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Peace-building and State-building Challenges in the Republic of Kosovo

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Abstract
The purpose of this paper consist on scientific analysis of political developments in Kosovo after the 1999 armed conflict, mainly focusing on policy-making processes towards peace-building, developing the new democracy and building functional and transparent state institutions. Elaborated materials in this paper will include official documents published by state institutions of Kosovo and the international community engaged in the country. Also, will be used materials from various relevant institutions by country and region, about the Kosovo case. The methodology applied in this scientific paper is based on content analysis of texts and different publications, also by using descriptive, historical and causal method that will enable a real and comprehensive view of events from the beginning of peace-building and the journey toward state-building. The expected results from this paper are aimed to show the many challenges and problems that the country had to go through in building democratic institutions that will serve all its citizens. The conclusions and recommendations of this study will serve as a model for overcoming the political crisis, establishing the rule of the state of law and setting the foundation for a functional democratic state. Moreover, this study can be used as guidance for other multi-ethnic states in the region, which face similar problems as a result of the delayed transition.

Keywords: *Kosovo, peace-building, state-building, challenges, success, failure*

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The beginning of peace-building in Kosovo

The term *peace-building* is attributed to Johan Galtung who had coined this term in three approaches about the peace: peace preservation, the establishment of peace and peace building (Verheij, 2010: 11). Although the term *peace-building* appeared in the early XVI century, this topic was not object of study until '60-'70 years of the XX century (Chetail, 2009: 1). Some of the nations of Europe, such as English, French, Albanian, etc., have and use expressions with similar intonation as: Peace, Paix, Paqe (Dalipi, 2014: 71).

Peace-building aims the transformation of society in lasting peace by dealing with the causes of conflict and by promoting the capacity of local politics to deal with social problems in peaceful ways (Verheij, 2010: 12). While about the concept of peace-building was scientifically discussed, it came into the wide use after the publication of the Agenda for Peace (1992) by Boutros Boutros-Ghali, in that time he was General Secretary of the United Nations (UN, 1992). Norwegian sociologist Johan Galtung, divides the peace in "positive peace" and "negative peace". While the negative peace as a definition is "the organized violence between groups of people or nations", the notion of positive peace is part of a long-term conception, according to which is established a lasting peace, thereby enabling this through the cooperation between groups or nations and by the disappearance of the causes of conflict (Chetail, 2009: 1).

Peace-building in Kosovo has started since 12 June 1999, with the entry of NATO troops, and since then has passed a long period, almost 16 years when Kosovo was detached from Serbia. International missions for peace building have been very active in Kosovo, being engaged in the implementation of programs dealing with inter-ethnic dialogue, peace education, multi-ethnic projects and institutions, democratic governance and the media (CARE & CDA, 2006).

Peace-building in Kosovo and building of an independent and sovereign state, normally has its challenges, each in its uniqueness, towards the journey of building. But, what is more important than the building itself, is maintaining what has been built, such as in the case of peace, as well as in the case of state. Kosovo normally faced with many challenges and of all kind of problems on the path towards state-building, but also on the path towards peace-building. These challenges and problems normally have been overcome with hard work and dedication of Kosovar political class, normally without forgetting the international factor, so we are where we are considering the work done by everyone, including also the citizen or individual, which has very significant role in state-building.

Kosovo despite the problems and challenges, which have been successfully overcome, obviously that there were also failures, something that is probably normal, considering that the lack of experience in state-building has been evident in Kosovo politics. But, when we see how much failures and successes have been, normally the successes are noticed quite a lot and dominate in relation to the failures. How much there were successes or failures of international factor in building of peace in Kosovo, it can be seen from both sides of the coin, because different social groups have different views and perceptions around this issue.

The joint efforts of the United Nations, the OSCE, and the EU, in cooperation with KFOR in Kosovo, are considered a history of success (Narten, 2007: 121). Civilian and military intervention in Kosovo, had as a major cause the prevention of other serious violations of human rights, such as violations that had occurred earlier under the Milosevic regime (Narten, 2007: 122). The UN Security Council, including Russia and China,

emerged with Resolution 1244, in order to prevent violence and to facilitate the dialogue (Reinhardt, 2014: 14). The resolution was adopted on June 10, 1999, with a total of fourteen (14) votes in favor and no votes against (China had abstained) (Weller, 2009: 299). On June 13, 1999, the UN Secretary General – Kofi Annan will appoint Vieira de Mellon as the UN envoy, with the aim to open the UNMIK office, who would receive the task of setting the interim administration in Kosovo and which was responsible for the implementation of the peace agreements reached (Buxhovi, 2012: 893). The purpose of UNMIK (civil) and KFOR (military) was to establish their presence on legitimate basis. UNMIK and KFOR took from Belgrade de-facto all the powers of sovereign authority of the state, in accordance with the UN Security Council Resolution 1244. Here are included the legislative, executive and judicial branches, and KFOR is responsible in military terms to establish security and public order on the basis of a Technical Military Bilateral Agreement with Belgrade, from June 1999 (Narten: 2007: 122).

These joint efforts of UNMIK and KFOR are seen as a good example and success in cases of international administration in maintaining peace, as well as in promotion and protection of human rights. This assessment has changed radically since the violence that erupted in March 2004, and which cost with lives lost, also with the displacement of minorities (Narten, 2007: 121). Finally, all international organizations have supported the idea of "Standards before Status", a policy defined and initiated by the Special Representative of the Secretary-General, Michael Steiner, to describe and fulfill specific standards in relation to the security field, human rights, dialogue with the Serbian government, etc. "The standards before status were later renamed as" The standards and status "and was used as a tool of political pressure against the Kosovar side, and which opposed the demand for early independence by the Provisional Institutions of Self-Government (PISG), which was the local government dominated by Kosovo Albanians" (Narten, 2007: 123-124). From what was said above, we can see a top-down policy that international organizations have implemented in Kosovo, and those are: the efforts of all parties to build and implement a collaborative culture and a sustainable process of peace (Narten, 2007: 124).

Evaluation of results about international efforts (UN, OSCE, EU and NATO), for peace-building in Kosovo, depends mainly on the involved groups of the respective companies (mainly Albanian and Serbian), included in the peace process. Inter-ethnic relations are related to peace-building and state building. This aspect can best be seen by considering the main focus of each group in relation to the peace process, which also serves as an element which sends us to the interpretation of the past, present, and future development of this process (Narten, 2007: 124). Public administration and rule of law are two areas that need to be strengthened, in order that by it can be ensured the political stability, and as a result from this political stability to create more comprehensive political culture, and responsive which respects the multi-ethnicity in Kosovo (Verheij, 2010: 5). According to Francis Fukuyamas, the main task of a modern policy is to regulate the exercise of power under the rule of law (Fukuyama, 2008: 24).

Jonuz Abdullai, Ngadhnjim Brovina

The challenges faced by Kosovo policy in its journey towards state-building

In the case of Kosovo, four key groups are involved about the success or failure of international efforts to build peace (Narten, 2007: 124). The first groups, Albanians of Kosovo, mainly are focused on peace and security through independence to self-determination (Narten, 2007: 124). The second group, totally opposite from the first, Serbs of Kosovo are based as a group in peace and security through reintegration in Serbia (Narten, 2007: 124). In contrast to these two groups, the perspective of different groups (other minorities), such as Roma, Ashkali, Egyptian, Turkish, Bosnian, Gorani, Croats etc., are focused on peace and security through alliances with the majority groups (Albanians or Serbs), which are perceived that determine their future (Narten, 2007: 124). Finally, the international community as the fourth group can be divided into sub-perspectives, each associated with another international organization. Military perspective that includes NATO focuses on peace and security through military prevention; Civil and administrative perspective that includes the UN, focuses on peace and security through temporary authority of veto; Perspective institution – civil building, which includes the OSCE, focuses on peace and security through local capacity building; and finally, civil-economic perspective that includes the EU has focused its peace and security through economic reconstruction (Narten, 2007: 124).

Kai Eide Report (August 2004 and October 2005) ended the period of "implementation of standards" in Kosovo, and as a result came up to the appointment of Martti Ahtisaari as special envoy of the UN for the final status process of Kosovo (UN, 2005).

The international project of state building in Kosovo has started since the end of war in 1999. The international community has lead Kosovo in the executive, judicial and legislative powers. International state builders, aimed to prevent conflicts by taking over the governance of Kosovo, also by installing their military and police forces to protect the country from violence. In 2008, Kosovo distinguishes itself further from other cases of state building, by declaring independence from Serbia (Knudsen, 2010). State building after a war or conflict, as a focus has building of government institutions which must be legitimate. Four features of this definition should be highlighted (Paris, Sisk, 2009: 14-15): state building is not synonymous with peace building. State Building, in contrast is a sub-component of peace-building. What should be done in post-conflict countries are the establishment of legitimate governmental institutions, as well as the commitment of all parties in order to avoid misunderstandings; state building is not limited in form of "top-down" approach of strengthening of institutions (focuses on national elites), also does not preclude the approach "down-top" (work through civil society groups). State must win the legitimacy from two sources, external source or international, and domestic or local source. Regarding the local source, legitimacy derives from a belief among the people of a state, in which public institutions possess the legal authority to govern and which is obtained by free and democratic elections. This is the essence of legitimacy; state building is not synonymous with the building of the country. These two concepts can be linked among themselves, but differ in terms of content because state building has the main focus on public institutions (state machine) from the courts and the legislature, while building the nation has to do with strengthening of collective identity of a national population; 4. all that was said in the three points above are related to the provision of security, rule of law, basic services (including assistance in emergencies, support for the poor and essential health care, collection taxes, etc.).

Peace-building and State-building Challenges in the Republic of Kosovo

States first must ensure the public order and protection from the interference or invasions from outside, and then have to provide universal health insurance or free education (Fukuyama, 2008: 32). Kosovo has had difficulties to overcome a wide network of economic and political challenges, including the transition from previous communist economic practices under the Yugoslav leadership; difficulty of establishing or re-establishment of functional markets after massive ethnic cleansing, displacement and violent conflict, the high level of corruption, poverty, and the challenge of the transition from an embedded international profession, in a practice of creation of parallel structures and relocation of basic fundamental responsibilities on security, justice and economic practices (Howard, 2013: 10).

In the discourse of state-builders, policy-making in general is seen as task of specialists and experts, rather than to derive as a result of a political process based on popular consensus (Carton, 2008: 12). This pursued policy, normally carries on separately the risk of inconsistency of policies drafted from the external actors with the needs of community.

The campaign of NATO bombing stopped after a negotiated agreement, and then the OKB takes over the administration of Kosovo. Subsequently, the OKB Security Council approved the Resolution 1244, which mandates the Interim Administration Mission of the United Nations in Kosovo (UNMIK) (Verheij, 2010: 1). UNMIK has remained active since then, even though now after independence, UNMIK's role is diminished and his place has taken EULEX. The change of status quo, for almost a decade, was difficult, until came the time when the OKB special envoy Martti Ahtisaari was tasked to drawn up recommendations to resolve the Kosovo status. This included "supervised independence", in which the executive powers of UNMIK will be transferred to the International Steering Group (ISG), a group of states that monitor the implementation of the plan (Verheij, 2010: 1).

The comprehensive proposal through which will be achieved the resolution of Kosovo's status, had a very short framework agreement with twelve (12) schedules (Weller, 2009: 346). The Ahtisaari Plan or the The Ahtisaari package as it otherwise known, defined a 120-day transition period, during which it was envisaged that (International Crisis Group, 2008: 1): the Kosovo government should prepare the legal framework, which was needed for governing; temporary administration of UNMIK to pass into the hands of the Government; Rule of Law Mission of the European Union, EULEX, to be settled in order to provide support, mainly in the field of security and governance throughout Kosovo with a riot police force; The International Civilian Representative to begin monitoring the implementation of the Ahtisaari plan.

Negotiations for having a new resolution by the Security Council of the OKB, which supports the Ahtisaari Plan was scuttled in 2007 due to ongoing disputes (expected) among the permanent members of the Security Council, and of Kosovo, which decided unilaterally to declare independence on 17 February 2008. Thus, the government in Pristina immediately was supported by the majority of the European Union countries and the United States of America, and by the end of the year, there were 53 countries that had recognized Kosovo. Until the declaration of independence, the disintegration of the former communist federations had occurred along the borders of the constituent republics, and Kosovo case was the first case when a sub-republican unit is recognized as new independent state (Verheij, 2010: 2). Serbia, for Kosovo's unilateral declaration of independence, refers to the International Court of Justice in The Hague, believing that the declaration of independence by Kosovo violates the international law. However, in 2010

the International Court of justice decided in favor of Kosovo and said that Kosovo's declaration of independence from Serbia did not violate international law (ICJ: 2010). However, this did not ended the dispute and Kosovo remains one of the most controversial topics in the world. The OKB Resolution 1244 is still in force, and no further agreement for Kosovo cannot be achieved without the compliance from the all members of the Security Council (Hólm, 2012: 46).

The EU has become the most important international actor in Kosovo, in the period after the independence. EU has taken over many of the responsibilities of the UN and NATO in peacekeeping and police, state-building and administrative reform, since Kosovo committed for the implementation of the Ahtisaari Plan (Verheij, 2010: 3). The mission of Rule and operation of Law in Kosovo (EULEX) is the largest operation in the history of the EU, and the EU has allocated most of resources of pre-accession assistance per capita about Kosovo than in any other country in the world. For the period 2007-2012, about 550 million were earmarked about improvement and promotion of Kosovo institutions, as well as socio-economic development and regional integration (Verheij, 2010: 4).

The main tasks of the EULEX are: monitoring, mentoring and advising the Kosovo authorities within the legal rules, including mostly areas such as justice, correctional services and customs (Verheij, 2010: 46). Taking into account what was said, we can say that in the context of direct governance of the population that has not the last word on her fate, the mechanisms of accountability can be a crucial element to ensure the success of international administration (Lemay-Hébert, 2009: 75). Socio-economic dimension of state-building is an important aspect and should be taken into account in any state-building efforts (Lemay-Hébert, 2009: 70).

In the past, UNMIK, was more committed to build a joint community in Kosovo (Albanian, Serbian, and other communities), rather than working on the construction of the country. It has successfully built institutions for an independent Kosovo, but failed to connect those institutions with a common understanding about a comprehensive notion of Kosovo citizenship (Lemay-Hébert, 2009: 73). But the problem about creating a multi-ethnic state was a problem for UNMIK, because in Kosovo before the war in 1999, there did not existed something like this.

State-building missions should have the courage to ensure the roots of peace and democracy (Montanaro, 2009: 19). International actors should support the strengthening of Social Contract and the enhanced participation of all communities in political decision making (Montanaro, 2009: 20). The independence of Kosovo is a right that belongs to Kosovo, as every other independence. Kosovo has certain attributes to be declared independent. Independence covers certain segments, such as: the aspirations of Albanians became a political reality; from a printed area for many centuries is created a set of civilized and democratic international relations; and the Power of Balkan gunpowder, came to an end, emptied (Jakupi, 2006: 81).

Kosovo's independence has brought peace in the region and this is proven by four factors: 1. the first factor shows that while it was thought that the declaration of Kosovo's independence would bring spread of conflict in the Balkan region, quite the opposite happened, the declaration of independence of Kosovo has brought peace and tranquility in the region. Kosovo very rapidly adopted policies of good neighborliness. The Presidency, Government and the Ministry of Foreign Affairs, as well as relevant state actors and non-state actors, in the deal with Kosovo's foreign relations, worked in harmony and accorded the principles of the Charter of United Nations for good neighborly relations;

2. the second factor had to do with impact that had the application by Kosovo of the policies mentioned above, related to good neighborly policies and which obviously reflected to other Balkan countries to apply the same shape and policies, as well to recognize the independence of Kosovo; 3. the third factor has to do with the statement of International Court of Justice (ICJ), which came up with its opinion that Kosovo's declaration of independence did not violate the international law; 4. the fourth factor relates to the international community, which did not leave Kosovo alone after the declaration of independence. Normally there was even further a need for the presence of the international community, because was needed the normalization of relations between Kosovo and Serbia, therefore this prompted the US and EU to continue to operate in Kosovo in order to achieve this goal. And all this work began to become official in April 2013 where was reached the Agreement for the normalization of relations between Kosovo and Serbia, mediated by Baroness Ashton (Representative of Foreign Policy of the EU). Thus the EU was not just mediating the agreement, but was also the main actor for implementing the agreement (Bashkurti, 2014: 238-239). Kosovo after the declaration of independence cannot be imagined without a multiethnic society (Jakupi, 2006: 77). A multiethnic Kosovo with equal rights for all its citizens should be alpha and omega of the after independence (Jakupi, 2006: 77). Inter-ethnic relations are related to peace building and state building.

Kosovo's independence has brought lasting peace between multi-ethnic communities within the country. And this is indicated by several factors: 1. there were two factors that contributed to ensure multi-ethnic peace in Kosovo. First, the Constitution of Kosovo was approved in June 2008. It was provided in the Declaration of Independence; 2. the Constitution of Kosovo as a unique legal act, has established a strong legal foundation, protection of fundamental freedoms and human rights on one side, and the protection of the rights of national minorities on the other. The Constitution of the Republic of Kosovo is legally based on the European Charter of Human Rights; 3. the Convention for the Rights of Minorities of the Council of Europe; 4. in the Convention for the decentralization of local government; 5. has given a stable legal and institutional framework for the representation of national minorities in all aspects of state and society by giving minorities more rights than any other state in the Balkans, this includes legislative authorities, executive agencies in center and locally. The only area of continuing ethnic disagreement for a long time remains the Serb minority in the northern part of Mitrovica, which remains a challenge for Kosovo's political elite. Furthermore, the situation there basically is not interethnic problem, but mainly a geopolitical problem, a border dispute between two countries. The Serb minority in that area is used, misused and abused by different state actors and non-state actors in Serbia for their interests; 6. the second factor that has contributed to bring peace in Kosovo, was the fact that in the case of the northern part of Mitrovica, the Republic of Kosovo faced with this unprecedented situation by the implementation of policy control, and by avoiding the use of force. There was a strong political will for Kosovo's political leadership to resolve the dispute in North Mitrovica mainly with peaceful political and diplomatic means, and was avoided in maximum the use of force. Even that, there was highly growing pressure against Kosovo's leadership from within Kosovo and abroad trying to impose the use of force in north Mitrovica, the leadership of Kosovo has remained convinced and in voluntary pursuit of its peaceful conduct. Therefore, in the end, this patience brought its fruits and this was seen as a major achievement, especially during political elections in the northern part of Mitrovica, when for the first time since independence, Serbs and Albanians has participate

freely and fairly in elections under the framework of Constitution and law of the Republic of Kosovo (Bashkurti, 2014: 237-238).

After the independence, Kosovo are waiting three (3) key challenges to a successful and sustainable transition from conflict to self-sustaining peace and in state-building: the difficulties of reconfiguration of international presence in Kosovo, which is linked to changes (the advent and departure) of the international missions; the division of Kosovo and challenges posed by the creation of parallel structures in the north, which could bring instability in Kosovo; threats to stability and development, arising from difficult economic situation in Kosovo, and exacerbated by the high rate of population growth (Zaum, 2009: 5).

The transitional presence of the International representatives after settlement of Kosovo's status should not be seen as a conditionality of independence, but only as consolidation of independence (Bashkurti, 2006: 107). Missions for state-building in Kosovo, which are divided into two successive stages, have included elements such as: a centralization of the military power, the rule of law, and support of civil society organizations. In these two phases, the reliability of these missions was supported by the military forces of NATO (Capussela, 2015: 31).

Conclusions and recommendations

The idea that states can or should in some cases be (re)constructed by international factors, are ideas of the era of post-Cold War and mostly these ideas have come from reasons of globalization and changing the autonomy of states. The participation of international community in state-building in countries of crisis, in which this presence is required, is a very complicated process and is needed many years to attain the final goal. Normally in this process, is required a high human energy and financial resources because the process has cost.

Organizations that develop free and democratic elections and from which is determined the political class, have sense and can be expected to respect human rights and from this democratic culture, we may also have a bottom-up process and multi-thnic tolerance. The role that UNMIK, KFOR, OSCE and the EU had, did not reached to understand the complexity of the problem from the bottom-up, and although that the case of Kosovo is known as a case of success, normally we mentioned earlier that in this successful case, there were some elements of failure. These international actors present in Kosovo, made a mistake in what they initially thought a brief presence in Kosovo, moreover later saw that the approach to the problem of Kosovo, does not require a short term presence, but a long-term presence because it requires the solution of social problems from the bottom up.

The role of the international community in Kosovo statehood, and in particular in the maintenance of peace is a model, an example that shall be used as a good experience for other countries of the crisis. The international factor, despite the challenges that had in the Kosovo case, at the final result has shown that it was successful, and the case of Kosovo can be used by the international factor as a story of success. Based on these key findings in relation with Kosovo, the following recommendations can mostly be related with international peace builders. Peace-builders must take clear policy positions after a war or conflict, in order to have easier peace-building and state-building. There should also be a better review of the effects of the presence and peace building efforts, within the complex relations in societies that emerged from the war. Violation of the human rights

as well as the violation of individual property should not be tolerated in any circumstances, even for the sake of the conflictuos past.

Kosovo policy makers in the future should continue to work in order to develop and to lead forward Kosovo's state-building by internationalizing Kosovo's statehood. This implies that Kosovo policy should continue to cooperate with its strategic allies, towards recognition of the state of Kosovo and its membership in regional and international organizations, especially membership in the United Nations Organization (UN). Kosovo has been able to enter into important economic cooperation with leading international financial institutions, like the World Bank and the International Monetary Fund, but a significant number of states that have not recognized the independence, continue to restrict the process of economic recovering.

All what was said above had to do with the work that needs to be done by Kosovo policy making in the area of foreign policy, while regarding the internal politics, Kosovo, or rather the Kosovar political elite should continue to strengthen its institutions, especially those institutions that deal with law enforcement (courts, prosecution) and to continue developing the harmony between minorities and the Albanians majority.

Challenge remains also the high unemployment, considering that Kosovo has the youngest population in Europe. Many young people are educated but have difficulties finding jobs, this should be provided by the state and institutions of Kosovo in order not to have "export" of youth in Europe, because that would be disastrous and failure for the state of Kosovo. To make a summary of all that was said about what should be done by the Kosovo policy making in the future, we say that fighting against corruption through law enforcement brings stability and security to foreign investors that wish to invest in Kosovo, also combats the informal economy. Therefore, from this stability and investment in the economy of Kosovo would have economic development and the provision of jobs, and as a result the unemployment rate would be decreased. Base for the functioning of state is law enforcement. From the non-implementation of law, in a state that in our case it is Kosovo, derives "naturally" also the high development of corruption that is a "cancer" for the society which destroys the whole. This entire process can be seen with more clarity because is linked in a chain form. Non-implementation of law brings corruption, corruption brings no Economic Development also development of the informal economy, from non-economic development we have increasing of unemployment, and by increased unemployment we have emigration of youth abroad. But, if the opposite happens and law is implemented, then we have fight against corruption, from fight against corruption we have economic development and disappearance of the informal economy also foreign investments, from these investments are generated the workplaces and standing of youth in the country. For foreign investors and international donors, it is very important providing security for investment. From what was said, it is obvious that the biggest challenge for Kosovo policy makers is the implementation of law and fighting corruption (such as internal affair),also the increase of recognition of the country and the adjustment of the image in the international arena (like a foreign affair).

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