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STATE-BUILDING AND DEMOCRACY: PROSPERITY, REPRESENTATION AND SECURITY IN KOSOVO

ABSTRACT: The traditional assumption of the state sovereignty norm has been that an international society of states will structure the international order to safeguard the interests of the state. The end of the Cold War era transformed international relations and led to a discussion on how states interacted with their populations. From the early 1990s, research on international relations, war and peace, and security studies identified the growing problem of failing states. Such states are increasingly unable to implement the core functions that define the sovereignty norms. This article explores the state-building process of Kosovo with a focus on the political road taken from independence in February 2008 to the challenges Kosovo faces today. Kosovo still has substantial issues to address regarding core state functions in the development of prosperity, popular representation and security.

KEY WORDS: Failing state; State-building; Prosperity; Security; Representation; Kosovo

Introduction

From the 1990s, research on international relations, war and peace, and security studies has increasingly focused on the growing problem of failing or failed states. Definitions vary but when a state is unwilling or unable to provide a minimal level of state and human security most analysts consider that the state is failing or that it has already failed in its core obligations. Failed states are deemed to have certain identifiable characteristics; political instability is rife, there is limited access by

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citizens to essential services, popular representation is deficient or non-existent, and there is a fundamental lack of prosperity in economic and societal development (Helman & Ratner 3-20; Wade 17-36).

The popular uprisings in the Arab Spring of November, 2010 have once again focused the debate on what to do about state-sponsored atrocities against civilians in places such as Egypt, Libya, Tunis and Yemen. Today Sub-Sahara Africa and the Middle East continue to suffer from various levels of instability, insurrection and upheaval that have resulted in serious challenges to state sovereignty and regional stability (Hampson, Fen. & David Malone 77). Somalia, Chad, Sudan, Afghanistan, Haiti and the Ivory Coast have become black holes of despair in the international landscape. Such states are increasingly unable to uphold the core duties that define sovereignty norms.

This article proposes that failing or failed states pose significant international challenges, and it seeks to explore the state-building process in the newly independent Kosovo. We argue that the former Yugoslavia failed to provide for a lasting federation in the 1990s and that Kosovo lacks fundamental state functionality to adequately provide for prosperity, security and popular representation for its citizens. Kosovo still has a number of significant state-building measures to implement despite a decade of United Nations commitment and trusteeship.

Weak States, Failing States

The majority of the research on failed states identifies at least three core state functions that severely challenge failing states. One of the most essential of these functions is the provision of *socioeconomic services* which are required to address economic growth and to support social development (Eizenstat and Weinstein 134-47). An inability to provide a reasonable level of living standard leads to a capacity gap that often promotes internal conflict where socioeconomic injustices are expressed unequally by ethnic or tribal differences, religious intolerance, or class divisions. The lack of socioeconomic capacity amplifies social unrest by citizens against the state regime which further undermines political and social unity.

Another essential function of a state is to provide *security* by having the capacity to legitimately monopolize the use of force against external or internal threats. The absence of such a capacity leads to a security gap where armed domestic groups challenge state power or the state has great difficulty in dealing with external threats (Eizenstat and Weinstein 134-47; "The State and Internal Conflict" 61-85).

Representation is an important third function. State legitimacy is derived from the people and when states fail to protect political rights and civil liberties then a legitimacy gap develops which may threaten the overall security of the state. This in turn leads to the state resorting to the use of force, coercion, and other forms of oppression in order to secure its political base (Eizenstat and Weinstein 134-47). By comparison, strong states have governments that are much more representative, accountable, and transparent in dealing with the wants and needs of their citizens. These states tend to exhibit a high level of political and social cohesion where citizens are able to participate in their own governance (Jackson, "The State and Internal Conflict" 65-81).

An inability of a government to provide prosperity and security for its citizens is often directly due to weaknesses in institutional settings and an erosion of state capacity (Milliken & Krause 753-74). The inability for states to deal with these issues opens up a continuum from lower to higher levels of state capacity. Weak states have medium to low levels of state capacity while failing states have low to very low levels of state capacity. Failed states have very little, if any, state capacity. The danger for weak states is that they may succumb to internal and external pressures where state capacity becomes so degraded that the state is in danger of failing or even totally collapsing (Krasner 85-120).

The Failed State of Yugoslavia

The 1992 to 1995 civil wars between Serbia and the breakaway states throughout Yugoslavia engulfed most of the Balkan region. Secessionist movements in Slovenia and Croatia, Bosnia-Herzegovina, and Kosovo demanded independence from Yugoslavia resulting in widespread conflict and open warfare. On September 19, 1992, the UN Security Council passed Resolution 777 which declared that the Socialist Federal Republic of Yugoslavia had ceased to exist (S/RES/777). This forced Belgrade to form the new Federal Republic of Yugoslavia (FRY) consisting of Bosnia-Herzegovina, Serbia, Montenegro, Kosovo, and Vojvodina. This did not, however, stop Bosnia-Herzegovina and Kosovo continuing their separatist ambitions which resulted in increasingly brutal suppression by Serbia.

The Dayton Peace Agreement of 1995 was a direct result of long and hard negotiation efforts by the US diplomat Richard Holbrooke (Bell 98-112). The US decision to deal directly with the Serbian President Slobodan Milosevic as the single spokesperson for the Serbian minorities in the former Yugoslavia, and to exclude Kosovo from the agenda, was

a short-term tactical strategy to stop the long running wars in Bosnia and Croatia. However, this had long-term negative effects as the war in Kosovo developed in 1998-1999 between secession movements in Kosovo and the Serbian authorities in Belgrade. By late 1998 and early 1999, events in Kosovo were rapidly escalating out of control with heavily armed Serb forces moving into the province (Silander 161).

The UN was incapable of deciding what to do about what was happening in Kosovo and NATO argued that the escalating violence in Kosovo warranted humanitarian intervention regardless of internal disagreements within the UN Security Council. NATO declared its right to act under UN Resolution 1199 which had imposed the demand on Serbia for a general cease fire (S/RES/1199). On March, 24 1999 NATO began its eleven-week air war without explicit UN approval against the FRY. NATO's intervention resulted in the forced withdrawal of Serbian forces from Kosovo and the installation of an interim government by the UN in Kosovo. The Kosovo crisis of 1998-1999 and subsequent NATO action that was justified on the basis of a humanitarian need to protect the Kosovo people provoked new political, legal and scholarly debates on the subject of state's rights and humanitarian interventions (Independent International Commission 1-48).

State-Building Challenges in Contemporary Kosovo

In 1999, a trusteeship and transitional authority over Kosovo was announced by the UN. The post-conflict UN mission in Kosovo highlighted a development in extended peacekeeping that involved a harder edged peace enforcement doctrine. This mission was mandated with a wide scope of responsibilities including a reiteration of the UN's capacity to assume trusteeship over territories once major conflict had ceased. UN Resolution 1244 established the United Nations Interim Administration in Kosovo (Friedrich) empowering the UN in Kosovo to be responsible for all branches of government (Strohmeyer 46-63; Ker-Lindsay 15-6).

UN Resolution 1244 (S/RES/1244) established broad responsibilities and presented a range of proposals but it did not set out a clear roadmap for Kosovo's future. The final status of Kosovo was to be decided by the UN Security Council at some future time. (Independent International Commission 1-48). The disparate range of proposals suited almost nobody in the region and, after a decade, without a clear future for Kosovo, the newly formed Kosovo Assembly claimed independence for Kosovo on February 17, 2008. From Kosovo's perspective the claim

of independence was a logical and necessary end to the long-term international engagement in Kosovo. However, the UN Security Council continued to be divided over formally recognising Kosovo as an independent state (Economides 99; Ker-Lindsay 106-7).

Since 2008, Kosovo has acted as an independent, state, supported by the US, 22 of 27 EU member states, and all neighbouring states except Serbia. In total, Kosovo has been recognized by 80 states around the world (Economides 99-100). Although political tension remains between Serbia and Kosovo, the overall political context for an independent Kosovo has gradually improved. Firstly, the on-going democratisation process in Serbia has resulted in a new type of leadership in Belgrade after the October 6, 2000 resignation of Slobodan Milosevic, and his indictment in the Hague for war crimes and subsequent death on March 11, 2006. Secondly, Serbia has actively sought improved relations with the West in order to strengthen its influence and role in European politics (Rogel 86-8, Kostovicova 23-5). Thirdly, new policies and improved engagement of Serbia with the international community has been recognised by the EU. This has led to EU financial assistance programmes towards the region (EU Commission 67).

Kosovo has attempted to implement some political, judicial and economic reforms to build state capacities after the NATO intervention of 1999 and the establishment of the UN trusteeship 1999-2008. Despite some favourable developments in selected areas towards a new independent state, Kosovo has serious problems in other areas of the state-building process. These are significant issues and if they are not resolved then Kosovo's future remains highly uncertain (Economides 102-3).

Prosperity

An essential function for a sovereign state is to provide for prosperity and economic development, and one of UNMIK's critical roles was to promote economic recovery and social reforms in a post-war Kosovo. Economic reconstruction has begun in some areas in Kosovo but the overall economic and social situation is very fragile. This is due to many factors; the economic legacy of the communist era, the economic and political isolation of Kosovo during the Milosevic era, decades of violence and ethnic tension between Kosovo Albanians and Serbs as well as the unresolved status of the independence of Kosovo. These factors have all played a part in constraining Kosovo's road to recovery.

Kosovo has a significant black market economy which severely limits remittances to the government for economic, welfare and social reforms.

In 2009, Kosovo had a GDP growth rate of about 4% but the problem is that Kosovo has started from such a low baseline of economic development (EU Commission 21). The economy remains highly dependent on the international community's willingness to provide foreign aid. The global financial crisis in the EU and elsewhere has resulted in significant doubt as to whether such aid can even be maintained. 13-15% of GDP comes from remittances from the large diaspora of Kosovars in the Nordic states, Germany and Switzerland, and in total international donor programs and foreign aid account for about 7.5% of GDP (Ceres 5; US Department of State).

Despite some structural adjustments to its market economy, Kosovo has the poorest population in Europe. About 30% of Kosovo's two million Kosovo Albanians live under the poverty line and 15% live in extreme poverty (UD 3). Sixty-one percent of households have an income of less than 200 Euros/month. In addition, the unemployment rate is estimated to be about 45% resulting in a migration exodus of people seeking work elsewhere (Mustafa). Unemployment is far higher among women, ranging from 70% to 85% or more in rural areas. Kosovo has the youngest population demographic in Europe with more than 30,000 young job-seekers (EU Commission 24). This young and rapidly growing population has very little if any real opportunity for paid work despite efforts to restructure the economy. Many young Kosovars do not see a future for themselves in Kosovo and those who are able to leave to other parts of Europe do so (ESPIG 10, EU Commission 33).

Kosovo has been unable to access any significant economic assistance from international financial institutions such as the World Bank (WB) and the International Monetary Fund (IMF). In June 2009, Kosovo became a member of IMF and WB but the high number of states (including China and Russia) that have rejected Kosovo's claim of independence has continued to severely limit the process of economic recovery (Hamilton). China and Russia have also refused to accept Kosovo as a member of the UN. Kosovo's uncertain status severely restricts Kosovo's trade opportunities with other regional economies in the Balkans. The lack of bilateral or multilateral economic treaties and other trade arrangements between Kosovo and neighbouring states remains as a serious constraint on Kosovo's economic development. Unclear territorial borders and the overall uncertain status of Kosovo as an independent state have hampered private foreign and domestic investments. Very few financiers dare to invest in Kosovo when Kosovo's future is so uncertain.

With the lack of foreign or domestic investment has come a very low level of entrepreneurship further hindering economic reform or recovery. UNMIK has attempted to promote privatisation in Kosovo's economy

but this has led to immediate and strident accusations by Serbia that this was tantamount to institutionalised theft of public assets from the Serbian people. The many political and judicial problems of determining ownership in Kosovo have essentially halted any further privatisation processes that were aimed at bringing economic reforms and more business opportunities to Kosovo. Ownership issues plague reforms to the economic base of Kosovo when neither Kosovo nor Serbia can agree on who owns what or even what the division between public and private should be. This leads to significant constraints on economic development when the recognition of locally issued certificates of origin is required for the ability to export goods and services (UD 2; World Bank 67).¹

There are some signs that Kosovo is moving towards a more market based model that is more orientated towards services and industry and one that is less reliant on a very inefficient agriculture sector. For example, the agricultural sector's contribution to Kosovo's GDP has dramatically dropped from more than 33% in 2007 down to 12.9% in 2010. Today, Kosovo's GDP is 22.6% industry based and 64.5% service based. Some 50% of previously state owned enterprises are now privately owned although Serbia continues to challenge the privatisation developments in Kosovo thereby casting doubt on the overall legality of the process. So, despite some improvements in some sectors, overall economic development Kosovo still lacks a stable economic base. The lack of investment in Kosovo, very high unemployment, and the exodus of young people from the region are serious problems and they will not be solved or reversed until Kosovo's status as a sovereign nation is determined. A clear determination of statehood would help Kosovo's attempts to encourage investment and economic development but there is little indication that the major stumbling blocks to full sovereign status can be overcome. Russia and Serbia continue to strongly reject Kosovo's goal of complete independence from Serbia.

In addition, civil society in Kosovo lacks cohesion and development resulting in citizens that are politically disempowered. People are much more concerned about their immediate day to day struggle for employment, the future of Kosovo as an independent state, and dealing with narrow political agendas rather than concerns over analysing different political positions and influencing the political apparatus overall. The marginalisation of citizens in Kosovo contains many gender disparities as well (Mustafa 6-8). Men dominate politics; the number of women in the 120 seat Kosovo Assembly continues to be low (10%) and

¹ See also World Bank 2005. Kosovo Poverty Assessment-Promoting Opportunity, Security, and Participation for All. Washington D.C.: The World Bank.

women only hold 6% of Chairs in Parliamentary committees despite international efforts to promote gender equality throughout the political system. In addition, the judicial sector is dominated by men, men overall earn about 4 times as much as women, and men dominate all sectors of the labour market in business, politics and education (Sida 4-7, 13, UD 4).

Popular Representation

A second essential state function is for the state to effectively represent its people and for people to be involved in the political process (Friedrich 286-7). Popular representation requires the state to engage with and to respond to its citizen's needs and wants. People must feel that they are able to participate in the functions of state and that their ideas and visions for a just and fair society are respected. Kosovo is, however, an ethnically divided society where Serbian minorities live in enclaves that still require the presence of armed international forces to keep the peace. Violence between Serbs and Albanian Kosovars in and around these enclaves continues to be a serious problem (OSCE 1). The most populated Serb enclave exists in the northern part of Mitrovica at the Ibar River. On July, 27 2010, armed Serbian citizens set up roadblocks on the roads leading to the administrative border line between Serbia and Kosovo in expectation of the return of Special Police forces sent by Prishtina to enforce the block of imports from Serbia. This resulted in KFOR's deployment of troops into the region in order to maintain freedom of movement and to try to limit the violence between the different ethnic groups. Such flare-ups of violence reflect serious societal and political divisions in Kosovo.

Kosovo established a 120 seat Kosovo Assembly after its declaration of independence in early 2008. 20 of these seats were reserved for ethnic minorities and the Serbs in Kosovo were expected to dominate these seat allocations. In response, the Serbs established their own Serb Assembly because they refused to recognize or approve of Kosovo's claim of independence. The Serb dominated municipalities repeatedly declare that they do not recognize Kosovar's independence and that the ultimate political authority remains with Belgrade. They also only recognize the Serb Assembly within Kosovo and not the Kosovo Assembly. The largest enclave of Serbs in northern Mitrovica has boycotted parliamentary and presidential elections in Kosovo, while 35-40% of the remaining Serbs south of Mitrovica have participated in Kosovo's elections (Freedom House, Kosovo). The participation rate in the Kosovo Assembly from the large Serb minority has been very low.

Kosovo's political system is fragmented, very fragile and the party system is weak and poorly organised. Serious development of democratic norms and values is not a priority when the political system is struggling to establish its fundamental identity. This will not improve nor will democratic development progress until complex questions about political authority, the status of Kosovo as an independent state, and the ever present ethnic tensions are resolved. From early 2000, numerous loosely formed political parties arose in Kosovo. However, few of these parties demonstrate organizational cohesiveness or party policy direction. Party ideological development consists essentially of reiterating entrenched ethnic positions. Most parties in Kosovo have their origins in national movements aggregating demands for national independence from Serbia. In day to day politics, the struggle for independence overshadows political decision-making and most attempts at societal reform comes a poor second. The dominant political party is the Pro-democratic League of Kosovo (LDK). This party has its roots in the non-violent movement against Belgrade and it was led by Ibrahim Rugova until his death in 2006. The two other major parties in Kosovo have their roots in the violent struggle for independence against Belgrade through the Kosovo Liberation Army (KLA).

The many institutional weaknesses of Kosovo's political system came to the fore during a serious political crisis in 2010. Kosovo's Constitutional Court stated that Fatmir Sejdiu, the President and party leader of LDK had violated the constitution by his dual positions as President of the Republic of Kosovo and also as leader of the LDK ("Kosovan president resigns"). This resulted in the withdrawal of LDK from the government which ultimately led to a no confidence vote against the remaining coalition parties in government and new elections in December 2010. The election process was itself compromised due to high levels of fraud and corruption which forced municipalities to reorganize and rerun voting polls. In addition, a two year inquiry resulted in a 2010 report by the Council of Europe accusing widespread political networks being directly involved in criminal activity and organized crime (European Commission 55-56). Secret NATO documents leaked to *The Guardian* identified Prime Minister Hashim Thaçi as the head of an organized crime group. The Council of Europe Report stated that he was the head of a 'mafia-like' Albanian group responsible for smuggling weapons, drugs and human organs through Eastern Europe (Council of Europe Committee on Legal Affairs and Human Rights; *The Guardian*, UK).

There is little serious attention being directed at the development of social cohesion or improving popular representation in Kosovo because

political harassments and assassination campaigns as well as crime syndicates continue to play a significant political role (Organised Crime and Corruption Reporting Project (OCCRP)). Tension between political parties and armed guerrillas from the former KLA remains, and ramifications of the Balkan's war continue to arise. In July 2010 the former Prime Minister, Ramush Haradinaj, was indicted for war crimes in 1998-99 by the International Criminal Tribunal for the former Yugoslavia (ICTY). This involved a trial then a retrial as the ICTY had been forced to initially drop their charges due to what the court saw as intimidation of witnesses including the sudden death of some witnesses.

The complexity of governmental and administrative structures in Kosovo has resulted in a fragmented society where so-called popular representation depends on which enclave one belongs to and the limited extent to which each of the conflicting political entities permit any meaningful engagement in the political process. Popular representation has further been complicated by the continued oversight of Kosovo's political development by UNMIK, the EU and the EULEX, NATO and the International Civilian Representative (ICR). The ICR still retains the authority to override political decisions and legislation that is in conflict with the UN roadmap for democracy-building and human rights protection for all in Kosovo. This oversight has proved to be necessary because most political campaigns and elections have been harmed by serious ethnic tension between Serbs and Albanian Kosovars, and by the involvement of officials with criminal networks. The Serbs also have some justification in their many complaints about political, social and judicial discrimination in Kosovo. Until the ethnic and political divide between Serbs and Albanian Kosovars is resolved then collective and popular representation is minimal at best. (Sida 3, UD 1-3).

The Kosovo political structure has very limited organisational capacity for political mobilisation and popular representation in the civil or public arena. Kosovo's civil society has no historical tradition of popular engagement in democratic societal organisations and associations. Most civil organisations are small and dependent on short-term funding from donors. These organisations are also ethnically homogenous; there are very few, if any, civil society organisations that bridge the ethnic gap in Kosovo. Moreover, there are few signs of cooperation or mutual planning between authorities and civil society organisations, and most organisations have weak organisational structures when it comes to administration, finances, and managerial capacities.

Security

A third important core function of a state is to provide security. NATO has continued to guarantee the external security-dimension but domestic security concerns due to serious and unresolved ethnic animosities are constant flashpoints. There are a decreasing number of Serbs in Kosovo which has lowered the potential for outright violence between Serbs and non-Serbs but tensions in and around the various ethnic enclaves remains. In March 2004, 50 000 Kosovo Albanians took part in widespread attacks on Serbs resulting in 19 deaths, and 4 000 people (mostly Serbs) fled their homes after escalating violence and riots. There were also attacks on cultural and religious symbols in mostly Serbian-Orthodox churches (Friedrich 227). These riots came as a shock to the international community that had patrolled the streets of Kosovo since the NATO intervention in 1999. Further violence flared in the Mitrovica region in 2010 when KFOR forces came under attacked by armed Serbs. Overall, the many challenges for minorities in Kosovo are part of a broader picture of human rights violations. Lack of freedom of movement, physical integrity and property rights etc have undermined for human security in Kosovo (Friedrich 265). It has also come to challenge the international vision of ethnic peace and stability in Kosovo. Failure to promote minority protection and integration will most certainly continue to obstruct reconciliation and peaceful ethnic relations (Friedrich 286).

Vandalism against Serbian religious sites has continued sporadically in Kosovo and there are very few examples where Serbs and Kosovo Albanians are living together without fear or hostility. Kosovo Albanians living in Serb-dominated areas in northern Kosovo feel as threatened as Serbs living in Albanian Kosovo majority areas. Freedom of movement for all minorities is highly restricted and dependent on security provided by established international forces (Early Warning Report 8-22; McKinna 18-9). The number of Serb returnees to Kosovo is also very low. Returnees and minorities that include the Roma, Ashkali and Gorani continue to have significant problems reclaiming lost property after the Balkan's wars. Tent camps of returning Serbs to Kosovo were attacked by Kosovo Albanians in the Spring of 2010 (McKinna 15-7).

The strategy by the international community to identify displaced persons from the war and to encourage a return of displaced persons to Kosovo has led to virulent resentment among Kosovo Albanians over the resources expended to help Serbs to return to their homes. There has also been much concern over the lack of information within the municipalities about the number of returning people and whether or not they were even originally residents who had some claim over property (McKinna 16).

Conclusion

This study set out to explore the failing state syndrome and to analyse the state-building process of Kosovo. Kosovo is an interesting example of state-building. The quasi-independent status of Kosovo came out of a failed Yugoslavian federation and international intervention by NATO based on the notion of a possible humanitarian catastrophe that would come with the collapse of the FRY. Kosovo still faces substantial challenges to its state building ambitions. The ethnic divide dominates politics in Kosovo resulting in a lack of nation building, democratic institutionalisation is far from complete, and economic reform is nearly stagnate with very high levels of unemployment. Kosovo lacks fundamental state capacities in the three core areas of prosperity, representation and security.

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