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Transformation and State Building as Part of the Political Domain

Introduction

In the wake of declaration of independence and formation of the newborn state, the Republic of Kosovo is a final product of the two-year deadlock negotiations that did not pave the way towards an agreement that pleased both sides. This paper will examine the concept of sovereignty and how it applies to Kosovo. It will then stress a few key factors that affect the development in Kosovo after the declaration of independence (17th February 2008).

The paper will assess the effectiveness of [Kosovo's] transformation from a 'limbo' status towards building a real state through transforming its delicate institutional capacities into liberal democratic institutions, whilst overcoming the obstacles on the roadmap. Subsequently, the text consists of few conclusive remarks, which focus on the efforts of peace building towards sustainable development.

The essay began by carrying on an idea of abandoning the nineteenth-century concept of the nation-building and national borders, thus moving towards transitional integrations and how this could be done. The sovereignty is not taken in Kosovo as an issue, which imposes the government to fully perform 'a supreme authority over citizens and subjects' based on traditional terms as defined by Bodin (Bodin 1576). Indeed, according to the 20th and 21st century concept of sovereignty, democratic states are experiencing a kind of reduction in sovereignty, which, although entirely voluntary, the political sovereignty is being 'jeopardized' due to the economic sovereignty of each member state and for the good of all.

Democratization of society, inclusion of all communities and economic growth are preconditions towards improvement of people's quality of life in Kosovo. Yet, the northern border of Kosovo is, still, at a standstill. Hence, In order to overcome the ideological and political' differences between the Kosovo Serbs and Kosovo Albanians, the 'latent' conflict in the north (city of Mitrovica) should be approached carefully and as it is suggested in this essay, through involvement of Track II Diplomacy efforts.

Some thoughts on sovereignty and state building

The idea of state sovereignty has evolved in time and EU itself is a result of this evolution. Outside of the realist camp, liberals have often claimed that the state is losing its sovereignty due to interdependence and transactions above and below the state level. Yet, the integration process in Western Europe has been characterized as the 'first truly postmodern international political form (Ruggie 1993:140 in Hansen 2003:317). Nevertheless, this form should be taken outside the context of the South Eastern Europe, and in particular the Balkan region, where states were and remain semi-modern states. Therefore, the newly created states in the Balkans have a path to follow in transforming their constituencies and institutions into a modern pattern of democracy. The concept of sovereignty established with the United Nations Chart in the 20th century, thus based on the global order is a modern concept for the newborn states in the Balkans.

The Balkans states, which yet has not dealt with nationalism and the nation (state)-building processes, are facing kind of political developments similar to the processes in the western countries after the WWII.

If we aim to establish the western concept of state sovereignty, we should consider that the 20th century concept of sovereignty is result of terrible history violations of state sovereignty in the World War II (WWII). Therefore it was the war that brought the leaders to agree that the states must give up some of their sovereignty for the mutual benefit. It was then that the first elements of the European Union have taken roots.

In the Traditional Balkan blood feud practice, a forbidden cross-boundary interaction would initiate retaliation by members of the wronged party, who would seek visible satisfaction for the wrongdoing by means of inflicting some specified kind of harm on people beyond the boundary. Blood feuds once existed widely in other parts of Europe, but starting in sixteenth and seventeenth centuries European governments either suppressed them or channeled them into judicial proceedings from which rulers could exact significant fines or confiscations of property (Ylikangas et al. 2001). In the Balkans, central governments rarely achieved that kind of control (Tilly 1993, chap.3).

The concepts of 'International Law' and 'the Question of self-determination' recall the so-called 'Question of Kosovo' and the consequences of its unilateral declaration of independence in the international arena. What is special about Kosovo is the degree of support it receives from external actors, which renders the international recognition of its unilateral declaration of independence (UDI) a feasible option. In no other part of the world, is external support to a self-determination movement sufficiently powerful to achieve such a result. Whereas, several arguments in favor of Kosovo's unilateral declaration of independence are to be found in other global conflicts such as; the massive violation of human rights by the central government for instance, or the lack of feasible alternatives to independence. External actors, however, seem to lack the capacity and will to follow this particular Kosovo model by claiming that this was a '*sui generis*' case. Subsequently, "the right of peoples to self-determination has lasting force, does not lapse upon first having been exercised to secure political self-determination and extends to all fields, including of course economic, social and cultural affairs." ¹

Along with the other constituencies of the former Yugoslavia, Kosovo, as a province, has, since 1989, seen major structural changes that have extended into all areas of society and thus affected the living conditions of its citizens. A destructive and deadly armed conflict in 1999 was ended by NATO intervention and followed by direct UN administration, which still remains on the ground. UN oversight has aimed primarily at establishing a new, democratic system in Kosovo by laying the groundwork for enhanced political, social and economic engagement by all citizens. Despite the best intentions of the UN and those of Kosovo's institutions and its people, reconstruction and development have been slow. Persistent lack of economic growth provides a clear example of the ongoing challenges to renewed economic growth, increased opportunities and enhanced quality of

¹ Espiell, Hector Gros "The Right to Self Determination: Implementation of United Nations Resolutions." Study prepared by the UN Special Rapporteur of the Sub Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/405/Rev.1), 1980. Excerpts retrieved from Website: www.tamilnation.org/selfdetermination/80grosespiell.htm

life in Kosovo.² Regardless of these lengthy development processes, Kosovars insisted, while supported by major western powers, that the status should be solved unilaterally.

In this globalized millennium, it takes more than a referendum to achieve independence, and Kosovo have a long and bitter path to go in order to fully exercise its 'sovereignty'. The whole society needs to be democratized, and the best mean for achieving this is through better education and inclusion of all its citizens in the process of participation, protecting livelihoods and stability, and improving urban and legal infrastructure.

Democratization as participatory process

'Inclusion vs. Exclusion/ Society is at a Turning Point'

Without social identity, there is no society. Without frameworks of similarity and difference, people would be unable to relate to each other in a consistent and meaningful way (Jenkins 2003). Social exclusion today is not just a political or social matter. Rather, in a new shape of a structured social exclusion, it is the individual who is affected and who is excluded from all essential systems that define his/her inclusion in a society. Education, inclusion in social activities and equal economic benefits are parts of an entire social system, thus they have a significant role in shaping the relationship of an individual in society. The discussion, therefore, about the role of education, better social life and human welfare are well connected with the phenomena of social inclusion. An improved education strategy that incorporate all Kosovo's citizens should have a purpose of raising the level of social inclusion and cohesion³, in order for the effects to be seen in near future.

Kosovo society has reached a turning point where it must make decisions about values and the direction it wants to follow. Kosovars' have no longer the luxury of waiting for the international community to maintain peace and tell them what steps they should take in order to find a solution to their problems. The hard questions Kosovars' should answer are about values: What do we believe in? What kind of future do we want for our children? How do we get there? Either we construct a system based on European common values and beliefs, or we remain within the Europe only geographically, but not in development perspective.

The Kosovo society cannot go in this way any further where in certain parts minorities are excluded from the process of democratization, at the same time that other vulnerable groups of population, which in fact comprise the highest percentage of the population, lack participation in all aspects. Education and equal opportunity for all citizens must be a mantra for the institutions and the citizens. However, the process itself is extremely challengeable.

² UNDP, Kosovo Human Development Report 2007

³ There are five dimensions to the concept of Cohesion (Jenson and Jane, 2002): Retrieved from Website: <http://www.innovationwatch.com/contact.htm>

- Belonging – isolation: that means shared values, identity, feelings of commitment;
- Inclusion – exclusion: concerns equal opportunities of access;
- Participation – non-involvement;
- Recognition – rejection: that addresses the issue of respecting and tolerating differences in a pluralistic society;
- Legitimacy – illegitimacy: with respect to institutions.

Challenges of post-independence period

'Sluggish economy - keeping people busy'

A democratic state cannot be achieved without tackling seriously the existing weak and fragile economy in Kosovo. Now is the time for state reinvention of its institutions and branches of government. Transition from UN run state institutions into fully fledged sovereign state institutions is in due process. Institutional capacity in the economic sector has been strengthened and privatization has taken place. Growing confidence in the business environment, despite outstanding legal obstacles, which we expect to overcome, is happening. Unemployment remains rampant, though, which if not addressed properly, might represent a risk for social unrests. About 45 percent of population in Kosovo is poor, with another 18 percent vulnerable to poverty. Only the top of 20 percent of the population had a small positive growth in consumption between 2003 and 2005, while the rest had negative growth. While the poverty risk is higher for the unemployed, the current macro-economic conditions provide no prospect for improving living standards due to the low economic growth that surged in the immediate post-conflict period. In the last 4 years, growth has been slow, mainly due to industrial output not recovering, and agriculture, which contributes a large share of the GDP and where the majority of the population earns its livelihood, remaining a low productivity activity. Kosovo has the largest young population in Europe. The young constitute 30 percent of labor force that is estimated to be unemployed. Employment conditions are even worse for young people. Social assistance through public support to poor people was not made possible due to the difficult macro-economic conditions. Remittances, though, nine years after the conflict, continue to be an effective mechanism in reducing the poverty in Kosovo.⁴

Poverty and education have a direct correlation, as illustrated by the following statistics. Some 70 percent of people with vocational and tertiary education are salaried employees, while 27.7 percent of individuals with secondary education have such jobs. All the figures and indicators mentioned in this paper reveal that Kosovo development goals should focus on the creation of an inclusive society through better living standards. This does not imply merely better economic conditions, but also a marked improvement in the human development indexes in education, health and quality of life. So doing would also render these goals consistent with European aspiration.

Strengthening civil society

“Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power”.⁵

Although the Kosovo tradition of nongovernmental organizations (NGOs) extends back to the 1990's aiming at the creation and functioning of parallel political, educational and health system as a response to restrictions and prohibitions of the Milosevic regime, independent observations are of the opinion that the civil society sector in Kosovo still did not attain the expected level of development.⁶ The NGO sector is large and varied, yet to a great extent it depends on foreign funds and it is far from being independent. To date, the public institutions have shown little inclination to

⁴ World Bank and Statistical Office of Kosovo, Kosovo Poverty Assessment 2007

⁵ What is civil society?. Centre for Civil Society, London School of Economics (2004-03-01).

⁶ Retrieved from Website: http://www.freedomhouse.hu/images/fdh_galleries/NIT2007final/nit-kosovo-web.pdf

take civil society seriously as an entity in the political arena, which has put a severe damper on the latter's ability to promote citizen inputs to the state, and to press it to be accountable for its actions.⁷

Government and its institutions must work towards creating; a) dialogue-oriented policy towards the marginalized groups and b) integrate all minorities through a power-sharing process, although this could be the most challenged task to be achieved.

The reality of civil society in Kosovo is one of dispersed knowledge and weak capacities for lobbying and advocacy to government for policy dialogue. Civil society is viewed as an entity for small-scale service delivery, and not as a tool for democratization, monitoring or for accountability of government. Technical capacities for project development and management exist and are a sound base for building upon to ensure that civil society can transform from post-conflict operations to respond to the new governance challenges of European integration, and which entails; empowering the Civil society – as a bigger actor in service delivery, reducing poverty and enabling the vulnerable groups an easy inclusion in all aspects of live.

Yet, all these processes could be achieved only by working simultaneously in all spheres, and respecting the commitment of the government and of all Kosovo citizens after declaration of independence.

Government, in cooperation with civil society stakeholders, should work together in engaging politically all communities and Serbian community in particular (this will be stressed in depth later in this paper) through dialogue and by providing economic incentives. Civil society itself should increase its capacity to advocate on behalf of its constituents' interests, so as to improve public perception of the NGO community in Kosovo and enhance its legitimacy in the eyes of the public.

Overcoming obstacles: Transforming frustrations

Frustrations are conceptually located at the edges of all conflicts. Basically there is a goal for both parts, and something is blocking all efforts in reaching that goal. How does one deal with this? According to Galtung (Galtung 1996), it should go through a) transcending process, b) compromising, or c) withdrawing.

Metaphorically, the nation is often treated as an individual. Nations are also commonly conceived as categories rather than as networks of social relationships. This leads us to see the nationalism as an enemy of diversity. It also provides the basis for arguments that national identity should take precedence over other competing identities such as regional, gender, racial, occupational etc. Nationalism is particularly problematic where civil society is weak and is lacking or fails to provide public discourse on the issue and respect collective identities.

Democracy is a necessary condition for a stable peace. Therefore, to be considered sufficient, other conditions must be met and other factors combined in order to prepare the ground for a foundation that will insulate the society against violence.⁸ Why are the polarization of 'Self' and 'Other' always

⁷ USAID Kosovo, Kosovo Civil Society Sector Assessment, May 2004, Retrieved from Website: http://www.usaid.gov/missions/kosovo/publications/Evaluations/kosovo_civil_society_assesment_may_04_no_v_06.pdf

⁸ Bachler, Gunter; Retrieved from Website: <http://www.berghof-handbook.net>

so well constructed? It is because clearing the ground for 'black-white' with corresponding emotions and volitions, willing harm to 'Other' and bliss to 'Self', is simply easy to do so.

The challenges of potential conflict in northern Kosovo's city of Mitrovica might be seen more as an irreconcilable and an un-finished process, rather than as an interest of both sides (Albanian and Serbian) to sustain latent conflict. Common interests of all communities are clearly an improvement in quality of life and more opportunities for education and jobs. Matters will be more difficult if the conflict is over values (which are often non-negotiable) or relationships, which may need to be changed to resolve the conflict (Miall, Ramsbotham, Woodhouse 2003:9). Such values might be promoted by one group or another in a form of glorification, imagination of the 'self' as superior towards other groups or building myths and re-constructing history. *It is precisely the glorification of the traditional, "authentic" Serbian values, which have resulted in the new identity matrix of the Serbian nation as a nation historically victimized by the world powers. This self-induced delusion has freed the nation from all the wrongs of the past. The new mind-set, removed from reality, has plunged the nation into a permanent conflict with some of its neighbors and the rest of the world.*⁹ This implies more for the countries that have recognized the independence of Kosovo so far. Some analysts identify this based on human needs (identity, security survival) as lying at the roots of other motives. In the case of post-independent Kosovo, whenever the interests of both Albanians and Serbs might be subject to relative insufficiency, basic needs are not as such as if security for one party is reinforced by security for the other. As long as the conflict is translated into the language of needs, an outcome that satisfies both sides' needs could be found. Intractable conflicts are seen as result of the denial of such needs, and conflict can only be resolved when such needs are satisfied (Miall, Ramsbotham, Woodhouse 2003:9). Recognition of identities is crucial. Without recognizing each-others identity, and by continuing to deny the existence of 'the other', the conflict will remain at least in a latent form.

In order to prevent a potential conflict in the northern Kosovo, one of the recommendations could be an *Initiation of Track II Diplomacy* between Albanians and Serbs, where informal groups of civil society and other stake-holders could be involved. Such approach is essential as it will largely lay the social and political grounds for work needed in order for government leaders to act.

Initiation of a *Track II Diplomacy* could be done between the Kosovo Albanians and Kosovo Serbs, by not ignoring other communities who so far have taken an ambivalent stand towards the relationship between Albanians and Serbs in Kosovo. One cannot ignore the fact that some of the Serbian organized political actors interact on behalf of Serbian government. This constitutes a political regime due to the fact that it acts in northern Kosovo through its agents: Polity¹⁰ members (constituted political actors who enjoy access to government agents and resources), challengers (those who lack political access to government but are able to trigger a conflict), and subjects (those groups or persons not politically organized). External political actors, including other governments, which might have an access to the territory, should not be forgotten (Tilly 2003:29). The Track II Diplomacy then, could take a wider form by including a wider specter of non-officials such as;

⁹ The EU and the Serbian Civil Society, Biserko Sonja, retrieved from Website: http://www.helsinki.org.yu/infocus_t07.html

¹⁰ Definitions of polity on the Web refers to a civil order: the form of government of a social organization and a politically organized unit

academia scholars, retired civil and military officials, social activists, public figures and/or religious leaders with an aim of engaging in the conflict resolution and or confidence-building.

Although Track II diplomacy may seem less important than Track I (the work of actual diplomats at their embassies), it is far more important, given that its informal nature often reflects the fact that the issues in dispute are of deadly seriousness. The other international relevant actors also should play a crucial role in this endeavor.

Conclusions

The Kosovo people are in charge of their own destiny. With self-determination comes responsibility. People who stand in solidarity can offer advice and support, and join together in challenging violations of human and political rights, thus assisting in development incentives. But, when people control their own country, they have to live with their own mistakes. It will be harder than we expected, nevertheless, we must be fully aware of it.

Particular identities (such as ethnic or religious ones) are significant one day and significant the next, depending on political, historical and other circumstances (Duijzings 2000:207). Yet, the idea that fragmented identities in this era of globalization are 'new' and 'post-modern' somehow distorts the pictures (cf. Jenkins 97: 51 in Duijzings 2000:209). A view from the Balkans shows that the identities are not new, that they are also or perhaps primarily 'pre-modern', and that the modernist project of creating nation-states is still a very important force in the world (Duijzings 2000:209).

State building - constructing institutions of good governance capable of providing citizens with physical and economic security and prosperity - is widely seen to be one of the most challenging policy questions facing the new-born states (specifically in the Balkans) nowadays. Yet, those concerned with such issues and in particular the political realists who argue that there is more to fear from rogue states than from conquering ones, should bear in mind that one of these new states, Kosovo, has several advantages which will help to be transformed into a democratic liberal state. Statehood will provide clarity for foreign investors concerning the political and legal environment. The newly established free trade zone in South East Europe will encourage regional trade and investment. The enhanced EU mission will provide oversight in the process of legal and structural reform, while Kosovo's large young population will enable flexibility and adaptability, as the new country finds its niche in the global economy. Since economic growth is so low, a further economic decline is expected in up-coming years, with optimistic prospects for economic growth higher for the next couple of few years.

The EU's role has been indispensable so far in the region, especially in establishing the road map for a democratic transformation and integration of the Balkans into the European structures. It should continue in this direction.

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