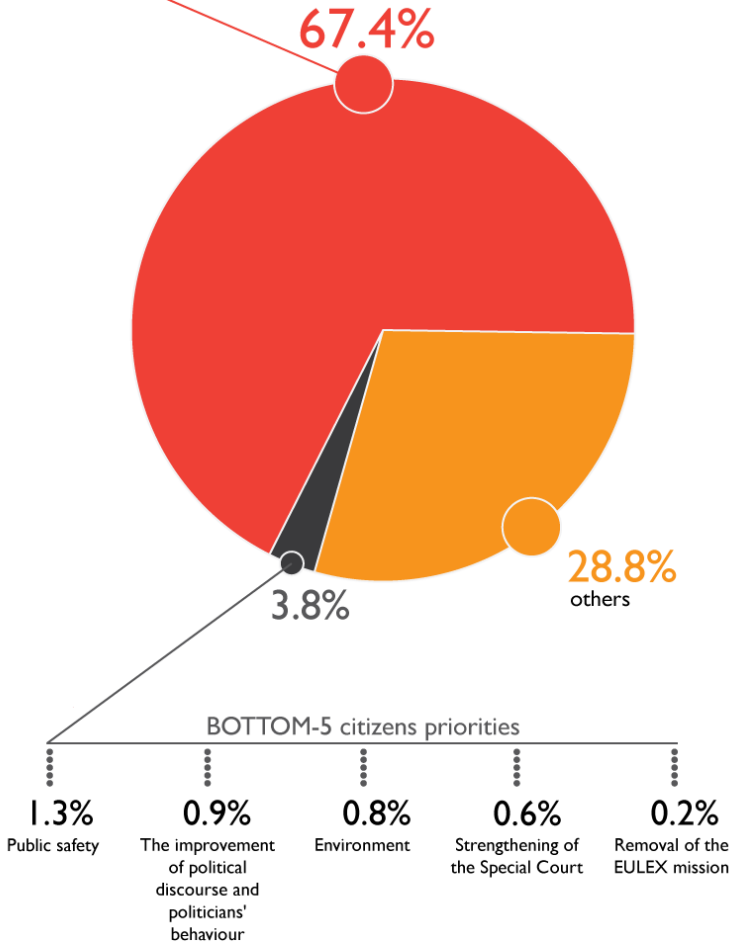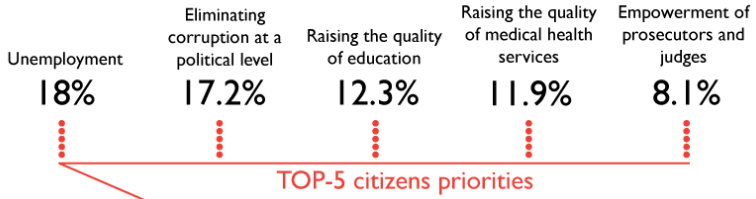I do keep the documents of the Republic of Kosovo, which are my only identification documents. I respect the laws and norms of the Republic, as any other norm. I do not feel that public property and collective affairs are related to private property and individual affairs

15.1%

9.5%

I do not feel a strong connection with the Republic of Kosovo. The state is just a context in which individual life is lived and endured. The laws of the Republic, just like the laws of any state, are just as good as their practical application.

10.5%

7.3%

I do not feel any emotional or organic connection with the state. The state exists without me, the same as I exist without the state.

The state of Kosovo represents the opposite of my individual political interests. The symbols of the state symbolize the international community or other ideological interests. I do not pay taxes, or, at the least, I pay the minimum. I do not feel represented in this political system that I constantly see as temporary.

Do you think that you can affect decision and policy making?

I have never tried to affect decision or policy making and do not think that I can

62.0%

I have never tried to affect decision or policy making, although I think if I did I can

18.6%

I have tried to affect decision or policy making, and did not achieve to do so

8.6%

4.0%

6.7%

I don't know / Refuse to answer

I have attempted to affect decision or policy making and achieved to do so

Which are the 3 priorities with which the Government of Kosovo should deal with in the next 6 months?

Unemployment	Eliminating corruption at a political level	Raising the quality of education	Raising the quality of medical health services	Empowerment of prosecutors and judges
18%	17.2%	12.3%	11.9%	8.1%

TOP-5 citizens priorities

67.4%

28.8%
others

3.8%

BOTTOM-5 citizens priorities

1.3%	0.9%	0.8%	0.6%	0.2%
Public safety	The improvement of political discourse and politicians' behaviour	Environment	Strengthening of the Special Court	Removal of the EULEX mission

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#6 Malazogu, Leon and Selatin Kllokoqi. September 2013. <u>Electoral Deform: Two years later, reform is back to square zero</u>

#7 Leon Malazogu and Brenna Gautam; With contribution by Rezarta Delibashzade & Ngadhnjim Halilaj. 26 November 2014. <u>Kosovo's Political Compass – Mapping Party Ideology</u>

#8 Dardan Berisha with contribution by Driton Qeriqi, Mjellma Hapçiu-Alijaj & Rina Vokshi, July 2015. <u>Bringing Justice to Elections</u>

#9 Leon Malazogu with contribution by Ngadhnjim Halilaj and Rezarta Delibashzade, July 2015. <u>Election Trends 2000-2014-A Numerical Analysis of Participation and Representation</u>

#10 Thomas Atherton, Driton Qeriqi and Rina Vokshi, February 2016 <u>Manual for Gender Equality in the Electoral</u>

Process

#11 Dr. Besnik Pula, May 2018. <u>Kosovo's democracy at risk? Party system volatility, government duration and institutional crisis in Kosovo.</u>

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#2 D4D Institute. 17 January 2011. The Electoral System

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Ethnic Relations

#1 Malazogu, Leon and Vladimir Todorić. November 2011. <u>Belgrade-Pristina Dialogue: Transformation of Self-Interest Required</u>. PER-K/D4D Institute and NPC-Belgrade

#2&3 Malazogu, Leon, Viktor Popović and Shpend Emini. March 2012. <u>Boosting Prospects for Young Kosovo Serbs. Urban Life in Kosovo Serb Communities</u>. PER-K/D4D.

#4 Malazogu, Leon and Florian Bieber. September 2012. <u>The Future of Interaction Between Prishtina and Belgrade</u>. PER-K/ D4D Institute.

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Approach Northern Kosovo? PER-K/D4D Institute

#6 Ejdus, Filip, Leon Malazogu and Milan Nic. October 2013. Municipal Elections in Northern Kosovo: Towards a New Balance? Published jointly by CEPI, BCSP and D4D.

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#1 Sejdiu, Dardan and Kastriot Jahaj. January 2013. The Hidden Tax: Why do Kosovars Pay More?

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#8 Leon Malazogu and Bernard Nikaj; with contribution by Gulliver Brady. November, 2016. <u>Incentives for Accountability and Performance in Higher Education</u>

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#1 D4D Institute. November 2010. <u>Before and After Indicator Based Performance: Annual Review 2010</u>

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Other Publications

#1 Valëza Zogjani, Gentiola Madhi and Boris Žerjav, November 2018. <u>Connectivity for Development: Taking the Highway for Economic Growth</u>

The series of endorsements and recommendations can also be found on <u>our web-site</u>.

Endnotes

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The Democracy for Development (D4D) Institute was established in April 2010 by a group of analysts who were increasingly worried that the state-building exercise had neglected democracy. D4D's mission is to influence the development of public policy in order to accelerate socio-economic development, improve governance, and strengthen democratic culture in Kosovo.

D4D's vision is to promote an active and educated citizenry that both fully participates in the public space and utilises the public arena of representation and decision-making to deliberate and build consensus over smart, efficient, and sustainable resource allocation as well as equitable development.

For more information about D4D's activities please visit our website: www.d4d-ks.org.

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