

Vehicles for Transformation, or Tools for the Status Quo? Civil Society and International Statebuilding in Kosovo

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Abstract

Low turnouts in recent elections have suggested an increasing popular withdrawal or public disengagement from politics in Kosovo. This article provides a theoretical explanation for this trend by examining the effects of the international community's civil society development strategy in Kosovo under the context of international supervision and statebuilding. Informed by a neoliberal understanding of the state and the politics of international statebuilding, the interventionist projects in Kosovo has created a largely apolitical NGO sector that has legitimized the political status quo rather than serve as a vehicle for transforming state-society relations. With no effective political space to channel societal demands or aspirations to state institutions, Kosovo's state-society relations have been further depoliticised.

Introduction

Kosovar society has been living in what is seemingly a permanent state of transition with no endpoint in sight. While the ultimate goals for Kosovo are juridical sovereignty and eventual European integration, the country continues to float in a legal limbo or purgatory condition waiting patiently for international and regional factors to once again align in its favor as they did in the late 1990s. Part of the problem is that Kosovo's transition has been orchestrated by a constellation of international actors with diverse and conflicting interests in the region. As a result, the international community's postwar approach in Kosovo is one of political expediency that has consisted mainly of 'checklists of criteria' that are to be implemented by the Kosovar government under the supervision of its international overlords.

To be sure, whether it was the UN's civil administration (UNMIK) policy of 'standards before status' or the current post-independence approach envisaged by

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the Ahtisasri Plan, the international community's concept of supervised independence has always treated Kosovo's problems as merely technical issues that can be resolved through technical solutions. More problematic is the prioritization and deliberation of big policy decisions that directly affect the lives of Kosovar citizens (i.e., decentralization and the creation of new Serbian municipalities) by unaccountable international bureaucrats and technocrats in "consultation" with Kosovo's government. What is often ignored or sidelined in this relationship, however, is the inclusion of societal voices in the process.

Since the end of the war, international donor agencies have viewed civil society development as instrumental in Kosovo's transition to a democratic and multiethnic polity. However, instead of harnessing the deep-seated pluralism that existed in Kosovo's civil society during the prewar era, the international community has largely cultivated a NGO sector that is donor-dependent and apolitical. Such interventions are informed by a neo-liberal understanding of civil society vis-à-vis the state and the politics of international statebuilding, which often involves displacing internal social struggles that are potentially destabilizing, but are intrinsic to the development of state-society relations. While international statebuilding missions are themselves highly political in nature due to their ideological orientations and regulatory authority to set the political agenda and affect the production and allocation of political power in intervened states, the effect of these interventions on the host society is further public withdrawal or disengagement from the political process.

In this paper I provide a theoretical explanation for the depoliticisation of Kosovo's civil society and of broader state-society relations under the context of international supervision and statebuilding. By examining the major assumptions that underlie international statebuilding missions and their impact on shaping civil society development in Kosovo, I demonstrate how interventionist projects in the country have prevented the emergence of a political space through which civil society organizations can meaningfully shape government policy and practice.

I. Theorizing about International Statebuilding

In the growing literature of international intervention, state-building is commonly used to refer to a wide range of activities aimed to develop for the first time, replace, or strengthen the existing capacity of institutions, organizations, agencies or structures of government (Chesterman, 2004; Fukuyama, 2004) At its core state-building is about enhancing the effectiveness or capacity of governmental institutions to perform functions that are commonly associated with the modern state.

One traditional definition of the modern state that is generally invoked by contemporary scholarship is Max Weber's conceptualization of the state as an amalgam of institutions and actors that successfully claims the monopoly on legitimate authority and coercion over a given territory and population (Weber, 1946). Yet, while using Weber's rational-legal state as an ideal standard for analytical comparison of state capacity, many scholars often fail to acknowledge, or merely presume, that states are sites of intense social and political conflict between a multiplicity of groups in society vying for social control.

The institution that is supposed to mediate between individuals/groups and government is sovereignty. Sovereignty as an institution has its recent origin in the late eighteenth century when liberal philosophers spoke of a constitutional state in which sovereignty resided from the will of the people rather than through a ruling class who conceived sovereignty in absolutist terms. Sovereignty, or popular sovereignty, is essentially political in character and denotes a particular relationship that is "organic" and "internal" between the state and society (Bickerton 2007).

For this reason it is conventional wisdom to view state-building as a largely domestic process that is brought about by the combined efforts and wills of governments and their populations. It necessarily involves a nexus of state institutions with societal forces that are constantly engaged in a struggle over social control – that is, the rules for daily behavior that determines how societies and states create and maintain distinct ways of structuring day-to-day life (Migdal, 2001). State-building without referring to the role of society is thus an incomplete process.

As Joel Migdal has pointed out: “states and societies transform and constitute one another” (Migdal, 2001).

The notion that states are at the center of continuous social struggles between a multiplicity of societal groups suggests that state-building is essentially a political process that is burdened with conflict. While many people think of conflict as intrinsically negative, it typically emerges from real issues and seemingly contradictory interests that reveal the underlying problems of a society. In other words, conflict, not necessarily violent conflict, is indispensable to the creation of capable state institutions which in turn will provide the appropriate mechanisms to channel societal demands and resolve the incompatible goals that exist among members of society. Conflict and politics are inseparable and it is thus inconceivable, at least for some theorists, to view statebuilding without politics/conflict playing a pivotal role in its success.

Since the end of the Cold War, international statebuilding is considered an important strategy for addressing state failure and weakness emanating from developing countries both in war and in peace (Bickerton 2007). The subsequent war on terror in the post-9/11 era heightened the perception that weak and failing states in the non-western world are threats to regional and global security and to the neo-liberal hegemonic order maintained by the West (Duffield 2001). Increasingly these states are viewed as susceptible to violent instability and human rights abuses and “breeding grounds” for transnational terrorism, proliferation of weapons of mass destruction, organized crime, weapons trafficking and other illicit activities (Fukuyama 2004; Fearon and Laitin 2004). Many academics and commentators saw this “reality” as an opportunity to promote invasive forms of international interventionism aimed at recreating the governmental institutions of target states, or even assuming partial sovereignty of domestic structures for an indefinite period of time (Krasner 1999).

A. The Core Assumptions of International Statebuilding

The premise articulated by proponents of international state-building is that achieving success in the economy, rule of law, security and other development fronts is contingent on the existence of capable and legitimate domestic governance. This brings us back to the state capacity narrative that tends to view state failure as an

issue of technical state capacity and not related to any social and political conflict that naturally occurs in times of large-scale social transformation (Hameiri 2007).

The political struggles and clashes of societal interests – that naturally define state-society relations and are traditionally viewed as pivotal to the success of statebuilding – are today increasingly displaced or sidelined in countries hosting international statebuilding missions. From prospective EU member countries to post-conflict states under international statebuilding missions, there is a “tendency of internationals to separate statebuilding from politics... [and] see statebuilding as a technical or administrative process [that] does not require building a popular consensus of policymaking” (Chandler 2006b: 2). International statebuilders thus “transform a political problem, located in prevailing understanding of sovereignty, into a technical problem that appears amendable to technical solutions” (Bickerton 2007: 99).

While international state-building missions present themselves as a neutral presence on the ground, there is nothing “apolitical” about these interventions. Such interventions are informed by neoliberal understandings of the role and functions of the state in relation to society. Neoliberalism is an ideological disposition, embodying particular power relations and institutional forms that view markets as the central mechanism of social cohesion and economic well-being. In terms of development policy in the Third World, the neoliberal paradigm means that social services traditionally provided by the state are handed over to private actors – that is, the NGO sector.

In addition to this ideological orientation, international statebuilding missions constitute a “new mode of governance” that “affects the production/reproduction and distribution of political power in intervened states” (Hameiri 2010: 4). In other words, due to their unique position in a transitional context, international statebuilders can likely determine (1) who will rule locally by recognizing certain actors diplomatically and by providing resources to them; (2) how they rule by limiting the range of political choices available to local leaders; and (3) which social and political conflicts/issues are engendered and how they are managed (Hameiri 2010: *ibid.*).

Many commentators have produced powerful critiques of international statebuilding (Richmond 2005; Pugh 2005; Chandler 2006a; Suhrke 2007). Most write about the international community's inability to achieve the ambitious objective of constructing effective and stable states; while others highlight the contradictions of statebuilding interventions that wield invasive political authority while at the same time building the foundations of domestic governance (Chesterman 2004).

But what is often overlooked in the literature is the possible ways in which statebuilding interventions affect the very fabric of state-society relations of the host country. For Christopher Bickerton, the outcome of such interventions is the establishment of weak political institutions that are unaccountable, remote, artificial, or simply unrepresentative of the desires or aspirations of the local population. He observes: "If people's hopes, interest and desires are mediated through so many external forces, the resulting institutions will be that many more steps removed from the individuals for whom they are established" (Bickerton 2007: 96). Furthermore, he writes: "As a process that draws in international institutions and external forces, statebuilding today necessarily relegates citizens to the role of passive recipients of the institutions being built. In short, by removing popular will from the process of political creation, as [international] statebuilding does, it produces hollow institutions with shallow roots in the societies for which they are being built" (Bickerton 2007: 94).

The creation of state institutions that largely reflect the interests of internationals rather than will of the local population results in a society that is detached from the very institutions that are meant to be the products of intense societal engagement. Moreover, because international statebuilders wield and allocate tremendous amounts of resources that are desperately needed for development of the target state, local elites and NGOs become more accountable to the demands and programs of internationals than to their own society. As a result, a dependency culture emerges as local elites and civil society organizations become increasingly dependent on international patronage for their continued relevance, thereby fostering a popular withdrawal and disengagement from politics – that is, the de-politicization of state-society relations.

Perhaps the most the devastating effect of international statebuilding on the host society is the likely retreat of international interveners from upholding the normative blueprint (Zaum 2009) that underpinned their policies during at least the initial stages of the intervention. The promotion of norms such as, democracy, the rule of law, and human rights, which bestow international statebuilding missions with legitimacy, are quickly thrown to the backburner when internationals realize the limits of their own ability to influence the trajectory of the transition. Rather than deal with the enormity of social issues such as, economic development, social justice, political corruption, international statebuilders try to displace these potentially destabilizing conflicts and focus primarily on maintaining stability and the political status quo. This exposes the true nature of international statebuilding as risk-management operations (Chandler 2006a).

State elites will in turn adapt to the new circumstances created by the intervention and co-opt the transition process to their own benefit without having to subscribe to the normative blueprint that was promoted by the international community at the outset of the mission – what some have referred to as “compromised peacebuilding” (Barnnet and Zuercher 2009). As a result, statebuilding interventions are likely to restrict or prevent the emergence of a meaningful political space that provides local political opposition and civil society organizations to access and shape politics because it allows local elites in power, who benefit enormously from the resources that accompany such interventions, to engage in anti-pluralist and patrimonial politics within the international rubric of maintaining stability.

II. Civil Society as Political Space

The above analysis makes clear that statebuilding involves broad societal engagement in the creation of political institutions that reflect the interests, desires, and aspirations of society as a whole. The existence of a political space that connects societal groups and individuals to the state is thus crucial for the creation of and the legitimization of state institutions. This political space is therefore inhabited by a civil society sector that is political nature.

The role of civil society as an active political sector that operates between the state, the market, and the private life of families and individuals is based on western traditions that understood civil society as constituting an independent social sphere that safeguards against arbitrary action by the state; as a counterweight to central authority; as schools for democracy and political socialization in the Tocquevillian sense; and as a public space for the interests of disadvantaged or marginalized groups. In this view, civil society interacts and communicates politically with the state through engaging in democratic institutions and various forms of policy dialogue, and even through social movements and activism.

In the academic discourse, civil society is a highly contested concept that has generated an extensive literature. With no agreeable definition, civil society takes form through various types of independent and voluntary associations, ranging from official institutions and organizations to informal social groups and movements. These associations perform a wide range of functions from service delivery and local advocacy to a government watchdog role. Moreover, civil society is generally understood as representing and promoting certain normative practices and values such as tolerance, trust, non-violence, non-discrimination, cooperation and equality.

As a development strategy, civil society rose to prominence globally during the 1990s. This was partly due to the agendas of international NGOs and donor agencies, both of which aspired to support the development of civil society within transitional societies in post-communist Europe and others parts of the developing world. Within these development communities was an overwhelming consensus that channeling foreign aid and assistance through NGOs could help cultivate a vibrant civil society sector that would help facilitate the democratization of countries emerging from authoritarian rule.

In post-conflict settings where states are highly dysfunctional, economies are ruined, and where social and ethnic tensions remain acute, civil society development is viewed as key to international peacebuilding projects. At the core of the international community's peacebuilding strategy is the assumption that a vibrant NGO sector could address the root causes of conflict from the bottom-up through a myriad of non-coercive strategies. For instance, through their advocacy role, NGOs would bring about a new culture of interaction and political engagement based on

cooperation and trust. As well as jump-starting the economy and promoting rule of law development and human rights monitoring, NGOs would alleviate social and ethnic tensions by transforming the attitudes of the inhabitants of post-conflict states through campaigns of tolerance and multiculturalism. For international donors, NGOs serve as good policy partners and as alternatives to resistant political elites who embrace illiberal and corrupt polices or nationalist agendas. Furthermore, NGOs are viewed as a cheap and efficient way of delivering services and transferring expertise to local actors. These local actors would in turn become less dependent on foreign assistance and end the need for invasive forms of international intervention.

The literature, however, on NGO development in the post-socialist states in Central and Eastern Europe (CEE) and South East Europe (SEE) as well as the global South has largely been critical of the impact of international donor efforts (Ottaway and Carothers 2000; Sampson 2002; Fagon 2006). Scholars have painted a somewhat depressing picture of NGOs masquerading as civil society. What has typically emerged in these countries is a small, donor-dependent sector of NGO professionals who are mostly drawn from the urban middle-classes located in major cities and towns. Due to their financial dependency on foreign aid and their inability to generate local sources of funding, the agendas of NGOs are generally donor-driven initiatives that are at times insensitive to the genuine needs of the local population. For this reason, the local population usually views NGOs with suspicion; they see them as lucrative employment opportunities for young educated people who are mostly accountable to the interests of international donors. As a result, local NGOs tend to lack real local constituencies and are essentially disconnected from societies that are typically characterized by low levels of citizen involvement, and declining levels of mobilization.

Given that most donor assistance is still delivered through short-term projects, NGOs in these countries usually fail to significantly develop their institutional capacities to apply for funding or devise long-term fundable projects. Many of them are also characterized as “semi-professional” organizations that start initiatives beyond their skills and capacities. Moreover, NGOs are often forced to compete with one another over the availability of scarce resources. This has often led

to a culture of rivalry and the emergence of cliques between NGOs that has reinforced the perception of these organizations as “elitist” and at the expense of greater coordination and coherence among NGOs and the broader civil society community.

In addition to the above concerns, it has been argued that in spite of all the lofty rhetoric associated with the role of NGO sector, in practice, NGOs have been encouraged by international donors to see their function and role as merely technical and apolitical (Fagan 2010). The main thrust of civil society development aid in these countries has not been on the “in-put” side of politics, but rather on the “out-put” side of politics as service providers. In other words, instead of stimulating local political activity, challenging arbitrary political and economic power and influencing political decision-making, the remit of NGOs has largely been relegated to service providing agencies that are contracted by foreign donors to substitute for the state and provide essential humanitarian aid and other basic development services.

In essence, many civil society development initiatives are depoliticized and fail to address the real dynamics of political power that sustains, in many cases, corruption and anti-democratic practices. Adam Fagan similarly writes: “Civil society is not seen as a vehicle for serious political critique, for challenging economic and political hegemony, or for transforming state-society relations...Such a notion of civil society does not permit the questioning of the type of state institutions, or their effectiveness in regulating capital. All civil society can realistically do is to assume some of the discarded responsibilities of the state, shoulder the costs of the state’s partial withdrawal from social protection, and facilitate the symbolic aspects of liberal democracy: the freedom of speech and association” (Fagan 2010: 54).

Scholarly critiques of civil society development highlight the contradictory nature of international donor strategies that expect NGOs to achieve ambitious political goals through apolitical means. It is argued that the implications of the international community’s efforts in building a network of largely NGO service providers is a politically weakened civil society, which is unable to deliver the sort of political change that is commonly understood of civil society from a western perspective.

III. Civil Society Development in Kosovo: A Brief Overview

A. Prewar Civil Society

Civil society is by no means a foreign concept to Kosovars. Such a notion can be traced back to the final days of communist rule in Yugoslavia, when the first independent political organizations emerged from the crippling grip of the state apparatus and its party elite. Organizations such as the Council for the Defense of Human Rights and Freedoms (CDHRF), the Kosovo Helsinki Committee and the Union of Independent Trade Unions, gave Kosovo's civil society "substance" during a period when rapid political and social transformation was taking place in the former Soviet countries (KIPRED 2005).

At the same time, this burgeoning political pluralism in Kosovo operated under an apartheid system led by the Milosevic regime, which revoked Kosovo's special autonomy and systematically repressed Kosovar Albanians in all aspects of social life. In response, Kosovar Albanian society converted itself into a parallel society that resisted Serbian repression and struggled for independence through peaceful means. During this period of the 1990s, grassroots movements, such as the Mother Teresa Association and the Independent Students' Union of the University of Pristina, were displaying a spirit of self-management and self-organization. Many of these movements dealt with the protection of human rights or provided health and education services that made them essentially quasi-governmental institutions. The ability of Ibrahim Rugova and his LDK party to successfully implement a voluntary 3% income tax to fund these services was indicative of the kind of "solidarity" and participatory politics that existed in Kosovo during this time.

B. Postwar NGO Boom!

The postwar period marked a new era of civil society that was shaped by the influx of international NGOs and funding that led to the "mushrooming" of a new local NGO sector, or third sector, which would become synonymous with civil society. Rather than harness the existing prewar infrastructure of NGOs that constituted a politics of resistance, international donors wanted to shift the emphasis to a politics

of development and reconstruction. As part of the broader international statebuilding mission, international donors viewed the development of a new NGO sector as central to Kosovo's progress towards stability, democratic change, and the promotion of multi-ethnicity from below.

At the outset of the UNMIK mission was a desire to create a distinction in Kosovo's society between political and civil organizations. This was clearly apparent in one of the first regulations promulgated by the SRSG, which involved the registration and operation of NGOs in Kosovo – UNMIK Regulation 1999/22. According to this regulation, an NGO could be either an 'association' or a 'foundation' established to pursue an issue of public benefit or mutual trust. Due to the relatively easy procedure for NGO registration, the country witnessed an explosion of NGOs in the course of a short period of time: for example, while in 1999, there were 130 NGOs officially registered; by 2004 and 2006 there were nearly 2,500 and 3,000 registered NGOs respectively (Demjaha and Peci 2004; USAID 2008). Today, there are over 5,000 officially registered NGOs recorded by the Ministry of Public Services, though the number of active groups is considerably smaller.

The immediate postwar phase witnessed NGOs continuing to function as service providers. However, with levels of donor contributions steadily declining during the course of the intervention, UNMIK expected NGOs to bring about social change through advocacy and lobbying in support of Kosovo's provisional institutions. The goal was to build a strong partnership between the civil society sector and government through development of action-based, policy-oriented NGOs that would assist in Kosovo's statebuilding process and the democratization of society through networking building and encouraging community self-help.

However, it is argued that the agendas of those NGO who transformed themselves into project-based organizations have been largely determined by the priorities of international donors. When one major funding source, such as USAID, OSCE, or DIFD, issues a theme for its project-based funds, that becomes the focus for the entire sector. Thus it is claimed, for instance, that human rights priorities and conflict mitigation dominated the sector early on. Later inter-ethnic reconciliation, gender rights and sexual orientation issues took the forefront, followed by the establishment and support of think tanks and advocacy work. Recent trends include

youth initiatives, anti-corruption and monitoring of government, or watchdog organizations.

The ability of international donors to shape the orientation and nature of NGO activity in Kosovo has resulted in a sector where there is little consistency among NGOs regarding their societal purpose or place in society. Due to their dependence on donor funding and limited financial sustainability, NGOs are forced to compete vigorously with one another over ever-decreasing funding opportunities. This has created an entrepreneurial culture that precludes collaboration and reinforces an antagonistic and cliquy image of NGOs as being consumed by financial needs and building good relationships with donors to the detriment of the needs of local communities. Consequently, public perception of the NGO sector tends to be negative. Kosovars generally view NGOs as being more accountable to the interests of external funders than to the local government or people. Public opinion consistently reveals a pervasive distrust and resentment of NGOs due to widespread corruption at leadership levels and the emergence of an ‘NGO elite’ that is directly related to external funding.

The shifting goals of donors, combined with a policy of funding short-term projects, have produced a sector of largely non-specialized NGOs that lack the capacity to engage in long-term strategic planning. As donor funding dried up, many NGOs dissolved, whereas others have switched to operating on an irregular basis. Reports conducted by both international and local organizations have invariably highlighted the sector’s need for increased professionalism and greater levels of institutionalization. As such, many NGOs are accused of being dominated by the personalities of single individuals who are in charge. This often results in a low level of institutionalization as many NGOs lack rules and procedures for basic internal governance. Such problems are compounded by the fact that few NGOs manage to raise local sources of revenue. NGOs do receive funding from Kosovo’s relatively small business community, but this is mainly directed at NGOs who deal with humanitarian issues involving the disabled, for example, or for philanthropic reasons. Furthermore, most NGOs do not request funding from government institutions at mainly the central level out of fear of losing their independence.

Perhaps the most paradoxical outcome of the international donor community's control over so much of Kosovo's civil society is its tendency to absorb substantial human capital away from the NGO community. Instead of strengthening the capacity of Kosovo's NGO sector, the presence of the international community inhibits its development at the local level (Demjaha and Peci 2004).

C. Postwar Civil Society under UN Rule

Civil society development in Kosovo has thus tended to echo many of the problems and issues experienced in post-communist Europe and elsewhere. What is significantly different, however, is that such developments occurred under the auspices of the UN administration, UNMIK, which wielded extensive political authority over Kosovar society. From early on, UNMIK reached out to NGOs for local input. UNMIK appointed representatives of NGOs to its administrative departments and included them in a consultative body, the Transitional Council, which guaranteed NGO representation in its administrative structures. While NGOs played a less influential role than members of political parties in this body, some in the NGO community lament over this early period as being the only time in which they had direct influence in policymaking..

With the creation of the Provisional Institutions of Self-Government (PISG) in 2002, UNMIK shared the responsibility of governance with local political parties and gradually transferred more and more powers to the provisional institutions. The reserved powers stipulated in the Constitutional Framework, however, allowed UNMIK to retain control of most of the critical components of state power, thereby creating a complex division of responsibilities that obfuscated power and accountability. Many civil society organizations expressed frustration on how their protests and demands were met with indifference by local officials who responded that they did not have authority to meet their demands and that such competencies lied with unaccountable international administrators. This dual system of government thus severely diminished the ability of citizens and NGOs to affect decision-making and demand accountability from their elected officials.

Beyond these structural problems, UNMIK and OSCE's attempt to drive their political agenda in Kosovo by using NGOs as tools for promoting issues that they deemed 'acceptable' for public discourse was a further indication of the type of

‘apolitical’ role that the international community cultivated in Kosovo’s NGO sector. For example, UNMIK and OSCE vigorously pushed minority rights and decentralization into the public arena as issues that Kosovo’s government and people should prioritize. To get the message out, NGOs were often sent out into communities to host debates on these issues, or used as mouthpieces to educate and lecture Kosovars on the virtues of localizing democracy and on the importance of respecting other cultures. Yet, while these issues were more appropriate for UNMIK’s democratic state-building agenda, ordinary Kosovars tended to view these efforts as ignoring the more fundamental issue at hand: the unresolved political status of their country.

Indeed, for Kosovar civil society, issues such as inter-ethnic relations, decentralization, postwar justice, economic development and freedom of movement, are all related to the status question and therefore could not be effectively addressed without first resolving the status issue itself. However, the inability of UNMIK to tackle the status question prevented Kosovar civil society organizations from addressing central issues that directly affected them and the communities they represented. Instead, UNMIK made a concerted effort in ‘educating’ Kosovo’s government and civil society to focus their energies on the ‘bread and butter’ activities of daily governance, such as trash pickup, infrastructure repair, education and healthcare (King and Mason 2006). Other issues relating to the operation of the state and perceived as being closely entangled with the status question – that is, policing, judiciary, property reform, customs, and defense – were largely excluded from the public discourse. This effectively narrowed the field through which civil society could raise questions, shape political issues, or offer solutions to complex political problems. Highlighting this problem during the UNMIK era, KIPRED (2005) writes: “The constraints placed by the status question on resolving political questions have limited the ability of the NGO sector to channel civil activism towards political reform and social change” (30).

While UNMIK was largely remote and impenetrable to the interests and demands of society, the PISG proved itself to be more open to consultation for local NGOs and other civil society organizations. The devolution of more responsibilities

to Kosovo's provisional institutions created opportunities for NGOs and other civil society actors to become more politically-orientated in their activities. For instance, NGOs played a greater role in local decision-making as they were increasingly consulted on draft laws, policy-design and strategic planning (Nietsch 2006). Evidence of this success included governmental approval for a National Action Plan for Gender Equality that was brought about by women NGOs and politicians, and the successful efforts of the NGO Handikos, which had many of its recommendations concerning the special needs of children with disabilities included in the Law on Primary and Secondary Education.

While Kosovo's provisional government and civil society held joint meetings on specific issues, many of these consultation meetings were initiated by UNMIK and OSCE advisors. At the time, this demonstrated that civil society did not have a direct institutionalized link to government. Much of the interaction and communication between civil society and government officials transpired frequently on a personal basis, as NGO elites attempted to build relationships with certain political leaders. (UNDP 2008: 89).

Leading up to independence, the majority of NGOs were cautious about their relationship with government. For fear of negatively impacting the status negotiations mediated by the UN special envoy, Marti Ahtisari, most NGOs focused on providing public services and local advocacy projects that largely supported the country's democratic state-building process rather than on criticizing the government.

However, because of the limited competencies of the PISG, civil society actors did not recognize Kosovo's provisional institutions as significant powerbrokers (Nietsch 2006). Conversely, the PISG did not want to acknowledge the growing influence that NGOs accumulated early on in the postwar era due to this massive funding. Indeed, the PISG resentfully viewed the influx of funds to NGOs as a way of undermining its authority. The mutual distrust between both sectors is part of Kosovo's heritage of being suspicious towards repressive governments and the politicized nature of quasi-governmental civil organizations of the 1990s. This distrust persisted throughout UNMIK's rule and into the new era of supervised independence.

D. Civil Society in the Ahtisaari Era

Kosovo's unilateral declaration of independence in February 2008 presented new opportunities and challenges for the country's civil society sector. After eight years of direct rule by UNMIK, Kosovar civil society now operates in a new political environment that is defined by the Ahtisaari plan, which provides a new blueprint for Kosovo's future towards European integration under the supervision and guidance of the European Commission. The EU is thus the main actor in Kosovo's new stage of 'supervised independence' and has played an imperative role in shaping the country's continual transition towards juridical statehood. In terms of EU foreign policy, Kosovo represents the most ambitious and expensive undertaking in the organization's history (Pond 2008) and puts its 'transformative ability' of rebuilding post-conflict states on the line (Fagan 2010).

Today the EU is the country's largest provider of aid by a wide margin. In recent years it has made a concerted effort to shift away from short-term projects and place greater emphasis on sustainability and skills training. In particular, the EU has tried to successfully promote cooperation between Kosovo's government and NGO sector. Through coordinating donor assistance and implementing conditionality measures, the Commission has attempted to institutionalize a working relationship in which NGOs provide skills training to state authorities and municipal leaders, and government would in turn provide NGOs greater access in the policymaking process. From the EU perspective, this is a mutually beneficial relationship. On one hand, NGOs benefit enormously as they receive more funding to strengthen their service provision function and share their expertise and skills with government officials and newer NGOs on the scene. On the other hand, government officials receive the necessary skills to absorb funding and implement policies and reforms that are integral to the country's accession process while getting to boast of their good governance practices by opening up to civil society.

In reality, however, this cooperation has been mostly coerced by EU officials who threaten to criticize or deny funding to political officials who are unwilling to open up to civil society organizations. The Commission's strategy has also tended to perpetuate the international practice of grooming NGOs as largely service providers

with no political aspirations. Furthermore, the EU's application process for receiving funding has been criticized as too complex and beyond the capacity for most local NGOs to develop the kind of project proposals that the EU demands. The complexity of the EU's application process has reinforced the impression that an elite core of larger NGOs that overtime has absorbed the preponderance of funding by the EU and other donor agencies, dominates Kosovo's NGO sector to the loss of smaller and incoming NGOs that lack the internal management capacity to successfully write grant proposals for long-term fundable projects.

Nevertheless, most of the EU's assistance to Kosovo now goes directly to the government, which has meant less money for civil society. This reflects in part the Commission's broader approach in the Western Balkans, which views stability and state capacity-building as key ingredients to the region's success towards EU accession. Perhaps the clearest example of this strategy in Kosovo is the deployment of the EU's Rule of Law mission (EULEX). Authorized in February 2008, EULEX's mandate is to assist and strengthen Kosovo's main rule of law institutions: the judiciary, law enforcement and customs. Unlike UNMIK, however, EULEX is not a civil administration and does not have the legislative authority to promulgate regulations on behalf of the Kosovar people. Despite possessing executive authority over the sectors it controls, EULEX is largely seen by most Kosovars as a technical mission that talks a lot about tackling corruption and on the importance of strengthening the independence of Kosovo's rule of institutions with the added hope of making them multiethnic. However, Adam Fagan reveals that the extent to which EU intervention in Kosovo has made membership to its organization strictly contingent upon criteria of statebuilding, governance, and the rule of law has never been witnessed elsewhere in the region to this degree (Fagan 2010: 162). Indeed, due to the dysfunctional nature of Kosovo's state institutions and the volatility of the country's political situation in northern Mitrovica, EU statebuilding in Kosovo has effectively subordinated democratization and development to the priorities of security, rule of law and institution-building.

In addition to the above circumstances, Kosovar civil society has operated in a post-independence political environment with a new parliamentary assembly and recently approved constitution. The establishment of these new institutions has led

many civil society organizations to reconfigure themselves in a political landscape where access to government and influence on policymaking appeared more probable. For this reason, the role of the civil society sector has evolved from being solely a service provider and a partner with governmental institutions to increasingly taking a more critical stance towards government. From the recent emergence of several NGOs such as, COHU and FOL movement, and existing think tanks (KDI, KCSS, GAP, KIPRED) and media organizations (BIRN), to large networks (KWN and AVONET) and ad hoc collaborations like “Civil Society for a Clean Parliament”, more and more organizations are putting pressure on government through lobbying for transparency and accountability and through aggressive means such as demonstrations or protests. The Self-Determination movement, Vetevendosje, is perhaps the most vocal critic of both the international presence and government in Kosovo and is a source of envy for most NGOs in the country due to its financial independence from the international donor community.

IV. The Consequences of Civil Society Development within International Statebuilding: The Depoliticisation of State- Society Relations?

Today there is a growing perception within Kosovo’s NGO community that the country’s civil society sector has experienced significant development and progress since the end of the war. Evidence of this progress in civil society has been demonstrated in the monitoring of recent national and local elections, in the publishing of reports that measure the quality of political governance, and in the raising of public awareness on the corruption and abusive practices of political officials at all levels of government (KCSS, GAP, KDI, 2010). Also, civil society’s success at affecting change at the municipal level has been attributed mainly to the proximity of institutions to society and electoral changes that have further democratized local elections.

Having said that, Kosovo’s civil society sector is still unable to engage meaningfully in the debate of public policy, let alone exert any influence over public

policymaking. While there are singular cases of success, by and large, collaboration between government and civil society is a corollary of international pressure. In order to be heard or taken seriously, civil society's is often forced to circumvent government institutions and call on the European Commission or the US Embassy in order to exert pressure on government officials. According to one civil society activist, "this is a daily practice."

The relationship between Kosovo's government and civil society depends mainly on the nature and activities of NGOs. Those NGOs that deal in areas of social policy (i.e., helping the disabled) or youth issues tend to build collaborative relationships or partnerships with government. However, watchdog NGOs that focus on transparency, anti-corruption, accountability, and budget management create relationships that are largely antagonistic and uncooperative.

For the most part, the government in Kosovo has not been receptive to the critiques of NGOs. However, those few NGOs that have ostensibly 'crossed the line' in terms of their criticism of government have been met with retaliation. For example, during the 2007 elections, COHU's main office was raided by government officials who attempted to discredit or delegitimize the organization for disclosing the corruptive practices of certain government leaders. Threatened by reports and accusations made by these NGOs, the current government has resorted to demonizing NGOs as "foreign spies" or politicized organizations that are out to undermine the country.

The media, in particular, has taken the hardest hit in terms of government retaliation for its reporting of political corruption or abuse. In addition to the government controlling major TV networks and newspapers, journalists have been violently attacked, incarcerated illegally, and denied freedom of movement by various governmental institutions. The regression of Kosovo's media sector is reflected in the "Index of Freedom of Media" for 2010, which is published by Reporters without Borders. In the report, Kosovo's is ranked 92nd in the world, dropping all the way down from a 75th ranking the previous year (qtd in KCSS et al. 2010).

International statebuilding in Kosovo has in part created a situation where government leaders at the central level have no incentive to work with civil society on

major issues of political and social importance. Instead the government is apparently more focused on the need to implement a checklist of technical reforms and regulations that are stipulated in pre-accession mechanisms, such as the Stabilization and Association Agreements (SAAs), Instruments for Pre-accession (IPAs) and Trade Agreement (TAs). In this view, the government is more beholden to the EU *acquis* than to the interests and demands of civil society. Moreover, Kosovo's political class has benefited enormously in economic terms from the various interventionist projects in the country. The neo-liberal policy of privatizing Kosovo's state-owned assets, which is unpopular with many Kosovars, has particularly led to the influx of foreign money and suspicious business deals that has enriched a small class of government officials and even internationals operating in the country.

In turn, few civil society groups have incentive to organize politically and try to exact significant change when Kosovo's political system is dominated by a handful of party leaders who engage in illiberal practices and when major policy decisions are conducted largely outside of the public arena. This has fostered an environment characterized by popular withdrawal or public disengagement from politics. Turnout in national and local elections is indicative of this trend: turnout has precipitously dropped since the first municipal poll in 2000, when turnout was 79%, to the recent parliamentary elections in 2010 in which only 45.30% of registered voters participated in the election (KIPRED 2011: 18).

The further depoliticisation of Kosovo's state-society relations is a stark contrast to the level of solidarity that was witnessed in the 1990s. With the existential threat of Serb repression gone, Kosovars today have an elusive understanding of the role that NGOs and other civil society organizations play in society. Surveys have shown that the public prefers a civil society that not only provides services of which the government cannot provide, but also a watchdog role that monitors government corruption and performance (UNDP 2010). But as Julie Neitsch observes, the criticism of government has not always reverberated well among the public, who see such NGO activity as politicized attempts to undermine the government (Neitsch 2006).

This latter point is particularly revealing with regard to our analysis here. While international statebuilding has clearly created conditions that have further depoliticised state-society relations in Kosovo, a set of historical, cultural, and economic factors largely explains the relatively apolitical nature of today's Kosovar society. For instance, the lack of a vibrant middle class has deprived Kosovar society of the financial and intellectual autonomy needed to mobilize politically in effective ways. Interrelated to this is the fact most employed Kosovars work for the public sector and are hesitant about protesting or criticizing government in a public forum. Furthermore, a lack of democratic tradition and political culture in Kosovo means that citizens are not accustomed to voicing their opinions about various issues of governance. As one civil society activist observed: "Kosovars prefer to leave tough issues of governance in the hands of experts. I get the impression that people here [Kosovar Albanians] don't get involved [politically] because the international community will be here to take care of them."

Conclusion

Today Kosovo's civil society can be characterized as a donor dependent NGO sector that is largely apolitical and disconnected from society at large. It is argued here that the depoliticalisation of Kosovo's NGO sector is a corollary of the overall civil society development strategy embraced by international interveners. This strategy is informed by 1) a neoliberal understanding of the role and function of civil society as independent service providers; and 2) the politics of international statebuilding, which view weak and dysfunctional states like Kosovo as threats to regional stability and the West's neoliberal hegemonic order.

The consequences of this international strategy in Kosovo are apparent. First, instead of developing NGOs as political vehicles for transforming state-society relations, NGOs are often cultivated towards establishing some form of partnership with state. As a result, NGOs are legitimizing the political status quo in Kosovo rather than transforming it. Those NGOs that attempt to pursue a political agenda are either ignored or marginalized by the government. Second, due to the volatility of Kosovar politics and the weakness of its state institutions, international actors have prioritized stability, the rule of law, and institution-building over other social and economic issues that are viewed as potentially destabilizing. By displacing those

issues and maintaining stability and a good relationship with the government in power, international statebuilders allow Kosovar's political elites to hold onto to power and engage in corrupt and illiberal policies without having to subscribe to the good governance practices that were promoted at the outset of the intervention. Under such circumstances, Kosovar society has increasingly disengaged from politics.

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