

Kosovo's Struggle for its Own Future in the European Union

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Abstract

Ethnicity, social inclusion, national identity and public policy for integration. Ethnicity is a part of the identity for many groups in Kosova. Many of elements of those ethnic groups are different from each other and despite those differences they are and have to live together under one new created state. To hold an equal balance between those different ethnic groups is difficult but not impossible. The major key of realizing this is a clear vision and the trust for the process. Kosova is in it start on going forward with this policy and many challenges are present and other may be appearing before completing this mission to reach the target which can be accounted as satisfaction on reaching the EU Standards.

This goal as I mentioned it needs a good public policy which can offer the new opportunity for these groups and will honestly recognize all persons individually, as part of social activities and to give them chance to have representation member for making politic-decision.

This chosen way as public policy is not so easy to be achieved therefore it needs gathering capacity from local, regional and European side to contribute on achieving the required standards in Kosova. The first step ahead for accomplishing this vision is developing another spirit of feeling so the people perceived maintaining their own ethnicity, social inclusion like other member of European Union. Also how EU countries have overcome this dispute in their own arena can be a helpful meaning to find the best method for an appropriate form to realize Kosova's dream to be a part of EU. However, just showing examples on how other countries have had success is not enough and for prosperity support the EU should concretize what should be done in Kosova.

It is important to mention that as Kosova's development mostly depends on European Union support. For living hope in Kosova, EU is responsible of giving worth action and encourage all people in this country for better life and for well-being future.

Introduction

A fundamental transformation has taken place in the Western Balkans. Several new states have been created after long and complicated processes that resulted in wars, and all of these new states will find a better way to bring stability, sustainable peace in their countries. This is Kosovo's dream, as well as the dream of the new Western Balkan countries which were born at the turn of the century. The road to fulfill this dream is part of a big challenge but that should be considered a good opportunity.

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Distinguishing the features of challenge and opportunity requires one to carefully analyze both notions. Before I begin to go deeply in this issue, I have to take in consideration other perspectives that stand as causal factors in explaining Kosovo's current position. First, I will concentrate on the brief history of Kosovo, and limit my discussion to only the period after Kosovo's autonomy was taken away in 1989. Although short, it is important to describe Kosovo before the war of 1998-1999 when it was under Serbia's repression and persecution. As a consequence of these circumstances, the repression undermined the development of all social spheres including culture and economy.

The population of Kosovo very early sought help to stop the continuous bad process, and they addressed their cries for help to all Western countries, especially to the EU and its member states. The call for help to stop the inhumane situation in Kosovo was not taken seriously and the EU hesitated to be involved until the war had begun. The situation in Kosovo could have been avoided if the EU had played its own role and showed more concern about the situation, in such a way that it could have had an effect in solving the conflict without violence or weapons (Droutsas, 2009).

The answer from the EU came late but its member states began to reflect over how to act in a crisis situation. Kosovo has been a place that has knocked on the Western world's consciousness and woke up countries' leaders to take responsibility in the name of humanitarian reasons to support Kosovo's population.

The Western world decided to take the position of defending human rights. Thus, it was with this thinking that dominated most of the member countries of the EU that they joined them under NATO's umbrella and started military action to stop the war and bring peace in Kosovo. Because this military operation provided indispensable support and help to innocent people, Albanians in Kosovo are very thankful to NATO.

After the first decade of the new millennium, some problems crystallized into the global crisis that damaged the world economy, especially the Western economies. Despite some certain changes in the decision-making mechanisms and organization after the Treaty of Lisbon entered into force on December 1, 2009, the European Union (EU) decision makers could not set up a structure that could cope with the

EU's global and obstinate problems. It can be considered an illusion that the EU overcame the issues arising from the crisis after the EU Constitution was rejected, but in reality, the only benefit obtained from the Treaty of Lisbon was that it postponed dealing with obstinate issues for a later date (Dogan, 2008: 636). Under the pressure of merciless competition, the EU has to work out not only internal problems but also external ones that are generated from global actors and other developments.

The economic triumph, regarded as the most successful of all EU efforts in more than 50 years of its existence, which has been restructured along neoliberal lines since the mid-1980s (Bieler, 2009: 118), led an adaption to the EU as an economic giant. It is quite different from current circumstances since the incident. Greece, an EU member for thirty years, has experienced a budget crisis so severe that its deficit is four times the EU limit. People fear that the budget crisis could potentially spread to Spain and Portugal, which have been EU members for 25 years. All these are indicators that the EU had no mechanisms to prevent such economic and monetary crises, let alone recover from the effects of the crisis.

The impact of global developments and existing global financial and economic crisis indicate that the EU would need an imperative change. This change should be broad and intensive, not like superficial changes that resulted from the Lisbon Treaty. Continuing the status quo in the future can cause blood loss and at the end, the EU would change into a simple international organization that addresses economic and social problems as a regional power. EU members and decision makers would try to survive and make every effort to prevent it from happening. Therefore, the transformation of the EU seems inevitable.

Turkey was admitted to EEC in 1959 and its government policy seeks to join the EU but a big majority of the Turkish people think that their country will never be a full member, even if it fulfils the accession criteria (Şenyuva, 2009: 35). The dynamics within the EU have certain effects also on the Turkish people who have been waiting at Europe's door for more than 50 years. After the crisis broke out in the neighbouring country, Turkish people, who have been already desperate to get full membership, began to reconsider the meaning of full EU membership. Unlike the Greek people, the Turks were deprived of EU membership instruments, and yet

managed to overcome the global crisis without any help from any international institutions like the International Monetary Fund (IMF).

In this study, reconsidering almost all models developed before, a new form of the EU has been put forward in advance and we tried to specify the position of Turkey, after getting full membership, having the potential to contribute to chronic issues, in this unique EU structure.

I. Kosovo's Path After the War of 1998-1999

Kosovo became an independent state in 2008, nine years after the war ended in 1999. After the war ended, the situation became difficult because international actors did not make a clear agreement to lead the postwar situation in Kosovo. These ambiguities have left inaccurate track and did not address the difficulties that Kosovo faced (King and Mason, 2006).

Why was Kosovo's independence prolonged? Who is responsible for prolonging it? Further, did any person, or country want something from this prolonged process?

The UN Security Council passed Resolution 1244 and left Kosovo under the governance of UNMIK (United Nations Interim Administration Mission in Kosovo). The passage of Resolution 1244 was followed by vagueness and turbulence from UNMIK's governance in Kosovo. In addition, their staff did not understand the content of Resolution 1244 even though the highest UN representative, Bernard Kouchner, read the resolution 1244 twice every morning. Although he read that and attempted to understand Resolution 1244, he finally said that an unclear mission made fulfilling that mission almost impossible (Chesterman, 2004).

Currently, the discussion continues about problems that have remained from UNMIK's governance in Kosovo. UNMIK had competences that were directly connected with crucial issues in Kosovo, such as the status of Kosovo, energy system,

or fighting crime, however, they were not effective and showed a handicap feature in their function (King and Mason, 2006).

To answer the above-mentioned questions if someone benefited from prolonging the process of solving Kosovo's status, first I would provide some facts to make it clear. The first fact is that a prolonged process raised confusion in Kosovo's population, who did not have a clear picture about their future. More tension was an outcome of that prolonged process. The second fact is that the energy of both the public and government officials were concentrated and spent on the status of Kosovo instead of using their capacity to develop the country. Another negative consequence was that it allowed extreme Serb groups the opportunity to manipulate and try to obstruct the integration of most of the Serb minority who wanted to live peacefully. As usually Serbia played a special role in pretending to defend the Serb minority in Kosovo, like Hitler wanted to defend German minority in Poland. Those analogies that existed in pre-democratic Germany and in Serbia are known as bad experiences and despite this UNMIK tolerated Serbia's intentions in 21st century. It explains UNMIK's inability to learn from the bad experiences of other countries. Furthermore, this tolerance gives Serbia a large chance to pursue the same political approach as before against the Albanians but with other methods that directly blocked Kosovo's progress.

But what happened then and what was the next step? Until now, Kosovo has pursued an approach according to the International Adviser and with the consent of Kosovo's political leaders, who represent more than ninety percent of Kosovo's people. Kosovo's government has taken into consideration the universal norms and other international conventions that guarantee human rights, among others, such as the freedom of speech, religion, and the right to preserve their ethnic identity and language. The country's constitution has been drafted based on these important international documents.

How can these universal norms be implemented in Kosovo? Universal norms are created on the basis of universal ethical standards and are useful to spread democracy. Miller (1995) argues that in a country with those norms "people will have rights and obligations of citizenship as well as rights and obligations of

nationality.” He further argues for the principle of reciprocity and citizen participation. Miller (1995) states:

“Rights and obligations of the first kind stem simply from their participation in a practice from which they stand to benefit, via the principle of reciprocity. As citizens they enjoy rights of personal protection, welfare rights, and so forth, and in return they have an obligation to keep the law, to pay taxes, and generally to uphold the co-operative scheme.”

Miller’s argumentation is based on functional societies where the government has an obligation to guarantee citizens rights but also includes citizens who have duty to uphold the state’s laws and norms. That is quite a powerful argument that shows how a multicultural and democratic state can function. An interpretation of this in the context of Kosovo shows that citizens have to obey the law and the government has to secure citizens’ rights.

In Kosovo, the reluctance of international actors to exert authority in the remaining Serb-controlled areas led to the installment of informal systems of law enforcement, such as the ‘bridge watchers’ in northern Mitrovica (Chesterman, 2004). That has separated the town with the Serbs living in the northern part and the Albanians living in the southern part. The northern part of Mitrovica has created more problems than other parts of Kosovo. The Serb minority in other parts of Kosovo are not so extreme like the ones in northern Mitrovica. Belgrade’s persistence to maintain ethnic tensions in this city is an evidence of its aspiration to divide Kosovo by annexing northern Mitrovica. This is completely wrong because the town of Mitrovica was part of Kosovo when Kosovo had autonomy status under Yugoslavian Federation. The discussion how a divided society can accommodate and strengthen democracy is a topic of political science that explains these problematic societies. Clearly, it is challenging to expand democracy in contemporary world, and democracy should expand even in conflict situations by managing a conflict in a democratic way (Belmont, Mainwaring, and Reynolds, 2002). In that situation, the rational way to manage is threefold: structural, cultural and international factor. It is important to underline that even in countries with structural and cultural obstacles

but with a healthy optimism regarding democracy, it is possible to sustain democracy (Belmont, Mainwaring, and Reynolds, 2002). Further, the last dimension is that international actors should bear the responsibility to contributing in efforts to do a good job in those sensitive cases.

International actors have declared their future program as an important option to contribute to the Western Balkans including Kosovo. The European Council decided at the Thessaloniki Summit held in July 2003 that “the future of the Balkans is in the European Union”. This decision provides the Western Balkans a historical opportunity because it is a chance for these new, small states to embrace democratic principles, build a stable system of democracy, and eventually join the EU. Nonetheless, this “opened door” has a threshold that should be overcome.

In the Thessaloniki meeting, it was reconfirmed that the accession to the EU will be dependent upon fulfilling the same requirements applied to Central European countries. This accomplishment is challenging since individual countries need different support from the EU so that the process can be realized. It is possible that experience from other models will be taken but there is doubt about the possibility to convey an entire model from very experienced countries to countries without that experience. How can a model from a different society with different circumstances be functional in another country with other circumstances? It is because of this that it can be very perplexing to find an appropriate model that will be replicable in several and very different countries. That can influence the transition process because the perception of this process will vary from country to country. It can become a divergent thought, but also it is in line with the integration discourse, which explains that integration should not be identical between countries nevertheless and it can only be compatible with a particular state’s policy.²

Even Kosovo has to find the best way to fulfill the requirements and join the EU. Its aspiration is both an opportunity and a challenge because it faces difficulties towards establishing a new order. However, Kosovo’s goal to be part of the EU is

² http://www.lu.se/upload/LUPDF/Samhallsvetenskap/Just_and_Durable_Peace/RobertoBelloni.pdf
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dependent upon external factors as well. The EU should improve and increase its dynamic support for Kosovo's integration.

Some progress worth mentioning is that Kosovo has thus far been recognized by 77 countries, however, five EU members have yet to recognize its independence. This is an obstacle to Kosovo's integration and a weakness on the part of the EU to implement a fair strategy for the complete integration of the Western Balkans. The EU strategy regarding the integration of the Western Balkans has a controversial logic and risks the creation of vast dichotomies in development between candidate countries (Croatia and Macedonia) and potential candidate countries (Bosnia and Herzegovina, Kosovo, Albanian, Montenegro, and Serbia). Belloni (2009) in his influential paper argues that the new European funding mechanism for the region, the Instrument of Pre-Accession (IPA) that came into effect on 1st of January 2007, has to stay open to all Western Balkan countries. However, differences exist in the amount of assistance received by candidate countries and potential candidate countries. Much more assistance has gone to candidate countries than potential countries despite the fact that candidate countries are more developed than potential countries (Belloni, 2009).

II. Reflections on the Situation in Kosovo

Kosovo's Constitution recognizes all minority groups. It guarantees all citizens fair treatment and full rights, which are sanctioned in the second chapter of the constitution. Additional guarantees exist for minority ethnic groups (Kushtetuta e Republikës së Kosovës e 2008). Article 58 of the Kosovo Constitution obligates the government to create suitable conditions for ethnic minority groups to maintain their identity, which respects all international conventions. The law mandates that a certain number of seats in the Parliament be reserved for ethnic minority groups. For example, the Serb minority is guaranteed ten seats in the Parliament in case they do not win sufficient votes to claim the seats through free elections. This is evidence of vast progress because it shows that minority groups are recognized and can participate in policy-making.

Kosovo was founded as a democratic and multicultural society that recognizes minority groups as a part of its society and government. The flag of Kosovo was designed in consideration of minorities and the six stars symbolize the six ethnic groups as parts of the state. It tells us that important elements have been included in the flag because ethnic groups are regarded as constituting parts of the state and are ready to support their participation in the political, economic, and social life of the country (Kushtetuta e Republikës së Kosovës e 2008). Charles Taylor (1994) underscores the value of recognized ethnic identity, which is necessary in democratic society. Goldmann (2001) maintains that politics within a democratic system are characterized by norms of mutual respect, tolerance and moderation. All ethnic groups in Kosovo should understand mutual respect, tolerance and moderation. Often, democratic norms are required to be upheld only by one part of the majority group. It should be clear that all inhabitants have rights and duties to maintain sustainable peace and stability. To understand that, it is necessary to decide without hesitation for the future and all ethnic groups should know that their future is to go further in the integration process and eventually become part of the EU. One strategy may be to strengthen normal relations between all ethnic groups.

Kosovo has some difficulties on this issue because the Serb minority, especially in north Mitrovica, hesitates to take responsibility to play a constructive role in Kosovo's integration strategy. That hesitation is a result of the control and manipulation that the Serb government in Belgrade exercises over the Serb minority in north Kosovo. This complicated situation is a responsibility of the European institutions to solve by constraining the Serb government to change their view against Kosovo's future.

I maintain that the European institutions failed when they decided to allow Serbian citizens visa free travel to Europe, which was a bold step. A consequence of visa free travel for Serb citizens has led Serbs in Kosovo and a number of Albanians to seek formal Serbian citizenship because it makes it easier for them to travel to Europe. In turn, this directly undermined Kosovo's possibility to integrate the Serb minority in Kosovo society. Throughout the visa liberalization process, Kosovo's people have been excluded from any profit and doing so meant that the people of Kosovo could not travel free or do business to develop their economy. This is a

mistake that the European institutions should not repeat; instead, they should support the whole region and push it towards the EU (Judah, 2006).

The hope of Kosovo's government and its people is to be part of the EU as soon as possible. That hope is more than just a dream - it is a need for Kosovo to be part of the EU to ensure its own security by maintaining peace and stability in the Western Balkans. In this context, it cannot be forgotten the fear and uncertainty about the future that exists in the minds of Kosovo's people. Theoretically and practically the Western Balkans has one concern about the future. The challenge is whether the Western Balkan countries can continue to exist as independent nation-states and maintain their territorial sovereignty, and at the same time become part of the EU? This challenge presents the region's countries with two major struggles: to keep their nation-states and to become part of European integration processes.

The mutual desire to be a part of the EU and to hold an unbroken nation-state can be discussed from many perspectives. It is not impossible to maintain a nation-state and become part of the EU. It is the clearest model from member states. This model exists and can be useful to the Western Balkan countries to reduce their anxieties. But different elements for the Western Balkan countries exist to achieve this goal because they have to overcome all obstacles and ethnic animosities stemming from previous conflicts. A significant component of the many obstacles is the issue of ethnicity, which is a very sensitive topic in Kosovo politics and policy-making process. We cannot forget that ethnicity has been misused in the past in this region. Unfortunately, ethnicity was used as a tool of political interests by specific entities that strained relations between different ethnicities. Subsequently these methods from political sides also have been used in the former Yugoslavia and have had a negative impact on interethnic relations. A tense situation between the Albanians and Serbs ensued the Kosovo war. Relations between these two ethnicities have caused a tense standoff against progressive development for countries, peoples and individuals. In this case, it is indispensable to change the political discourse with the intention of creating good relations and not further damaging them. Changing the political discourse entails taking into account the approaches of the three stakeholders: Serbs, Albanians and international community.

Before these approaches are discussed, it is important to clarify that correcting injustices and creating coexistence between ethnic groups after war in Kosovo was nearly unbelievable for some who were skeptical, and for good reasons. The Serb government had perpetrated heinous crimes against thousands of Kosovo Albanians, burned down many towns, and displaced hundreds of thousands of people, and all this created deep resentments and suspicions among the Kosovo Albanians towards Serbs. Many years later, the relationship between Albanians and Serbs gives positive indications.

Despite the reluctance of Serb minority to be a constituent part in the development process of Kosovo, the majority of the Serb community has changed their mind and will participate in society. Those who are against being part of Kosovo society were influenced directly by the government of Serbia, which through illegal financing and other anti-democratic means keeps them as the key instrument that can be used to destabilize Kosovo. Obviously this deconstructive approach has been used by Serbia for a long time before and after the war and it shows their refusal to accept and recognize the new social reality in Kosovo. That is the crucial problem and Serbia must change that approach by embracing democratic means in relation to Kosovo and its ethnic Serb minority.

Kosovo Albanians believe that establishing stability within the state and a common future for all citizens is a vital national interest. The improvement of interethnic relations has been a priority of the Kosovo government. The fact that Kosovo has declared itself as a multicultural society shows that other ethnic groups are included as part of its identity, government, and society. Recognizing the ethnic origins of populations within a country is very important because it shows that all ethnic groups are equal and no one ethnic group is above the other. Fortunately, this commitment on the part of the Kosovo Albanians has yielded results and the Serbs living in Kosovo have started to discuss positive ways and to reform their attitudes. That new way has begun towards accepting common democratic values in the territory of Kosovo. An illustration of this is the fact that Kosovo - Serbs participated in local elections in Kosovo in 2010.

The international community's approach is concentrated on keeping the peace and on installing democratic values throughout Kosovo. These goals are good

and appreciated at high government levels in the country. In principle, Kosovo has embraced democratic values because it believes in the power of democracy to build peace, stability and move the country forward economically and politically. However, keeping peace and spreading democracy present a stressful situation for Kosovo as it struggles to fulfill the Copenhagen criteria that are required of countries to gain EU membership. Those demands include the rule of law, specifically in the area of police, judiciary and customs. For that is EULEX (European Union Rule of Law Mission) in Kosovo, which has offered to help, support and advice Kosovo's government institutions. That is one hope to bring Kosovo closer to becoming a member of the EU. That hope is based on promising words from the Thessaloniki Summit where it was said that the EU is not complete without the Western Balkans, of which region Kosovo is part. The conclusion of the Thessaloniki agenda was that the Western Balkans should be part of the EU (Droutsas, 2009).

In conclusion, Kosovo had a unique history until February 17, 2008 when it declared its independence from Serbia. Several obstacles to becoming part of the EU have marked the ensuing history. Now Kosovo's political orientation is to prepare itself to fulfill the standards that are required for EU membership. EU institutions should support Kosovo to keep its stability and to develop democracy in the whole country. This process is both a challenge and an opportunity. Challenging factors include making the necessary changes to fulfill the Copenhagen criteria and changing the attitudes of the Serb minority who still are heavily influenced by Serbia's regime. An opportunity is that more than 90 percent of Kosovo's people are optimistic and have a desire to be part of the EU.

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