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CIVIL SOCIETY AND DEMOCRACY DEVELOPMENT IN KOSOVO

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Abstract

The paper analyses the most fundamental aspects of civil society development in Kosovo and its impact in the overall democracy development. Author aims to develop after presenting a short history of development of this important sector, to develop a discussion from the praxis perspectives, to combine the discussion from the practice in the field, explaining how the sector evolved in post war Kosovo, which were the phases of its development and the role the donors played in its creation. This will be done by using combined methodology: method of systemic analysis, method of historical analysis, method of comparison, method of legal analysis, etc. Finally, paper will come out with the conclusions and the recommendations that are expected to be useful for both academia and the civil society sector.

Keywords: democracy, civil society, development, donor, sector, mission

INTRODUCTION

Kosovo is a newly created state on the territories of former Yugoslavia. Kosovo proclaimed its independence on February 17, 2008. As the state it derives from the process of dissolution of former Yugoslav federation. Until now Kosovo according to the Ministry of Foreign Affairs (Republic of Kosovo, Ministry of Foreign Affairs, 2017), has been recognized by 113 states of the world. From June 10, 1999 Based on UN Security

Council Resolution 1244 Kosovo was put under the international civil administration UNMIK (United Nations Mission in Kosovo). UNMIK exercised its power through the following pillars:

- Pillar I – responsible for humanitarian assistance, which was led by the Office of the United Nations High Commissioner for Refugees (UNHCR);
- Pillar II – responsible for Civil Administration, which belonged to the UN;
- Pillar II - responsible Democratization and Institution Building, which was led by the Organization for Security and Co-operation (OSCE); and
- Pillar IV – responsible for Reconstruction and Economic Development, which was managed by the European Union (EU) (KIPRED 2005, 2).

Based on these pillars the life was organized in Kosovo whereas since then until February 17, 2008 Kosovo has undergone through various processes in order to enter into the process of final status determination which actually happened on February 17, 2008 when Kosovo Parliament adopted Kosovo Declaration for Independence. Prior to it several conditions had to be fulfilled including so called *Standard Before the Status*, Vienna dialogue with Serbia (facilitated by the President Ahtisaari), etc. Along with the International Civil Administration in Kosovo entered a big number of donors to support the civil society initiatives. Thus a donors marked was created in Kosovo whereas there was only a small number of local civil society organizations organized and active. No matter of the donor's engagement and no matter of other engagements Kosovo civil society remains to be still on its development phase. The paper is built up on the hypothesis that the third sector or Kosovo civil society didn't meet the expectations at the level and as expected by the Kosovo society and by the international community.

KOSOVO CIVIL SOCIETY AND THE BROADER MEANING OF THE THIRD SECTOR

The term civil society is often seen to be used by politicians, intellectuals, activists, journalists, etc., all over and not only in Kosovo. This term is being used in politics and in the science with the understanding that civil society is instigator of political, economic and social developments. It is a mistake when quite often the notion civil society is treated equal to NGOs. It is also a mistake when it is said that civil society is noisy entity. There are also dilemmas "when there are attempts to confirm that a strong civil society ensures democracy or *vice versa*." (Rrahmani 2010). And in various debates term third sector gets different explanations that in sense are not different about its content. The third sector in post-communist countries "could be compared to a patient who, after a period of imprisonment and a stroke, is now beginning to learn

how to walk and talk once more; in addition, the language and lifestyle of others have changed during the isolation, so the 'convalescent' is compelled to rediscover the basic principles of his own existence." (Ondrušek (ed) and Associates 2003, 13). In fact, after the fall of communist system we in a way see a rebirth of civil society and we cannot say that there was no history of the sector. It might be that it was frozen over the decades-somewhere more and somewhere less. Essentially, organizations and associations of citizens whom we call under the context of this paper NGOs, are not inventions of the modern time and indeed these mechanisms did not appear on the phase of dissolution of the communist system. Americans "of all ages, all conditions, and all dispositions, constantly form associations" (Ondrušek (ed) and Associates 2003, 15). They make associations:

> to give entertainments … to build inns, to construct churches, to diffuse books … and in this manner they found hospitals, prisons, and schools … As soon as several of the inhabitants of the USA have taken up an opinion or a feeling which they wish to promote in the world, they look out for mutual assistance; and as soon as they have found each other out, they combine. From that moment they are no longer isolated men, but a power seen from afar, whose actions serve for an example, and whose language is listened to (Ondrušek (ed) and Associates 2003, 15).

One cannot discuss and write about civil society or about the third sector if there is no discussion about the way this sector was organized. And to this point it is good to see how an American historian P.D.Hall writes that:

> Non-profit organizations differ from each other immensely in their size and scope of activities, from community and neighborhood organizations without any property or staff of their own, to wealthy foundations, universities, and health care centers with thousands of employees. They also hugely differ in their activities – from offering traditional charitable help to the socially needy through the production of goods to the performance of qualified research (Ondrušek et al. 2003).

To this, the bellow paragraph to some extent enriches the notion of civil society or the third sector. The term "third sector"

> Has emerged as a *précis* of these activities. The sheer variety of individual activities also gives rise to a need for other terms of description, each of which emphasizes a different aspect: 'non-profit sector'; 'voluntary sector'; 'public-benefit sector'; 'non-governmental organizations'; 'non-state organizations', 'charitable (or humanitarian/philanthropic) organizations'; 'self-help groups, clubs, or organizations'; the British term, 'non-statutory

> sector' (i.e. a sector not defined by the law), or 'informal sector'; the American term, 'tax-exempt sector'; the French term, 'économie sociale' (used in France and in institutions of the European Union), and the German terms 'gemeinnützige Organisationen' & 'gemeinwirtschaftliche Unternehmen'. The term 'civil sector' is also used (Ondrušek et al. 2003, 16-17).

Ten years ago I worked for the Freedom House report and bellow it will be presented a very short part of it. Of course after that (but it was also before that) there were many reports papers, researches, etc., published but this remained uncontested. The development of civil society in Kosovo occurred in four phases. The first phase began in 1989 when two organizations, the Council for the Defense of Human Rights and Freedoms (CDHRF) and the Mother Teresa charitable society, were established and other political mechanisms created a parallel system in contradiction to the Milosevic regime. Also at that time, the organization of independent trade unions began. Almost all the NGOs at chat time dealt with the protection of human rights or humanitarian activities, and all were opponents of the regime. The second phase began in 1995 with the appearance of so-called chink tank organizations such as Riinvest and the Kosova Action for Civic Initiatives, among others. Until the end of 1998, only a small number of organizations existed in Kosovo, but notable for their success and efficiency in the scope of their activities. The post-conflict third phase in NGO development in Kosovo--also called "the emergency phase" - was distinguished by the creation of a large donor market numbering around 500 donors in 1999 by some estimates. The fourth and current phase is known as "the mushroom phase" because of the rapidity with which organizations have appeared. In general, the procedure for NGO registration is easy and takes place in the Ministry of Public Services" (Rrahmani, B., Zogiani, A 2007, 360).

I will continue to complement this with the work of some other authors, in giving some more historical background about the civil society development in Kosovo before discussing issues on current situation and the impact in the democracy development. In 1989 the majority population (Albanians) was excluded socially, economically, politically from what was remained to be the system of Yugoslavia. Indeed with the imposed changes of the constitution in fact Yugoslavia entered into the process of dissolution whereas Kosovo was put under the threat of permanent violence. By being excluded from the system which was in fact occupied by the other federal unit (Serbia) Kosovo majority population was put in a situation to create a system that first of all ensures minimum conditions of life. Thus the "Albanian Kosovars withdrew and developed a parallel and clandestine socio-economic system embracing private schools and university education, a health service, and even mechanisms for administering local justice" (Sterland 2006, 12-13). This parallel system was very legitimate effort on entering

into the new difficult circumstances. In a time when complete population was excluded from a system, a parallel system of the majority population to be created was a necessity. Thus, the created parallel system during a period of time could be viewed as a civil society sector (with a various NGOs and movements within it) which opposed the Serbian Government and its measures in Kosovo. And how can we define civil society? "From a historical point of view, the term represents an emergent institutional sphere of social and political activism that has had an impact on shaping the state and its functions, and also in the construction of a pluralist political culture" (KIPRED 2005, 3).

The life of the parallel system was financially supported by the government in exile, whereas within the parallel system there were supported most important segments of life. An income 3% tax at home and the diaspora contribution kept a life especially the school system. Mother Teresa was one of the best organized associations. "By 1998, it was running 91 health clinics, employing some 7.000 volunteers and providing health care and humanitarian aid to 350.000 people. In 1996, with aid from the World Health Organization it immunized 300.000 children for polio" (KIPRED 2005, 5).

Within the parallel system we see in Kosovo appearance of political parties among which Democratic League of Kosovo was the first non-communist political party created in Kosovo. This political party took a leading position on non-violent refusal of the Serbian system considered to be foreign. Thus "in spite of its official designation as a party and its function as a political movement, the developments after 1990 resulted in the LDK being sometimes identified by Western observers and journalists – alas, very problematically – as a civil society organization" (KIPRED 2005, 6).

Regarding civil society organization theory and practice enumerate various organizations and political parties for an organized state do not belong to the CSOs. The CSOs we see to act as humanitarian, health, human rights, advocacy, lobby, etc., organizations. And we find them in every state. We find them to be also transnational. Most practitioners agree that the civil society sector is composed of entities that are:

- Organizations, i.e., they have an institutional presence and structure;
- Private, i.e., they are institutionally separate from the state;
- Not profit distributing, i.e., they do not return profits to their managers or to a set of "owners";
- Self-governing, i.e., they are fundamentally in control of their own affairs; and
- Voluntary, i.e., membership in them is not legally required and they attract some level of voluntary contribution of time or money. (Lester M. Salamon, Helmut K. Anheier, and Associates 1999, 3-4).

Discussion about the civil society before the war (until 1999) and after the war leads us to comparison between these two long periods of time: each with its main characteristics that is not the main goal of this paper. Of course in both we find

organizations that act and difference is in number and in the field of their activities. Before the war their number was smaller and the activities were not broad. But no matter of their (before the war) number and of their activities they all together created a unified front against Milosevic's regime and at this point they were somewhere between national political movement and the civil society. The initiative for reconciliation of blood feuds amongst Albanians in the early 1990s took on the proportions of a social movement. The Council of Reconciliation, led by the respected professor Anton Çetta, was instrumental in abolishing the traditional practice of revenge in Kosovo Albanian society. The campaign "enjoyed huge support, as solidarity amongst K-Albanians grew in the face of the external threat personified by the regime in Belgrade. This led to the creation of a Pan-National Movement for the Reconciliation of Blood Feuds, which resulted in more than 2,000 families being reconciled." (UNDP 2008, 38). A "Council of Reconciliation" was established which "tracked down Albanian families (even those living abroad) and brought them together for a mass reconciliation; this event then spawned the Pan-National Movement for the Reconciliation of Blood Vendettas." (Independent Commission Report, 45). This was one of the most unique initiatives that appeared at an appropriate momentum. And the results of this initiative were tremendous. The activities of reconciliation of Blood Feuds were developed even before this period of time, but they never achieved results as they were achieved at this time. This, as it was said because of the appropriate momentum.

Additional Theoretical Background

The rise of "the civil society sector may, in fact, prove to be as significant a development of the late twentieth and early twenty-first centuries as the rise of the nation-state was of the late nineteenth and early twentieth centuries" (Lester, M., Salamon, S., Sokolowski, W., Regina, L 2003). Theoretically the ideas of civil society are found in the works of many authors that go much far back in the history, but I am not developing the theoretical discussions about civil society, therefore I am not mentioning Plato, Aristotle, Hegel, Gramsci, Putman, etc. The cited in this paper are from the efforts to put the raise of the Kosovo civil society from the last years of the XX Century up until now. The idea of the author of this paper was to use a study that at these times comes with something explaining the sectors of the society (three sectors) and any of them can be discussed as it goes: "Even now, social and political discourse remains heavily dominated by a "two-sector model" that acknowledges the existence of only two social spheres outside of the family unit—the market and the state, or business and government. This has been reinforced by statistical conventions that have kept this "third sector" of civil society organizations largely invisible in official economic statistics." (Lester, M., Salamon, S., Sokolowski, W., Regina, L 2003). Do we have to consider

everything within two sectors? If we do so then how can we consider activities that are developed by the sector (main vehicles: NGOs, social movements, etc.) and that are purely of the public interest. Obviously, they cannot be putted neither in business / economy sector nor in the state sector. Also important is the sector's advocacy role, its role in identifying unaddressed problems and bringing them to public attention, in protecting basic human rights, and in giving voice to a wide assortment of social, political, environmental, ethnic, and community interests and concerns. Thus…"the civil society sector is the natural home of social movements and functions as a critical social safety valve, permitting aggrieved groups to bring their concerns to broader public attention and to rally support to improve their circumstances" (Lester, M., Salamon, S., Sokolowski, W., Regina, L 2003). A strong civil society:

> Is one of the pillars of the house of democracy. We are reminded of that not only by examples from history, but also from today. The American historian, Anne Applebaum, highlights this in her recent book *The Iron Curtain: The Crushing of Eastern Europe*. She shows how the civil movement, organizing spontaneously and courageously to rebuild Berlin after the war, was crushed because it was a threat to Soviet power (von Sydow 2013, 7).

In every country, in every recommendation we usually after the discussion of the problems, we see findings and we see recommendations. And the question of sustainability of the sector along with the viability comes to be among the main questions. Then we talk about the public perception on NGOs, their capacities, their weaknesses, etc. No matter of donors or the financial situation of the main actors within the sector, the importance and the need for civil society activities cannot be neglected. They can be neglected and/or forbidden only in non-democratic countries. Without this sector democracy is questioned seriously. Or as author Emily von Sydow stated:

> We no longer talk about our new societies as melting pots, but why not stress the meeting spots? The most obvious are in the workplace, school or university, but also in associations, societies and unions. Organized civil society may be your way to reach out, to participate, and to root yourself in your community. Without your participation, society may lose out on your expertise, your experience and your specific qualities. The opportunities for you to contribute are there, even on a European level. Getting "Brussels" to listen works both ways. It requires your participation. The classic form of representative democracy, i.e. voting in elections for your party or politician, is still the basic form of democracy. But it is not enough today, because it does not bridge the void between citizens and decision-makers, especially in a context as large as the EU, where

> distances are big. And what is more, it does not bring your experience into decision-making; it merely records your ballot (von Sydow 2013, 7).

Civil Society Contributes Democracy and Leads Towards Democracy Development

It is not quite easy to choose definitions on democracy for the needs of this paper. Definitions may be chosen from the ancient times up to the ideas from the most contemporary authors. No matter which one we chose the composition remains the same. It is, as President Lincoln said "of the people, by the people, and for the people". This definition gives almost everything regarding the content of democracy. Opinions of authors related to the elements of democracy are different but the idea is that elements now became to be a general knowledge for scholars. In this spectrum of elements some enumerate 4 elements, the others eights, etc. On the other side how can we define the civil society? Among the many elements that we can take from democracy and the civil society the best would be to say that "the role of civil society is to increase the public participation and to hold officials accountable" (FDI Annual Report). Democracy is a political system where the government is created through a process of free elections. Democracy is a political system where we have active participation in political and civic life. Democracy is political systems were the human rights are ensured. Democracy is a political system where the rule of law is ensured, meaning that laws and procedures are equal to all. To this we can add many other elements which also could be explained more broadly. But this paper doesn't need it. Some explanation is needed if/to what extent the civil society in Kosovo has contributed to these elements of democracy development in Kosovo. And this is not easy to be done. It is easy to enumerate projects, donors, NGOs that implemented these projects, etc. But it is more difficult to measure the contribution to the elements of democracy. There is no mistake if we say that in every element a contribution was given. This is true. But, how much? What benchmarks? Freedom House, Kosovo Foundation for Civil Society, EC Progress reports, and others come with the regular reports. It is usually that in the reports we find phrases like there was a progress, there was a progress from let say 3.5 to 4.00, etc. On the other side one can read the reports submitted to donors regarding achievements and of course the media reports. All these may give an overview; may create a picture or a mirror about the current stage of developments. The focus of NGO activities has changed over the periods of overall development. In the citation taken from the Nations in Transit, there were mentioned phases of the development of NGOs. The most difficult phase for NGOs came after the last mentioned in the report, because in my opinion (from the work in practice in the past) NGOs entered into a phase and into the process of profiling. And the profiling is not an easy process in the country where almost all NGO activities were dependent on the foreign donors, which were moving to other

countries of the world. Before the war the entire Kosovo society was divided into two parts: majority of the population was organized in the parallel system and the minority belonged to the Milosevic's regime. In the pre-war period the CSOs and their activities were in accordance with the activities of the entire parallel system and there we could not see any discrepancies. After the war the NGOs, for the determined period of time with their activities were in accordance with the goals of the international community and with those of local government as well. But this didn't last for a long period of time. Because the situation changed as developments went forward.

Thus, the Kosovo "governmental structures did not need any civil society at all, given that the spirit of corruption began to embrace these structures rapidly. It would, however, have welcomed a facade of civil society, without its content as a make-up for deceiving international community, which demanded healthy civil society" (Agani 2012, 31-32).

This is to the very high extent true. As an activist of civil society I myself have met occasions where I/we were told that it is good to fight against corruption. But under the current circumstances it is good to fight against it as a phenomenon and not to talk for specific names. This because at that time everything was oriented toward a big issue: the status talks-status determination. Therefore, corruption and other issues could wait. There is also something important to note, afterwards, as the cited author underlines. And the international community itself:

> Wanted the emergence (or re-emergence) of civil society, but its political objectives were not always in accordance with political objectives of the Kosovo society, and, therefore, this community was not ready to accept counterbalancing by Kosovo civil society. And, in addition, given its priorities, the goals of international community were not capable of becoming a source of ardor for Kosovo society. As a result of all the facts mentioned above, Kosovo suddenly found itself in a situation in which large segments of its society, simply, started to abstain from politics altogether (Agani 2012, 31-32).

It is worth to be mentioned that the legal infrastructure was favorable for organization and functioning of Civil Society Organizations. Firstly it was UNMIK to adopt e regulation and then Kosovo had a special law for the work of NGOs called Law on Freedom of Association in NGOs (Kosovo Law on Associations, No.04/L-057).

Due to the positive favorable legislation, according to the data from the NGO Public Register of the Department for NGOs of the Ministry of Public Administration:

> Show that a total of 8,112 national organizations and 456 international or foreign organizations are currently registered in Kosovo. From the above, 455 are sports clubs or sports federations, while 7 of them are religious

> organizations. With a dozen unregistered initiatives and other types of CSOs, the number of CSOs is higher than that of registered NGOs (KCSF 2016, 15).

As we see from the data a number of NGOs is relatively big in Kosovo. But it is not always the number that indicates functionality of a state and democracy. It could be a big number and the weak state and *vice versa*. Civil society organizations (CSOs) serve to "organize and mediate political, economic, social and other interests' *vis-à-vis* the state and government." (Democracy Reporting International, Berlin 2011, 11). Generally most of Kosovo CSOs have worked in this, but, as it was said, it is a matter of debate their impact or their results. All these circumstances:

> Have engendered a condition in which large number of NGOs, or, more precisely, would-be civil society organizations, flourished, but the spirit of genuine civil society withered. These organizations had plenty of political and financial ambitions, but not too much social enthusiasm. They are still, as we mentioned earlier, divided in numerous ways, and the number of organizations that have the spirit of public good as their guiding principle is small. Indeed, in such a condition, Kosovo politicians will manipulate not only the large national issues, but whatever they can, in order to survive and thrive, if possible. And, for the moment, it is possible. Genuine civil society is weak and most of its organizations became either servants of particular political parties, or servants of the international community (Agani 2012, 31-32).

Kosovo civil society sector has been trying to position itself taking a position that should normally belong to it. But not much was achieved in this sense. It as a sector at a high degree is fragmented, it is dependent at most in donors, some parts of it politicized, some with no ideas about their mission, some lack of courage, some lack of capacities, some change their vision due to the funding, etc. These are known facts and could be found in many reports, surveys, articles, etc., without finding it necessary to mention or cite anyone. Still it is difficult to see and to come up with exact new directions this sector should take not only for itself, but also for the entire Kosovo society. Each produced report gives suggestions and recommendations. Each report tries to draw up road maps, etc., but it is still not enough clear strategy or and/or not enough clear sustainable projection towards further development. Other sectors of the society should have a say in this regard, and not only Civil Society Organizations. International community should be clearer when and while supporting civil society. Government should not behave as Kosovo civil society is a weak sector.

Moreover they should not look at the sector as something that could be used for either government or for the political needs. The only thing that:

> is to be expected in such a condition is that the international community will continue to hope for improvement, the Kosovo political structures will continue to manipulate, and the Kosovo society will continue to watch. And for how long will the Kosovo society continue only to watch, remains to be seen (Agani 2012, 31-32).

Ever since civil society is mentioned theoretically and ever since practice deals with it, its values could not have been contested and the needs for strong civil society sector also could not be questioned. Of course we are talking for democracy and democracy beliefs. But its role was strong also during communism times: somewhere (for example Poland) stronger and somewhere weaker. There could be mentioned various successful campaigns or projects of great importance in Kosovo: campaigns on GOTV (go out to vote), monitoring of the elections, activities on gender equality, etc., etc. These are activities of values and of impact. One can mention rightfully that there should have been done quite more. Now results and achievements are to be discussed but there is a need to conclude that they were a value for democracy in Kosovo. Therefore, International consensus about the value of civil society for democracy, in particular as this bears on fostering both political and social pluralism, is reflected in numerous international instruments. For example:

> Paragraph 8 of the 2004 UN General Assembly resolution invites (among others) non-governmental organizations to engage actively in work at the local, national, sub-regional and regional levels for the constant promotion and consolidation of democracy. Paragraph 12 of the resolution also encourages non-governmental organizations to initiate networks and partnerships with a view to assisting the Governments and civil society in their respective regions in disseminating knowledge and information about the role of democratic institutions and mechanisms in meeting the political, economic, social and cultural challenges in their respective societies. (Democracy Reporting International 2011, 12).

CONCLUSION

Kosovo Civil Society in Kosovo is not quite new in Kosovo society. It has a relatively good history behind, whereas it and its activities based on the results seems to have been more significant in some more difficult situations rather than after Kosovo became independent state. But nonetheless achieved results should not be neglected or minimized. The achieved results can also be categorized into periods of time.

Some were more seen before the war; actually they were specifics of that period of time, the others of the other period of time. The trajectory of the civil society development goes down and up and again depending on the approach we have while measuring results. Within the trajectory we can see differences: some parts (NGOs) of the sector were more successful compared to the others.

Kosovo Civil Society has to reposition itself for the future work. Legal framework is favorable for work of NGOs even though discussions may be developed also for some needs for changes. They should be more engaged to change the public perception for themselves. In redefining their position they should think strategically their long term sustainability and especially having in mind the local resources of finances. The sector should be more pro-active in sense of the activities and not to act after the issues are raised. Kosovo civil society sector is still weak. Even though there almost two decades belong to what we call post war period, the civil society sector remains very dependent on foreign donors. Some strong figures that were very active left the sector and engaged in the politics. But obviously they did not succeed in the politics, at least not as it was thought whereas their departure created a gap in the civil society sector. Even though in the main body of the paper there were not mentioned think tanks (as very successful with their reports) and other specific NGOs or networks, it is important to mention that some networks have left good tracks behind either being ad hoc or in form of issue based forms.

Kosovo civil society sector with all weaknesses it had and it has, has played a role in democracy development in Kosovo. The needs for a strong civil society sector are perhaps bigger than really it can produce at the current time and circumstances. Challenges are big and they continued to be not only an obstacle for democracy development. Even more. 

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